

APPROVED

Cemetery Board Minutes

April 19, 2017

One Commerce Plaza

99 Washington Avenue, Albany, NY

BOARD MEMBERS PRESENT:

Daniel Shapiro, Department of State, Chair
Christopher Wiles, Office of Attorney General

Paul Ambrose, Department of Health

OTHER ATTENDEES:

Lewis A. Polishook, Division of Cemeteries
Chester Butkiewicz, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Christopher Cosco, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Michael Seelman, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Mark Pattison, Department of State

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Calum d'Oelsnitz, Featherstonhaugh et al.-NYSAC

Bruce Geiger, Pinelawn Cemetery
Steve Sloane, Woodlawn Cemetery

14-04-A-24 Minutes of Previous Meetings

Motion made, seconded and unanimously adopted approving the minutes of the March 21, 2017 meeting as amended.

14-04-B-25 Legislation and Regulation

Mr. Milillo reported the following changes since the last report:

S2390/A7168 (S. Larkin/A. Colton): has passed the Senate and was delivered to the Assembly. This bill would amend the General Business Law to prohibit the unauthorized sale, purchase, or transfer of any cemetery marker, flag holder, monument, statue or other physical memorabilia that is over 75 years old and that commemorates the life or death of a veteran or group of veterans. It would make violations a class B misdemeanor. The bill would allow cemetery corporations to engage in such purchase, sale or transfer with permission from the New York State Cemetery Board. The Board could authorize the purchase, sale or transfer of cemetery commemorative statues or monuments at a public hearing of which veterans groups have been notified.

14-04-C-26 Division's Report

Mr. Polishook reported that the Division has completed information sessions regarding the new Annual Report form. Responses to information session gathered will be reviewed for possible changes to the form and improvement in reporting and data collection.

Division is currently testing its newly implemented complaint tracking system. This system of input and tracking cases will be used as a model for all other Division systems for tracking, i.e., board applications, audits, and other case material. These systems will be accessible by staff from the field via internet and information captured will be available for analytics.

14-04-D-27 Vandalism Report

Mr. Butkiewicz summarized the January 2017 Vandalism Report.

There were no applications before the Board for this month.

The Board raised a question regarding applications categorized as granted versus pending. Division clarified distinction of the categories, that granted applications required no further action by the Board and pending applications were not yet before the Board as they require additional information.

14-04-E-28 Beverly Hills Cemetery (Putnam – 40-003) – Land Purchase

Tabled

14-04-F-29 Marathon Cemetery (Cortland 12-013) PM Grant

Motion was made, seconded and adopted by the Board (with Board Member Christopher Wiles recusing himself) recommending Supreme Court approval of the Petition on the following terms: (1) the amount to be approved for withdrawal, both the nunc pro tunc sums and new withdrawals; shall be for a sum certain and shall not exceed \$12,000.00 in total; (2) the total approved withdrawal shall be in the form of a loan and shall be repaid within 20 years of the date of the Order of the Court as follows: in every year in which the Cemetery experiences a surplus (operating revenue exceeds operating expenses) the Cemetery shall deposit 10% of such surplus into its Permanent Maintenance Fund until the entire approved withdrawal is repaid; and (3) if the entire approved withdrawal is not repaid within that 20-year period, such shortfall in repayment shall itself satisfy the Cemetery's obligation to clearly demonstrate that it lacks sufficient future revenue to make repayment, and the unpaid balance on the 20th anniversary of the Court's Order shall convert to a grant pursuant to N-PCL § 1507(a)(2). The Board did not consider imposing an interest rate, therefore the Board's recommendation should be understood as recommending that repayment be made without interest.

Public Comments:

Mr. Fleming, commented that the NYSAC Governmental, Legal and Public Affairs seminar is scheduled in Albany for May 8th and 9th, 2017.

Motion to go into executive session made, seconded and unanimously carried.

Motion to exit executive session made, seconded and unanimously carried.

Motion to adjourn made, seconded and unanimously carried.

The next monthly Cemetery Board meeting is to be held on May 8, 2017 at 10:00 AM, at the Hilton Albany, 40 Lodge Street, Albany, NY.