

**PROTOCOL FOR COMMUNITY ENGAGEMENT AND
UNANTICIPATED DISCOVERIES PLAN**

**Former Public School 90 Site
2274-2286 Church Avenue (Block 5103, Lot 58)
Brooklyn, New York
OPRHP No. 17PR05924**

Prepared For:

**New York City Economic Development Corporation
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Introduction

The New York City Economic Development Corporation (NYCEDC) is issuing this document to outline steps for the development of a Community Engagement Plan for the archaeologically sensitive former site of Public School 90 (PS 90 aka Flatbush School No. 1 and Beth Rivka), although there are no immediate redevelopment plans for the site at this time. The PS 90 site is city-owned and is located at 2274-2286 Church Avenue (Block 5103, Lot 58) in the Flatbush neighborhood of Brooklyn. The site is bordered by Church Avenue to the north, Bedford Avenue to the east, a city-owned parcel containing the Erasmus Hall High School to the south, and two privately owned parcels to the west (see attached Figure 1). Due to the site's archaeological sensitivities, it is recommended that a Community Engagement Plan be developed prior to moving forward with any redevelopment plans.

The PS 90 site formerly contained the New York City landmarked (NYCL) late 19th century Flatbush School No. 1 building, which later became known as PS 90 and the private school, Beth Rivka. The site was designated a NYCL in November 2007, however an emergency declaration requiring demolition of the school building was issued by the Department of Buildings on September 18, 2015 due to unsafe conditions, and the structure was subsequently demolished. The site is currently vacant, although the former building footprint portion of the site maintains its NYCL status.

As discussed further below, archaeological investigations that took place at the site in the early 2000s uncovered late 19th–early 20th artifacts as well as disarticulated human remains. Documentary research found secondary references to the vicinity of the site serving as a burial ground for early historic period African Americans who were enslaved by European settlers. Because of the significance of the site, the New York City Landmarks Preservation Commission (LPC) recommended the preparation of a Community Engagement Plan, including the creation of a community-based Task Force, and Unanticipated Discoveries Protocol to ensure that descendent and/or representative communities are involved in future potential work at the site and that there is a protocol should further human remains be found at the site.

Background of Prior Archaeological Work

A Phase 1A Archaeological Assessment Report for the site was completed in May 2000 by Historical Perspectives, Inc. (HPI) on behalf of the New York City School Construction Authority (SCA). The study concluded that the site had high potential for a variety of archeological resource types, and recommended a Phase 1B investigation prior to any subsurface disturbance. Potential resources in the eastern and western sections of the site included the following:

- Early Dutch homelot/farmstead features
- Possible African American burials
- Privies, cisterns, wells ca. 1842-1878 Public School No. 1
- School yard 1842-1878 Public School No. 1
- Privies, cisterns, wells ca. 1865-1890 Washington Engine & Hook and Ladder House
- Privies, cisterns, wells ca. 1873-1890 G. W. Jarrett House
- Privies, cisterns, wells ca. 1878-1898 Public School No. 90/Beth Rivka
- ca. 1905-1936 water closet Public School No. 90/Beth Rivka

- School yard 1878-1960s Public School No. 90/Beth Rivka.

The Phase IA documentary research found only two secondary sources that reported an historic African American burial ground in the vicinity of the PS 90 Site (HPI 2000:17). Additional documentary research and field testing was recommended at that time.

A Phase 1B Investigation was subsequently completed by HPI in 2001. This included the machine-excavation of upper fill levels in discrete locations, followed by the systematic hand-excavation of a series of shovel test pits (STPs) in a grid pattern across all undeveloped sections of the site. A site datum point was established at the northwest corner of the former school building, and a grid was laid out with all points on the site referenced to it. No testing was completed in the adjacent sidewalks. Four machine-excavated trenches were completed to seek truncated shaft features such as wells, privies, cisterns, and possible burial shafts. Three were excavated east of the school on a diagonal from northeast to southwest, and one was completed west of the school, from northwest to southeast (see attached Figure 2).

Archaeological excavations recovered a mixture of 19th and early 20th century artifacts found in a densely compact upper fill level. It was concluded that the fill was generated by excavations for the basement and foundation of the brick school built on the site in 1878. Artifacts in the uppermost level were related to the school and included pencil leads, incised slate, slate pencils, shell, glass, metal, coal, clinkers, brick, ceramics, glass buttons, some cut animal bone, and leather. Artifacts not definitively related to the school, but possibly related to it or to the adjacent engine house and/or Jarret residence, included green bottle glass, fragments of kaolin pipes, including a bowl with a spur, and 18th and 19th century ceramics including cream colored whiteware, delft, and redware (HPI 2001:13). Artifacts from the site were given by the SCA to the adjacent Erasmus Hall High School Museum for curation and educational use.

