

**APPROVED**

**Cemetery Board Minutes  
January 22, 2015  
One Commerce Plaza  
99 Washington Avenue, Albany, NY**

**BOARD MEMBERS PRESENT:**

Daniel Shapiro, Department of State, Chair  
Paul Ambrose, Department of Health

Christopher Wiles, Office of Attorney General

**OTHER ATTENDEES:**

Antonio Milillo, Department of State, Counsel  
Chester Butkiewicz, Department of State  
Kerry McGovern, Division of Cemeteries

Lewis A. Polishook, Division of Cemeteries  
Leonard Breen, Division of Cemeteries  
Alicia Young, Division of Cemeteries

**GUESTS:**

David Fleming, Featherstonhaugh et al.-NYSAC  
Daniel Hallenbeck, Featherstonhaugh et al.-NYSAC

Bruce Geiger, Pinelawn Cemetery

**15-01-A-01 Minutes of Previous Meetings**

Motion made, seconded and approved to approve the November 20, 2014 minutes as amended.

**15-01-B-02 Legislation and Regulation**

1. Pending Legislation

Mr. Milillo reported on various bills pending in the Legislature, including (1) changes to the Penal Law to increase penalties for cemetery desecration; (2) a proposal to allow pet cemeteries to charge for interment of cremated human remains; (3) a proposal to allow community foundations to be custodians of cemetery trust funds; (4) a proposal to allow cemeteries to reclaim lots owned by burial societies; and (5) a proposal to amend the definition of cremation to include alkaline hydrolysis.

Mental Hygiene Law.

2. Rules and Regulations

Mr. Milillo reported that counsel and the Division had met with industry representatives concerning changes to the Board's financial reporting requirements, that significant progress had been made, and that the Division and counsel hoped to present the proposal to the Board at its next meeting.

**15-01-C-03 Division's Report**

1. LEAN and Division Processes.

Mr. Polishook reported that the Division's investigators had attended sessions applying LEAN principles to try to make inspection and complaint handling more efficient, and will hold similar sessions on the application and auditing processes.

2. Right of memorialization

Mr. Polishook discussed guidance received from counsel, clarifying that all individuals with the same right to authorize interment shared the right of memorialization, regardless of which individual signs the authorization for interment.

3. Ebola

The CDC still has not issued additional guidelines for the handling of the remains of victims of Ebola Viral Disease.

**15-01-D-04 Vandalism Report**

Mr. Polishook summarized the December 2014 vandalism report.

**Vandalism/Hazardous/Abandonment Applications**

1. Concordia Cemetery (D)	\$17,085.10	Erie	15-013
2. Transit Rural Cemetery (D)	\$ 8,178.00	Erie	15-063
3. Jewish Federation (D)	\$25,062.78	Erie	15-075
4. Oak Ridge Cemetery (D)	\$3,867.73	Livingston	26-022
5. Oakwood Cemetery (D)	\$3,808.44	Livingston	26-023

**15-01-E-05 Prospect Lawn Cemetery (15-055 Albany) – Land Sale**

This application to sell a 0.75 acre parcel of land to a neighbor to create a buffer zone between his property and that of the cemetery came before the Board in December, but the Board required the cemetery to obtain one appraisal (supplementing the two broker price opinions previously presented). The appraisal was consistent with the sale price. Motion, made, seconded, and approved recommending Supreme Court approval of this transaction.

**15-01-F-06 Intentionally omitted**

**15-01-G-07 Pinelawn Memorial Park (52-044 Suffolk)-Major Renovation-Water Well**

The cemetery seeks approval of the digging of a well to provide additional water to the cemetery for watering. After discussion, the Board noted the absence of drawings and estimates to support the second phase of the project, involving construction of a driveway and small building and electrical service to the building, and declined to act until at least drawings are provided.

**15-01-H-08 Mount Carmel Cemetery (41-004 Queens)—Major Renovation**

This application concerns the demolition of an existing building and patio areas to create additional grave space. Motion made, seconded, and approved approving this proposed major renovation.

**15-01-I-09 Warwick Cemetery (36-039 Orange) – Columbarium**

Warwick Cemetery purchased, installed, and sold one spot in a 122-unit columbarium complex without State Cemetery Board approval. After discussion, the Board tabled the application to approve this project nunc pro tunc until the cemetery posts signs concerning the project, as would have been required had the application been submitted to the Board before construction.

**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.**