

Approved

Cemetery Board Minutes
March 13, 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, Division of Cemeteries
Joseph Ambrose, Division of Cemeteries

Lewis A. Polishook, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Richard Buske, Division of Cemeteries

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Daniel Hallenbeck, Featherstonhaugh et al.-NYSAC
Richard J. Moylan, Green-Wood Cemetery

Bruce Geiger, Pinelawn Cemetery
Raymond Planell, Kensico Cemetery

15-03-A-19 Minutes of Previous Meetings

Motion made, seconded, and approved to approve the February 12, 2015 Cemetery Board minutes as amended.

15-03-B-20 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported on various bills pending in the legislature, including two bills that passed in the Senate:

- A2647/S2582 – Would add a new section 750-vv to General Business Law regarding pet cemeteries
- S2207/A3518 – Would amend the Penal Law related to desecration of veteran cemetery plot or grave.

15-03-C-21 Division's Report

1. Lakeview Cemetery – Scott Goodrich, individual convicted of embezzlement, has made minimal restitution payments, missed a scheduled court appearance and is now subject of a bench warrant.
2. Financial Report and Pre-need sales – Accounting for pre-need and annual report filing are pending adoption of rules.

Mr. Wiles asked if cemeteries can be required to demonstrate compliance with conflict of interest policy when applying for vandalism funds or any application before the Cemetery Board.

15-03-D-22 Vandalism Report

Mr. Butkiewicz summarized the February 2015 vandalism report.

The following vandalism fund applications were approved: all but number six were for repair of dangerous monuments, and the sixth is for an abandoned cemetery taken over by a town.

Vandalism/Hazardous/Abandonment Applications

Name	Amount	County	ID No.
1. Stockbridge Cemetery (D)	\$19,194.00	Madison	27-030
2. Clinton Cemetery (D)	\$16,577.12	Oneida	33-011
3. Sauquoit Valley Cemetery (D)	\$ 9,623.05	Oneida	33-053
4. Belle Isle Cemetery (D)	\$ 5,570.18	Onondaga	34-003
5. Coit Cemetery (D)	\$22,178.15	Oswego	38-006
6. Town of Richland (A) (Richland Cemetery 38-033)	\$26,842.00	Oswego	38-033
7. Warsaw Cemetery (D)	\$16,729.24	Wyoming	61-033

15-03-E-23 Sleepy Hollow Cemetery (Westchester – 60-017) – Net Appreciation Application

15-03-F-24 Oakland Cemetery (Westchester – 60-015) – Columbarium Application

Cemetery submitted an application seeking a Nunc Pro Tunc approval for a columbarium and major renovation walkway not yet constructed. Motion made, seconded and approved to approve a columbarium nunc pro tunc and submit a major renovation application the State Cemetery Board delegated to the Division.

Public Comments

David Fleming, representing the New York State Association of Cemeteries, thanked the Board for the opportunity to work together on the proposed financial regulations and asked for a safe-harbor for cemeteries already adopting the practice of handling pre-need sales before the regulation takes effect. Mr. Fleming also made reference to Senate Bill 5111A and the development of a process for application of the statute.

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.