A brick lined school-related privy with late 19th to early 20th century artifacts was recovered to the south of the school, adjacent to Erasmus Hall High School. The investigation also discovered a small number of disarticulated human skeletal remains just south of Church Avenue to the west of the school, including three human teeth and several mandible fragments (HPI 2001:15). The osteological analysis found the remains to represent two individuals (Ibid.:24-25). The ancestry of the remains could not be determined with a high degree of accuracy, although one of the teeth found with the mandible “showed a minor degree of crenulation (enamel wrinkling), which previously has been associated with African ancestry by other researchers” (Ibid.25). Osteological material was transferred to the minister of the Reformed Dutch Church of Flatbush for reinterment in their consecrated cemetery.

Recommendations from the Phase IB report concluded that further excavations at the project site would likely yield similar results as those observed in the Phase 1B. It is unlikely that if additional osteological remains exist within the yards surrounding the extant school on the project site, they would be found without excavating 100% of the project site. However, in light of the possibility that human remains could potentially exist on the site in untested and undisturbed areas, and the particular sensitivity of the site for African American burials, avoidance of any further subsurface disturbance to the site was recommended. If avoidance of the site is not possible, then the LPC and the New York City Office of Parks, Recreation, and Historic Preservation (OPRHP) would require further investigations. A Work Plan would have to be developed, and an Unanticipated Discovery Plan, approved by OPRHP and LPC, would

have to remain in place throughout additional phases of archaeological work and construction. The plan would be initiated in the event that additional human remains were encountered.

An intensive-level of documentary research was incorporated into the Phase IB excavation but no primary sources reporting the cemetery were located. For that study, primary documents were sought at the New-York Historical Society Library, the New York University Fales Collection, the New York Public Library, the Brooklyn Public Library (Grand Army Plaza and Flatbush branches), the Holy Cross Cemetery, the Lefferts Homestead, the Holland Society Library, the New York State Library, Brooklyn City Register, Brooklyn Surrogate Court, Brooklyn Topographic Bureau, Brooklyn Surveyors Office, Kings County Clerk's Office, the Reformed Protestant Dutch Church, the New York Municipal Archives, Erasmus Hall High School Museum, Brooklyn College, the Teachers' College Special Collections, the Center for Thanatology Research and Education, the Weeksville Society, and the Office of Public Education & Interpretation of the African Burial Ground (HPI 2001:3).

Contacts for assistance and/or additional sources included Robert Swan, an independent scholar regarding slave cemeteries, and John Manbeck, the Brooklyn Historian. Efforts were made to find references to the cemetery in deeds, wills, city directories, cemetery laws, Minutes of the Town Council, Flatbush Town Records, Board of Health Records, Public School records, maps and atlases, the Brooklyn City Register, and the Reformed Protestant Dutch Church records (HPI 2001:3). Numerous 19th and 20th century secondary sources were reviewed to no avail. However, when the Phase IA and Phase IB documentary research was undertaken, the Brooklyn Historical Society (BHS) was closed for renovation, rendering some potential primary documents unobtainable. The BHS has since reopened.

Recent Documentary Research

Recent intensive documentary research on the site was undertaken in August and September 2019 both online and at the BHS. Further, the bibliography from the Phase IA and Phase IB studies were used to cross-check sources for post-2001 findings, and identify resources that had not been previously analyzed. Documents reviewed at the BHS and online included the Block 5013 index as well as several deeds and leases between the Reformed Protestant Dutch Church of Flatbush (RPDCF) and the Trustees of the Town of Flatbush, as well as multiple property transfers for abutting lots (e.g., Liber 163:210-12 5/5/1847; Liber 163:349-352 5/10/1847; Liber 340:489-491 1858; Liber 98:221 10/16/1841). Grantor/grantee records for the years 1684-1866 were searched online through familysearch.org for any transactions involving the RPDCF, as well as Reverend Thomas Strong, who served the congregation from 1822 through 1861 (Vanderbilt 1890:46). No reference to a cemetery, burial place, or the recovery of bodies was found in any of the examined documents.

At the BHS, multiple primary resources were reviewed including:

- The Flatbush Fire Company records (1829-1848);
- The Town of Flatbush Records;
- The Frances Donin collection on the Dutch Reformed Church, Flatbush and Flatlands (church leases);
- Transcriptions of Dutch legal documents on Flatbush, Flatlands, and Gravesend (early land divisions);

- A RPDCF land lease to the Trustees of the Town of Flatbush (1848); and,
- Property maps and surveys.

Again, no reference to a cemetery, burial place, or the recovery of bodies was found in any of the examined primary documents.

