

Investigation: Bayside Cemetery damage update

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Web produced by Scott Curkin, Eyewitness News

OZONE PARK, Queens (WABC) -- An update on a historic Jewish cemetery with crumbling crypts and exposed bodies.

After our original Eyewitness News story aired, [READ ORIGINAL STORY](#), the cemetery moved quickly to make repairs.

But one family points out, it's a temporary fix that leaves a key question unanswered: where's the money?

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"I don't understand why you won't talk to us about this? The Congregation owns the cemetery why wouldn't you speak to us?" Jim Hoffer asks.

Bayside Cemetery has become a big embarrassment for Congregation Shaare Zedek. Back in July we reported how the Upper West Side synagogue had so badly neglected their historic Jewish cemetery in Queens and that crypts had been left wide open. One tomb actually had broken coffins with exposed skeletal remains.

Since, that crypt has been cemented shut and parts of the cemetery have been cleaned up.

"I accept that there is progress being made, the real issue is what about next year, and the year after and 20 years from now," said John Lucker.

John Lucker's grandparents are among 35,000 people buried at Bayside. Many of them prominent New Yorkers, Civil War veterans, and a Titanic survivor.

Lucker's grandfather operated the Warnock Uniform company which made the nation's military uniforms. John is suing the synagogue for failing to "honor perpetual care contracts", money paid for by his grandparents and thousands of others to maintain the cemetery forever.

Jim Hoffer asks, "So these are essentially contracts, that hundreds of families have with the congregation for perpetual care?"

Lucker responds, "Correct and not only are they contracts, but they are trust agreement contracts and that's an important distinction because the money for these payments is supposed to be held in a completely separate, segregated trust account, only to be used for the purposes of cemetery care."

He estimates the contracts brought in millions to Congregation Shaare Zedek. Just a sample look clearly shows why. One family paid \$4,400, another more than \$3,000, contract after contract, tens of thousands of dollars. Some paid as recently as just a few years ago.

Each contract clearly stating the monies are to go for "The perpetual care of lots, plots or graves" at Bayside. "Where is the money, the money was there, it was paid, it should be there , it should have been managed correctly, and it's gone," said Lucker.

It's a question we posed to the current Rabbi who inherited the problem.

Hoffer: Do you know Rabbi, what's happened to the perpetual care funds.

Rabbi: I'm not going to respond to that question

Hoffer: Don't you feel an obligation to respond to questions about Bayside?

Rabbi: Not to you!

Hoffer: Why not? There are families there that would like some answers, loved ones, who would like some answers. What happened to the Perpetual Care funds Rabbi?

Conditions at the cemetery became so dire a few years ago that a funeral director stepped in and voluntarily donated coffins and workers to re-inter 32 bodies exposed in their tombs. Afterwards, Leslie Francisco went to then- Attorney General Andrew Cuomo to report what she saw.

"The reason that there are no funds now available is because the perpetual care fund has been raided by the temple," she said.

Congregation Shaare Zedek is now using charitable donations to cleanup the cemetery which they say should be completed sometime in the Fall.

But some of the families say the betrayal of the dead will continue as long as the synagogue fails to restore the perpetual care funds.

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