

APPROVED 7/21/15

Cemetery Board Minutes

June 18, 2015

One Commerce Plaza

99 Washington Avenue, Albany, NY

BOARD MEMBERS PRESENT:

Daniel Shapiro, Department of State, Chair

Paul Ambrose, Department of Health

OTHER ATTENDEES:

Antonio Milillo, Department of State, Counsel
Chester Butkiewicz, Division of Cemeteries
Richard Buske, Division of Cemeteries
Monee McAdoo, Division of Cemeteries
Joe Ambrose, Division of Cemeteries
Robert Yuskevich, Division of Cemeteries

Lewis A. Polishook, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Andrew Hickey, Division of Cemeteries

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Daniel Hallenbeck, Featherstonhaugh et al.-NYSAC
Curtis VanBuren, Walton Cemetery Assn.

Bruce Geiger, Pinelawn Cemetery
Marianne Schrom, NYSFDA
Vernon Wildenstein, Walton Cemetery Assn.

15-06-A-43 Minutes of Previous Meetings

The Board approved the minutes of the May 21, 2015 meeting, with one change (an “s” needs to be added to the word “date” in the public comments made by Mr. David Fleming). The change has been made.

April minutes are found to be inaudible and tabled until next meeting.

15-06-B-44 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported that two bills have passed the Senate: (1) A6074/S1104, would enhance the criminal penalties for criminal mischief and larceny offenses committed at a place of religious worship and for cemetery desecration; and (2) S4920-a/A1248-a, would give religious cemeteries the same power to reacquire lots that public cemeteries have under N-P{CL § 1513-a. A3905/S3300 has passed both houses.

Mr. Milillo reported that one bill has passed both houses: (1) S2208/A3110, would amend the General Business Law to prohibit the unauthorized sale, purchase, or transfer of any cemetery marker, flag holder, monument, statue or other physical memorabilia that is over 75 years old and

commemorates the life or death of a veteran or group of veterans. It would make violations a class B misdemeanor. The bill would allow cemetery corporations to engage in such purchase, sale or transfer with permission from the New York State Cemetery Board. The Board could authorize the purchase, sale or transfer of cemetery commemorative statues or monuments at a public hearing of which veterans groups have been notified.

2. Rules and Regulations

Mr. Milillo reported that the proposed revisions to the Board's financial reporting regulations are still under review by the Executive Chamber.

15-06-C-45 Division's Report

The Division Director indicated that he and Cindi Craig, an investigator in the Buffalo office, did some outreach at a regional with NYSAC in Syracuse. There was also a presentation with Ms. Craig at the Chautauqua County Rural Cemetery Assn. The cemetery operators that were in attendance were very much involved and interested in learning how to run a better business. The July outreach is scheduled to be pushed back until August or September with outreach to local government officials.

The Division Director also reports on two abandoned mausoleums, with three towns involved. The Division would like to provide technical assistance going forward and is currently working with all three towns to provide guidance assistance. There have also been two cemeteries in Western NY that have been hit by tornadoes, one being in the Town of Warsaw. The Division is anticipating an application for damaged headstone repairs.

15-06-D-46 Vandalism Report

Mr. Butkiewicz gave the Vandalism Report.

The Board approved an application for restoration of dangerous monuments for the Mt. Calvary Cemetery (15-066) in Erie County in the amount of \$46,903.14. The cemetery consistently puts in applications with equivalent bids. The Board suggests that cemeteries that have additional expense of repairs vs. replacement where the cost of replacement with a flat marker is much lower than the cost of repair, should provide justifications on future applications. The Board approved an application for maintenance of an abandoned cemetery for the Town of Ithaca (Inlet Valley) (55-028) in Tompkins County in the amount of \$51,450.00.

15-06-E-47 Walton Cemetery (Delaware – 13-048) – Major Renovation New Crematory

The subject cemetery has submitted a packet of information regarding an application for major renovation. This renovation would involve building a crematory on the grounds of the cemetery. The cemetery's vice president was present and discussed the breakdown of items. The Board suggests that the projected need and numbers in terms of operation are to be determined before granting approval. Tabled until next meeting.

15-06-F-48 Rockville Cemetery and Plain Lawn Cemetery (Nassau – 30-011/30-008) – Merger

This plan is to merge Plain Lawn Cemetery Corporation with Rockville Cemetery, Inc., with Rockville being the surviving entity. The proposed Certificate of Merger consent is read. Motion made, seconded and unanimously carried approving the merger.

15-06-G-49 Greenwood Union Cemetery (Westchester - 60-008) – Major Renovation/PM Loan

The Board has already approved a request from Greenwood Union Cemetery for permission to construct a “Memorial Garden” community mausoleum and columbarium in their Hillside Acre area and recommended judicial approval of a \$550,000 loan against its Permanent Maintenance (PM) Fund to finance this project (an additional \$150,000 would come from the Cemetery’s General Fund). Now, the Cemetery requests approval of a major renovation involving the development of the last remaining section of the Cemetery for in-ground burials. The cemetery is expecting that over the course of an eight year payback, revenue would be about two million. Motion made, seconded and unanimously carried approving the major renovation/PM loan.

Public Comments:

David Fleming thanks the Division Director for acknowledging NYSAC. He also commented on diversification portfolios.

Next meeting to be held on July 21, 2015 at 1:30 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.