An 1835 *Map of 285 Sections of Ground at Flatbush, L.I. Opposite the Residence of D. A. Vanderveer On the Turnpike* by Roswell Graves and reviewed at the BHS, showed Bedford Avenue (then Locust Street) not yet laid out on the east side of the project site although it was partly laid out further to the south. East Broadway (then The Road to Jamaica) had only one structure on its south side west of the PS 90 site, belonging to R. Hegeman. Opposite the project site to the north was the house of J. Hegemen. To the west was Erasmus Hall High School, and immediately north of that was the Parsonage for the RPDCF, fronting onto Flatbush Avenue. School No. 1 had not yet been built on the project site.

The block index cards with corresponding hand-drawn lot locations reported the earliest agreement between the RPDCF and the Trustees of Flatbush School District No. 1 in 1847, and placed the public school lot fronting onto Flatbush Avenue and extending east along the northern boundary of the Erasmus Hall High School parcel, possibly south and west of the current project site (Liber 163:210-12 5/5/1847; Liber 163:349-352 5/10/1847).

In 1844 the *Brooklyn Daily Eagle* reported that the Trustees of the School District in Flatbush had filed a lawsuit against Rev. Thomas Strong “to recover land leased by former Trustees of the Dutch Reformed Church,” indicating that a lease had been let by the church prior to that time (*Brooklyn Daily Eagle* 9/16/1844). However, as discussed above, the first lease found between the school district and the church in the grantor/grantee records and the Block index dated to 1847 (Liber 163:210-12 5/5/1847).

A comprehensive search of online newspapers available through the BHS and at newspapers.com, including the *Brooklyn Daily Eagle*, the *Brooklyn Evening Star*, the *Long Island Star*, the *Kings County Rural Gazette*, and the *Brooklyn Citizen*, entailed copious combinations of phrases potentially relevant to the project site, the RPDCF, School No. 1, and burials. Only two new germane references were found. The first was an 1875 article stating that the “place where Mr. Van Dyke’s now house stands was once a burying ground which was called the ‘colored burying ground’” (*Kings County Rural Gazette* 3/6/1875). A contemporaneous map (Beers 1873) placed the Van Dyke house at the southeast corner of Church Avenue and Bedford Avenue, immediately east of and opposite the PS 90 site. Although noted Brooklyn historians Stiles and Snyder referenced human remains having been found when a house was built near the intersection of what is now Church Avenue and Bedford Avenue, they did not cite a source of this information, but it may well be the 1875 article (Stiles 1884:252; Snyder 1945:138). A thorough reading of the 1866 deed for the property adjoining “the District School Lot” conveyed by the RPDCF to Maria Van Dyke, wife of Abraham J. Van Dyke, found no reference to a burial ground or cemetery (Liber 724:524 10/1/1866).

The second article referenced an old burial ground formerly at the intersection of Church Avenue (formerly known as East Broadway, Cow Lane, Main Road to Jamaica, and Road to New Lots) and Bedford Avenue (formerly Locust Avenue) in Flatbush. In 1935, the *Brooklyn Daily Eagle* reported the half-century old tale of a Flatbush family having found a skull in the attic that was reportedly collected by their son. Reportedly, “the boy had paused to watch a group of workmen

excavating for a cellar for a house to be erected at the corner of ‘East Broadway and Locust St.’ (Church and Bedford Avenues). The site had formerly been a negro slave burial ground and when a skull was unearthed, the boy secretly took it and hid it in the attic” (October 27, 1935). Both these sources, which were noted in the 2001 HPI report, provide only secondary references to a burial ground near the PS 90 lot.

As indicated above, none of the documents reviewed provided clarity with regard to the dates of use, location, boundaries, or interments at the reported African American burying ground. To date, only secondary references to its existence at the corner of Bedford Avenue and Church Avenue have been found. These include references to burials having been removed when Bedford Avenue was laid out. However, it is not uncommon for fragmentary remains or some burials to remain after disinterment has occurred, as evidenced by the finding of human remains during the prior Phase IB investigation (HPI 2001).

Existing Conditions

The site is approximately 29,000 square-feet and is currently vacant. While the school building has been demolished, the former building footprint portion of the site maintains its NYCL status. Prior testing at the site included the hand-excavation of STPs in a grid pattern across all undeveloped sections of the site and the completion of four machine-excavated test trenches (see attached Figure 2). These discrete locations have been fully investigated for archaeological resources and human remains, and can be excluded from future investigations. Testing was not completed beneath the sidewalks that are adjacent to the north and east sides of the site.

