

APPROVED 2/10/16

**Cemetery Board Minutes
December 17, 2015
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
Monee McAdoo, Division of Cemeteries
Leonard Breen, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Michael Seelman, Division of Cemeteries
Joseph Ambrose, Division of Cemeteries
Brendon Stanton, Division of Cemeteries

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Jim Garland, Woodlawn Cemetery

Bruce Geiger, Pinelawn Cemetery
Ray Planell, Kensico Cemetery

15-12-A-89 Minutes of Previous Meetings

The Board approved the minutes of the November 16, 2015 meeting as amended. Motion made, seconded and unanimously adopted approving the minutes as amended.

15-12-B-90 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported that two cemetery bills were passed: **S3300** relates to the regulation of cemetery trust funds and finances by the cemetery board. **S4920-A** relates to the reacquisition of abandoned cemetery plots by religious cemeteries.

2. Rules and Regulations

Mr. Milillo reported that the Board's proposed financial reporting regulations were published in the NYS register.

15-12-C-91 Division's Report

Mr. Polishook reported that downstate cemeteries rarely submit applications under the Vandalism fund and should consider doing so.

15-12-D-92 Vandalism Report

Mr. Butkiewicz summarized the November 2015 Vandalism Report.

15-12-E-93 New Forest Cemetery (Oneida – 33-036) – Major Renovation

The Board had tabled the application at the November 16, 2015 meeting. The cemetery is a 37 acre cemetery that wants to develop a 1.5 acre area at the top of the cemetery, designated as section 15. The cemetery is requesting a grant or loan from the PM fund to pay for the project and update equipment. The Cemetery Board decided not to approve a grant from the PM fund. The project will be paid for by taking a PM loan. Estimated project cost is \$113, 941. There will be a 20 year payment plan along with a 5 year holiday on the new loan. Motion made, seconded and unanimously carried approving the project and recommending Supreme Court approval of a PM loan, along with a requirement schedule for repayment of an existing PM deficit, according to the schedule proposed in the cemetery's draft Supreme Court Petition.

15-12-F-94 Oakwood Cemetery (Niagara – 32-017) – PM Loan - Major Renovation

The Board tabled the application at the November 16, 2015 meeting. The cemetery is seeking relief from repayment of their PM deficit in order to finance new projects, namely: road repair, the construction of a crematory building, and a new retort. Motion made, seconded and carried approving the major renovations described in their application and recommending Supreme Court approval of the requested PM loan, contingent upon a 5 year repayment on \$125,000 loan along with subsequent repayment of a pre-existing deficit approximately \$82,000 to commence in the sixth year, local approval, and counsel's review of the draft petition and proposed order.

15-12-G-95 Knox Cemetery (Broome – 04-017) – Land Purchase

The cemetery wants to purchase 8.4 acres of land. Only a half an acre is left that would be suitable for more burials. Five acres of this property has already been cleared and ready for burials with minimal development costs. The purchase price for the land is \$12,000. The parcel of land is owned by the sister-in-law of a trustee on the cemetery's board and that trustee has recused herself from deliberations and voting according to the cemetery's conflict of interest policy. The Board finds that the cemetery is not paying more than the fair reasonable market value and approves the terms of purchase including the price to be paid and the method of payment.

15-12-H-86 North Syracuse Cemetery (Onondaga -34-033) – Columbarium

The cemetery would like to construct a third columbarium. Currently there are approximately 13.5 acres sold along with two columbaria totaling 256 niches. The project will add 128 niches to its inventory. Accountant's report not included in application. The Board would like to see additional information regarding annual operation deficits, internal controls, and control of expenses. Tabled.

15-12-I-97 Rosendale Cemetery (Ulster – 56-029) – Columbaria

The cemetery would like to install two columbaria. The cemetery wants to place a 30 niche columbarium in an area dedicated to veterans and their spouses. The remaining 40 niche columbarium would be for the general public. Currently the Town is assisting in maintaining the cemetery. Total project cost is \$32, 376, to be funded by a loan against the cemetery's PM fund. There is a small PM fund loan outstanding. No set repayment plan was provided in the

application. The Division will work with cemetery to resubmit an application with additional information concerning its expenses and the demand for the niche space. Tabled.

15-12-J-98 Warwick Cemetery (Orange – 36-039) – Quitclaim Deed

This application was tabled from the November 16, 2015 meeting. This cemetery has a 1.7 acre parcel of land that was in dispute. A title search indicated that the cemetery had never been deeded the land in question. The cemetery had requested to sign a quitclaim deed for the parcel in exchange for \$2,000 from Domar Homestead, LLC. The Board's previously stated concerns on whether the cemetery may adversely possess the parcel was addressed. Motion made, seconded and approved approving the transfer by quitclaim deed contingent upon the execution of an easement to the cemetery to assure non development of the parcel. The cemetery is directed to deposit the consideration into the PM fund and the Board has determined that no other persons require notice of this proceeding.

Public Comments: Mr. Fleming requests the Division make Cemetery Board meeting minutes available on the Department of State's website. Mr. Fleming is pleased to have had NYSAC help pass the Reclamation Bill. He also commends the Cemetery Board for implementing the Supreme Court applications bill.

Next meeting to be held on January 11, 2015 at 1:00 PM, One Commerce Plaza, 99 Washington Ave, Albany, NY 12231

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.