

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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ANDREW M. CUOMO
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO
SECRETARY OF STATE
CHAIR

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

APPROVED 10/23/2017

Cemetery Board Minutes

September 20, 2017
Department of State
One Commerce Plaza, 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
Joseph Ambrose, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Richard Buske, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Michael Seelman, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Kerry McGovern, Division of Cemeteries
Jaclyn Frechette, Division of Cemeteries

GUESTS:

David F. Fleming, New York State Association of Cemeteries
Calum d'Oelsnitz, New York State Association of Cemeteries
Bruce Geiger, Pinelawn Memorial Park
Harry Ermides, Graceland Cemetery
Richard Fishman, Acacia Cemetery

17-09-A-56 Minutes of Previous Meetings

Motion made, seconded and unanimously adopted approving the minutes of the August 15, 2017 meeting as amended.

17-09-B-57 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported on pending legislation. Nothing new to report.

2. Rules and Regulations

None.

17-09-C-58 Division's Report

Mr. Polishook reported the Attorney General's office has filed two reports with the Supreme Court permitting Frederick Douglass Memorial Park, Inc. to allocate certain amounts from its Permanent Maintenance (PM) Fund for various operating expenses, and to replace Receivership from Dominick Tarentino to Lynn Rogers of Friends of Abandoned Cemeteries in Staten Island.

Mr. Polishook reported that the Division will be attending NYSACC's Regional Meeting in Oneonta, NY, on October 18, 2017.

Mr. Polishook reported CANA (Cemetery Association of North America) is providing cremation operation certification at its conventions in Buffalo, Syracuse, Albany and New York City and Division staff will present the New York State law section regulating crematory operations and operators.

Mr. Polishook reported that Division Regulations require "stand-alone" crematories to file Audited Financials with Annual Reports.

17-09-D-59 Vandalism Report

Mr. Butkiewicz presented the vandalism report: In this fiscal year, the Division has collected \$123,881 in vandalism fund fees. As of August 2017, the Board had granted \$532,130 from the vandalism fund. There are \$901,174 in applications pending.

Vandalism/Abandoned/Repair Orders – 9

The Board approved the following applications for funds for restoration of dangerous monuments:

- Killawog Cemetery (D) \$ 41,386.35
- Walton Cemetery (D) \$ 27,747.74
- Batavia Cemetery (V) \$ 20,421.37
- Grand View Cemetery (D) \$ 12,531.16
- Fly Creek Valley Cemetery (D) \$ 27,892.60
- Milford Cemetery (D) \$ 28,262.55
- South Valley PB (D) \$ 27,473.47
- Glenside Cemetery (D) \$ 30,662.80
- Cowelsville Cemetery (D) \$ 24,532.48

17-09-E-60 Holland Patent Cemetery (33-027 Oneida) – Incorporation

Motion made, seconded and unanimously adopted approving the Certificate of Incorporation of Holland Patent Cemetery.

17-09-F-61 Acacia Cemetery (32-001 – Niagara) – Mausoleum Application

The cemetery proposes to construct an open-air mausoleum to yield 96 crypts and 100 niche spaces. The estimated cost of the new mausoleum is \$241,961, as set forth in the agreement. The total cost of the major renovation is to be financed using the cemetery's general fund and a no interest loan from Letum, Inc.

Motion was made, seconded and unanimously adopted by the New York State Cemetery Board approving application for construction of an open-air mausoleum contingent upon local governmental approvals, and further contingent on the cemetery segregating income received from mausoleum sales from cemetery fund and using said income solely for expenses in connection with the mausoleum and repayment of the loan to Letum, Inc. and used for no other purpose until governance/management issues are resolved to the satisfaction of the Division.

17-09-G-62 Graceland Cemetery (01-010 - Albany) – PM Loan/Major Renovation

The cemetery proposes to borrow from the PM Fund a sum of \$83,840.00. The trustees of the Graceland Cemetery propose to use these funds to repair and resurface the roads within the cemetery. The loan will be repaid in monthly installments of \$700 (\$3,850 annually) into its PM Fund over 10 years. Repayment will commence after construction is complete and the final payment will be made in ten years.

Motion was made, seconded and unanimously adopted recommending Supreme Court approval of the PM loan to be used for repair and resurfacing of roads within the cemetery, contingent upon Counsel to the State Cemetery Board's satisfactory review of a draft petition, and further subject to approval by Supreme Court, Albany County, of the request for a PM loan.

17-09-H-63 Hillside Cemetery (36-017 – Orange) – Net Appreciation

After discussion, the NYS Cemetery Board unanimously indicated that it would not object to the appropriation of net appreciation of the permanent maintenance trust fund in accordance with N-PCL section 1507(a) in the amount of \$12,360.

17-09-I-64 Pinelawn Cemetery (52-055 – Suffolk) – Major Renovation

The cemetery proposes to install 40-50 new lawn crypts in: Block 1 Section 31; Block 3 Section 20; Blocks 2,3,4,5,8,9,10,11,14,15, Section 30; Blocks 3,4,5,6, Section 55. The estimated total cost of the project is \$23,750. Pinelawn may apply for approval of a larger lawn crypt project in the future.

Motion was made, seconded and unanimously adopted approving the cemetery's application for approval of the installation of new lawn crypts.

Note: The Division is to report on commission structure, officer compensation and other salary discrepancies as a simpler review of their numbers rather than an official audit – Not an agenda item.

Public Comments:

Mr. Fishman, commented on vandalism applications and how Cypress Hill Cemetery in Kings County had recently been heavily vandalized by anti-NYPD and anti-Chinese graffiti, and took immediate action by using funds and manpower to clean it all up. They would like to submit a Vandalism App for reimbursement of the funds they used to do the cleaning.

Mr. Fishman, commented on regulations of burial societies and affiliated organizations.

Mr. Fleming, seconded Mr. Fishman's comment regarding burial societies and affiliated organizations.

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 Cemetery Board meeting is to be held on October 23, 2017 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.