Regulatory Requirements

There are no plans to develop or utilize the site for any public or private purpose at this time, however, due to the above referenced findings of the prior Phase 1B Archaeological Investigation, should any city agency or private entity undertake work on site requiring in-ground disturbance, a site- and project-specific Archaeological Work Plan, including a plan for the uncovering of human remains (Unanticipated Discovery Plan) would be required. This is a function of both City Environmental Quality Review (CEQR) and State Environmental Quality Review Act (SEQRA) compliance, which includes consultation both with the LPC and the OPRHP. The Archaeological Work Plan must be prepared in compliance with the standards of LPC (2018) and OPRHP (NYAC 2004; OPRHP 2005), and submitted to each agency for approval.

An Archaeological Work Plan provides LPC and the OPRHP with a detailed outline of how the field team will address both anticipated and routine testing procedures (e.g., site security, artifact sampling percentages, schedule for trench examinations, adherence to OSHA standards, and profile drawings/measurements) as well as processing site-specific adjustments (e.g., de-watering) and unanticipated recoveries. An Archaeological Work Plan ensures a professionally administered, day-to-day procedure, which complies with regulations, observes appropriate concerns for historic resources and potential human remains, and allows for careful review of any future development. As such, it is recommended that a community Task Force be developed in order to ensure descendent and/or representative communities are involved in decisions related to future work at the site and that there is an appropriate protocol in-place should further human remains be found at the site.

COMMUNITY ENGAGEMENT PLAN

Prior to developing an Archaeological Work Plan, the agency and/or developer should make a good faith effort to first identify the descendent communities of the colonial enslaved and freed Africans of early Flatbush. HPI's technical report of 2001 and subsequent research found two secondary resources referencing a potential African American cemetery in proximity to the PS 90 Site, and that the burial ground was likely associated with the nearby RPDCF that was established at the corner of Flatbush Avenue and Church Avenue, one block west of the PS 90 Site (Snyder 1945:138; Stiles 1884:229). The RPDCF once owned the project site, the land that Erasmus Hall High School stands on, and property just east of Bedford Avenue opposite the PS 90 lot.

The preparation of the potential descendant community list and the development of a Task Force will serve to expedite any outreach that would be necessary in the event that intact burials are identified during future archaeological investigations. It is recommended that the following steps be taken to develop a Task Force that would represent the interests of the colonial enslaved and freed African community in Flatbush. All outreach tasks and communication should be documented and tabularized to ensure an ongoing, meaningful dialogue.

- Compile a list of all African Americans registered in the records of the RPDCF and other Flatbush churches prior to the 1840s when Public School No. 1 was erected by the village of Flatbush.
- Complete additional research to locate descendant communities, including posting multiple requests for information about the burial ground on Ancestry.com and on the Familysearch.com message board. It is possible that these outreach steps could lead to sources that reveal more information about interments.
- Identify potential descendent churches in the area, including churches that specifically serve the African American community.
- Reach out to all identified descendent churches (an historical congregation may have since split into several congregations).
- Reach out to local elected officials and both Brooklyn Community Districts #14 and #17 (Bedford Avenue serves as the boundary between the two).
- Arrange for a series of public meetings to share the findings of the Phase IA and Phase IB reports with the public as well as research undertaken for the preparation of this document so that the community is aware of documentary and subsurface investigations to date. Share the fact that extensive research has not yet been able to establish a date range or precise location for interments. Establish interest in participating in a site Task Force.
- Specifically ask descendants to share family histories and stories that may pertain to the PS 90 site.
- Invite all identified descendent groups, churches, and the local public to these meetings to provide comments and insight on their vision for the creation of a Task Force and for the proposed on-site work.
 - depending on the size of Task Force, establishing an executive committee trusted to make decisions on behalf of the Task Force as a whole may be beneficial.
- Meet with the Task Force to help identify their role in the project. The Task Force may choose to have input regarding:

- the development of an Archaeological Work Plan and Protocol for Unanticipated Discoveries Plan;
- the disposition of any artifacts and/or human remains; and,
- the memorialization of the site in context of the project. Memorialization and celebration of the former burial ground may include onsite or nearby signage of facts, sidewalk educational panels, the development of community and school educational programs, the creation of a memorial garden or area of reflection, and programs related to the celebration of the enslaved and marginalized historic population in Flatbush.

PROTOCOL FOR HUMAN REMAINS

When an Archaeological Work Plan is developed it must include a protocol for the handling of human remains if encountered during site excavations. The following text provides a framework for establishing such a protocol, to be modified in consultation with the agency and/or developer, LPC OPRHP, and the Task Force as future site development dictates.

If in situ burials are encountered in any future archaeological excavations, the agency and/or developer, LPC, OPRHP, and the Task Force will be apprised and will be consulted to determine the next course of action: Avoidance or Data Recovery. If possible, primary burials will be left in situ.

