

APPROVED

**Cemetery Board Minutes
April 27, 2015
Hilton Albany
40 Lodge Street, 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
Richard Buske, Division of Cemeteries
Kerry McGovern, Division of Cemeteries
Cindi Craig, Division of Cemeteries

Lewis A. Polishook, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Alicia Young, Division of Cemeteries
Vince Gimondo, Division of Cemeteries
Monee McAdoo, Division of Cemeteries

GUESTS:

Members of the New York State Association of Cemeteries (NYSAC)

15-04-A-25 Minutes of Previous Meetings

The Board approved the minutes of its March 13, 2015 meeting, with one change (a reference to “a bill that passed in the Senate” was to be changed to “two bills that passed the Senate”).

15-04-B-26 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported that three bills passed the Senate: (1) S.2583/A.2727, giving the State Cemetery Board “sole jurisdiction of the regulation of” cemeteries covered by Not-for-Profit Corporation Law Article 15; (2) S.3806/A.5339, regarding the crime of cemetery desecration; and (3) S.2207/A.3518, regarding the crime of desecration of a veteran’s cemetery.

2. Rules and Regulations

Mr. Milillo reported that the proposed revisions to the Board’s financial reporting regulation are under review by the Executive Chamber.

15-04-C-27 Division’s Report

The Division Director reported on two new hires, a Secretary for the Division’s Albany office and an Accountant for the Division’s new Binghamton office. The Director indicated that he would further address staffing, Division outreach, and the amendments to N-PCL Section 1507(a) and

1507(c) regarding use of “net appreciation” of capital gains as part of his remarks to the New York State Association of Cemeteries’ conference.

15-04-D-28 Vandalism Report

Mr. Butkiewicz gave the Vandalism Report.

The Board approved an application for restoration of dangerous monuments for the Indian Castle Cemetery in Herkimer County, in the sum of \$44,285.16.

Vandalism/Abandoned/Repair Orders – 1

15-04-E-29 Woodlawn Cemetery (Bronx – 03-002) – Mausoleum Construction

After discussion, the Board approved the application of Woodlawn Cemetery for approval of the construction of a glass-niche columbarium within an existing mausoleum.

15-04-F-30 White Haven Memorial Park (Monroe – 28-045) – Cell Tower

After discussion, the Board approved the application of White Haven Memorial Park to enter into a lease for construction and maintenance of a cell tower, provided that the entire proceeds of the lease were deposited into the Permanent Maintenance Fund (the cemetery had originally intended to use \$1,200 of the proceeds to pay expenses incurred in connection with the transaction), contingent on the approval of the Town of Perinton.

15-04-G-31 Graceland Cemetery (Albany – 01-010) – PM Loan

The Board tabled the application of Graceland Cemetery to borrow from its permanent maintenance fund to repay a commercial loan used to pay operating expenses. The Board was concerned that the cemetery was late (by about a year) in its contributions to its permanent maintenance fund and directed the Division and counsel to the Board to review its finances, especially its expenditures, to see whether other alternatives were available.

15-04-H-32 Oakwood Cemetery (Niagara – 32-017) – PM Loan

The Board tabled the application of Oakwood Cemetery for a recommendation of forgiveness of an outstanding PM loan incurred in connection with previous management, who had misappropriated funds. The Board directed that the Division and cemetery provide the Board with a major renovation application for the capital work—roads, community mausoleum, crematorium, and water lines—and a plan for payment for the work, which could include loan forgiveness as a proposed component.

15-04-I-33 Castleton Cemetery (Rensselaer – 42-005) – Land Purchase

After discussion, the Board approved the application of Castleton Cemetery to acquire adjoining land, given that the cemetery is running out of land and the land might otherwise be sold to a developer.

**15-04-J-34 Rockville Cemetery (Nassau – 30-011) and
Plain Lawn Cemetery (Nassau – 30-008) – Merger**

After discussion, the Board approved the merger of these two cemeteries, subject to (1) review by counsel to the Board and counsel to the Division of Corporations of the merger documents; and (2) approval by the Office of the Attorney General and/or Supreme Court.

Public Comment:

Richard Moylan from Green-Wood Cemetery raised the issue of potential liability of the cemetery for knocked-over headstones.

Several commenters mentioned that the Division's website did not contain recent Board minutes and that the sound quality on the YouTube videos of Board meetings was poor.

One commenter suggested that many cemeteries wait too long to perform repairs, resulting in far higher costs in the long run.

Another commenter indicated that several cemeteries were unsure what permanent maintenance funds could be used for.

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.