Notification Procedures

When human remains are found in the metropolitan New York area, an established protocol must be followed. The New York City Police Department (NYPD), the Office of the Chief Medical Examiner (OCME), OPRHP, and LPC must be contacted immediately. However, on archaeological sites where known historical burials might be present, such as those associated with the former burial ground, the NYPD does not need to be notified until after the OCME is notified and only if the OCME requires the NYPD to be called.

These Notification Procedures provide a response mechanism in the event that any human remains are uncovered during any future PS 90 archaeological field investigation. These would need to be modified accordingly at the time of implementation.¹ The discovery of human remains and items of cultural patrimony, as defined by Section 3001 of the Native American Graves Protection and Repatriation Act (NAGPRA), requires special consideration and care. Thus, the following notification procedures should be adhered to if human remains or suspected human remains are recovered during archaeological testing.

1. The Archaeologist will halt excavations immediately in the area of the find to protect the integrity of the find. The Archaeologist will identify the specific location of the discovery within the project site, the nature of the discovery, and the date of the discovery on the project plans. [Any discovery made on a weekend will be protected with fencing and tarps until all appropriate parties are notified of the discovery.] No contractor excavation work will be conducted on the site until the Archaeologist has granted clearance.
2. The Archaeologist will promptly notify the agency and/or developer, OPRHP and LPC. The notification will include the specific location of discovery within the site and the nature of discovery.
3. The Archaeologist will promptly notify the on-call Forensic Anthropologist and, if indicated, request an immediate on-site evaluation of the find. Upon evaluation, the Archaeologist will immediately notify the agency and/or developer regarding the preliminary significance of the find (e.g., human bone, animal bone, food bone, articulated burial, disturbed context).

¹ During on-site work, a copy of the finalized Notification Procedures must be kept at the PS 90 site at all times.

If the discovery is, indeed, human, then the following sequence of action will be observed:

- 1) The Archaeologist will promptly flag or fence off the location of the find and protect it from damage and disturbance. At all times human remains must be treated with the utmost dignity and respect.
- 2) Once human remains have been identified, the Archaeologist will notify the ME.
Contact, OCME: Dr. Bradley Adams
Telephone: 212-447-2030
Address: NYC Office of the Chief Medical Examiner,
520 First Avenue, NY, NY 10016
E-mail: BAdams@ocme.nyc.gov
- 3) The Archaeologist will notify OPRHP.
Contact, OPRHP: Philip Perazio, Archaeologist, Field Services Bureau
Telephone: 518-268-2175
Address: P. O. Box 189, Waterford, NY 12188-0189
Delaware Ave., Cohoes, NY 12047 (for FedEx)
E-mail: Philip.Perazio@parks.ny.gov
- 4) The Archaeologist will notify LPC and the agency and/or developer, who will notify the Task Force. It is assumed the interested government agencies will act immediately to do what is necessary to expedite appropriate response.
Contact, LPC: Amanda Sutphin, City Archaeologist
Telephone: 212-669-7823
Address: One Centre Street, 9th Floor North, New York, NY 10007
E-mail: asutphin@lpc.nyc.gov
- 5) All work at the site will cease until the Archaeologist receives approval from OPRHP, LPC, the agency and/or the developer and the Task Force to investigate further any human remains. When approval is granted, the Archaeologist will begin a more detailed assessment of the human remains.
- 6) If the find is determined by the Archaeologist to be isolated or completely disturbed by prior construction and/or demolition activities, then the construction team will consult with OPRHP and LPC, the agency and/or developer, Task Force, and other parties as necessary, and will request approval to resume testing, subject to any further mitigation that may be required by state and/or federal law. The Archaeologist will work with the agency and/or developer, OPRHP, LPC, and the Task Force to assure proper treatment of the recovered remains
- 7) If, however, it is determined that intact interments are present, then the Archaeologists, will consult with the agency and/or developer, OPRHP, LPC, the Task Force, and other parties as necessary, regarding additional measures to avoid or mitigate further damage. These measures may include:
 - i) Formal archaeological evaluation of the site;
 - ii) Visits to the site by OPRHP LPC, Task Force, and other parties;
 - iii) Preparation of a mitigation plan by a joint team including the Archaeologist, the agency and/or developer, OPRHP, LPC, members of the Task Force, and

- other parties as necessary, including procedures for removal and re-interment;
and,
iv) Implementation of the mitigation plan.

Excavation of Human Remains and Associated Artifacts

If human remains are exposed, and should they need to be disinterred, reinterred, or moved within New York City, the Department of Health (DOH) must issue a permit which may only be secured by a licensed funeral director. The Archaeologist must contact a registered funeral director to complete and file disinterment paperwork with the NYC Department of Health-Office of Vital Statistics before work can proceed.

After a DOH permit is procured, the Archaeologist and physical anthropologists will work closely to follow standard bioarchaeological practices to excavate and document the skeletal material on a burial form. The form will note location in relation to the permanent datum, orientation, and position of body if it is articulated, associated artifacts, including coffin materials and hardware, and will include drawings, maps, and photographs. Once removed, any skeletal material and/or artifacts would be boxed in appropriate containers for storage in a secure on-site laboratory or for transport to an off-site laboratory, as per the city's health code for the movement of human remains within the five boroughs. Each burial and any recovered artifacts will be associated with the original assigned burial number in order to maintain context and control. Soils from around the burial will be screened through 1/4-inch mesh.

All features (e.g., burial shafts) will be mapped in relation to a site datum and plotted on a field map showing the location of all cultural features. Photographs of each feature will be taken before and after excavation, and a photograph key will be included on the site map. In the field, feature recordation will include feature plans and profiles. The field director will keep a running inventory of all units and features that record site name; trench number if relevant; datum number or location; unit and feature numbers; locational information, including opening and closing depths; associated catalog numbers if any; and a description.

Field artifact collection and recordation will entail collecting artifacts in situ or from the screen and placing them in 1-ml clear flat poly bags or other appropriate containers. Each container will have the site name, date, location, depth, strata, contents, and initials of the collector recorded on it in black permanent ink. An artifact bag log will be kept in the field that notes the bag identification number, where it came from, the date it was collected, a description of the contents, and any special cleaning or conservation note. The collected artifacts, specialized samples, and records from the field will be transported to the on-site laboratory or removed to an off-site laboratory at the end of every field day. The chain of custody for the samples, which clearly indicates who is responsible for the samples at each step, will be documented and all paperwork will be included with the project records.

Laboratory analysis will also be conducted on any artifacts and coffin remains that are recovered during the field investigation. Artifacts will be cleaned, cataloged, and studied by the archaeologists. The coffin remains might also be sent to an outside laboratory for further analysis (e.g. species determination). Once the analysis is complete, the materials will be boxed in appropriate storage containers.

The need to make minor modifications to or minimally deviate from the approved Archaeological Work Plan will be determined by the Archaeologist as the field investigation progresses and site conditions warrant. In the event that such changes are required, the Archaeologist will immediately notify the contractor, OPRHP, and LPC to discuss the rationale for the modification. Major deviations from the Archaeological Work Plan would require notification of the descendant communities and Task Force as well.

If the proposed APE must be altered or expanded significantly, the Archaeologist must contact OPRHP and LPC for concurrence on an amended protocol. The Task Force must also be notified of these changes.

Professional Handling of Historical Burials (Human Remains)

Following the initial identification in the field by the physical anthropologist, any recoveries will be placed in a secure on- or off-site laboratory where the in situ field examination will be confirmed and additional data gathered before future re-interment. The physical anthropologist must submit a scope for analysis to LPC that delineates the actual analysis to be completed. The physical anthropological study must note if any special provisions have been agreed to in consultation with the Task Force.

Standard laboratory procedures will be followed, beginning with an inventory of all of the recovered bones and bone fragments from each burial shaft or individual recovery. It might be found that more than one individual is present in each burial. Further, the inventory will provide data on the amount of material present for re-interment. The physical anthropologist's scope will entail providing details on the recordation of demographics (e.g., age, sex, biological ancestry), epidemiological data (traumatic, degenerative, mechanical, and disease-related reactions to environmental stresses), and osteometry (measuring and quantifying the form of the human body and examining nutrition and health status). Individual characteristics of each burial will also be noted (e.g., stature, injury, medical intervention). The recording of the above data is standard in bioarchaeology and will follow the procedures outlined by Buikstra and Ubelaker (1994) and University of Tennessee Forensic Data Bank (Moore-Jansen et al. 1994).

If incomplete or disturbed and disarticulated burials are recovered, the same field and laboratory procedures will be followed to the extent possible. Although the analysis of partial remains will be limited, the data collected will add to the overall information about the interred population. No destructive laboratory techniques will be conducted on the remains without specific approval of LPC, OPRHP, and the Task Force. Any requested laboratory testing by an agency or the Task Force must be agreed upon prior to archaeological testing and should be addressed in the Archaeological Work Plan.

Reburial

Once the laboratory analysis of the human remains is complete, the recovered remains will be placed in appropriate containers for temporary storage (respectful curation) until such time as they can be transported for re-interment off site. The re-interment process, including the steps to be taken to determine the final interment location and any memorialization will be outlined in a consultation agreement with LPC, OPRHP, and members of the descendant communities and Task Force.

HUMAN REMAINS DISCOVERY PROTOCOL

In the event that human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) within the OPRHP recommends that the following protocol is implemented:

- Human remains must be treated with the utmost dignity and respect at all times. Should human remains or *suspected* human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains *in situ* to help determine if they are human.
- No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains *in situ* to help determine if the remains are Native American or non-Native American.
- If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.
- To protect human remains from possible damage, the SHPO recommends that burial information not be released to the public.

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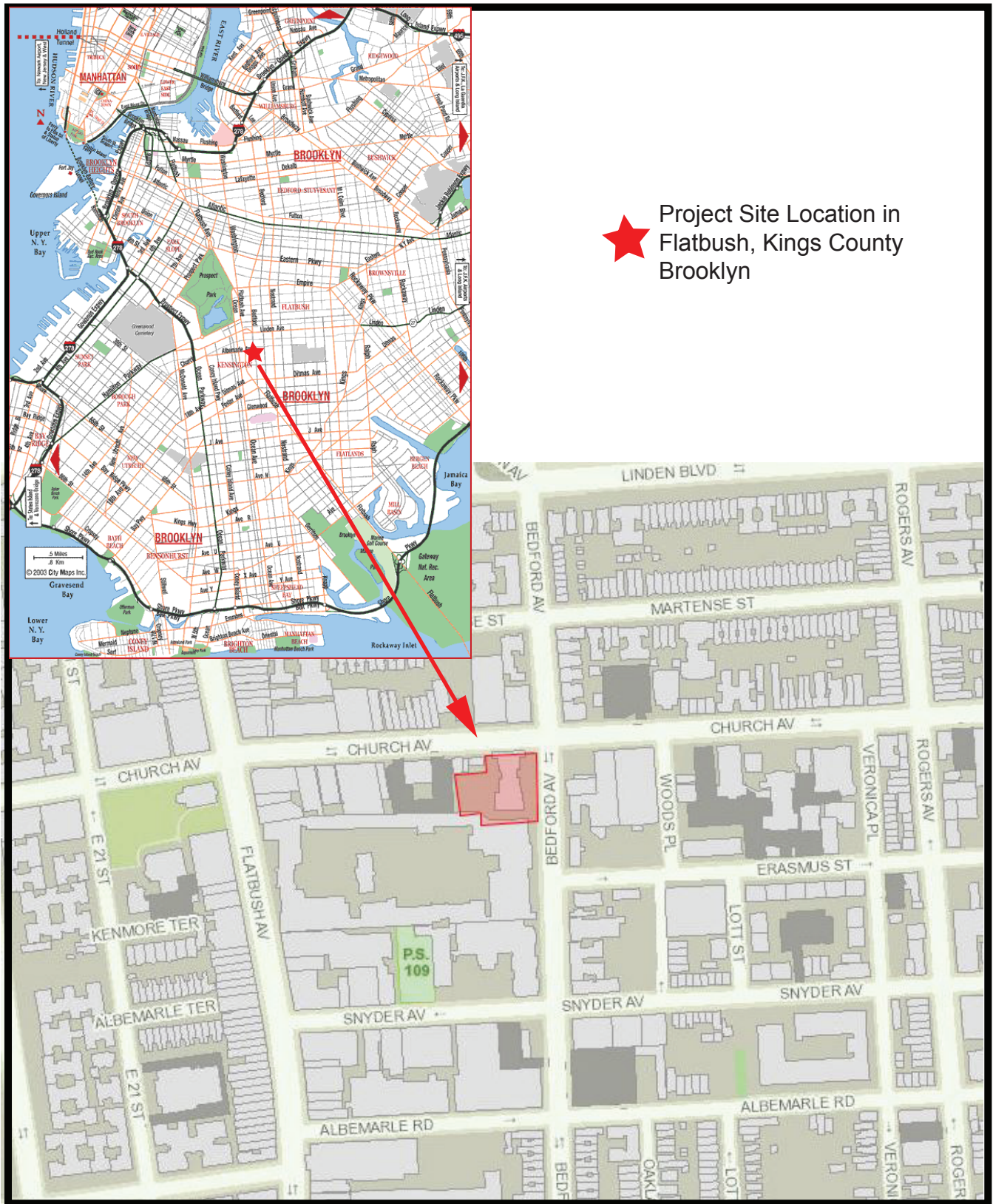
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★ Project Site Location in Flatbush, Kings County Brooklyn

Figure 1: PS 90 Location at the southwest intersection of Church Avenue and Bedford Avenue in Flatbush, Kings County, New York (Base Map: NYCMaps 2019).

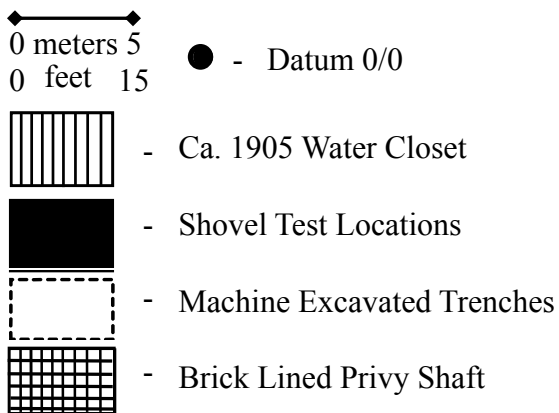
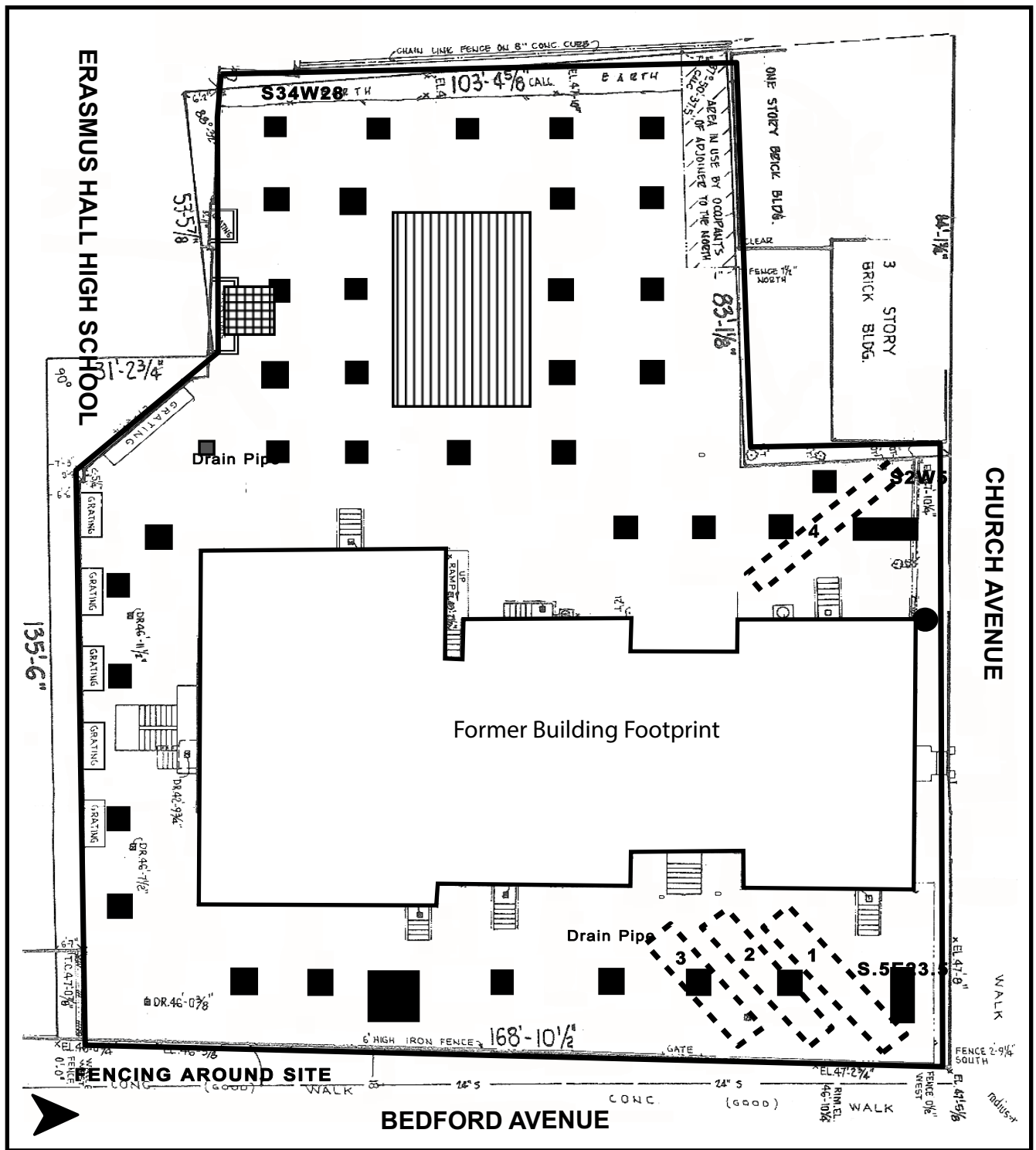


Figure 2: Phase 1B Archaeological Test Locations.
 Note: All excavation locations are measured metrically from the site datum.