

**Approved**

**Cemetery Board Minutes**

**October 14, 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  
Joe Ambrose, Division of Cemeteries

**GUESTS:**

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

Bruce Geiger, Pinelawn Cemetery

**15-10-A-73 Minutes of Previous Meetings**

The Board approved the minutes of the September 10, 2015 meeting with minor changes. Motion made, seconded and approved to amend the minutes.

**15-10-B-74 Legislation and Regulation**

1. Pending Legislation

Mr. Milillo reported that on the use of net appreciation, changes have been made and shared with NYSAC.

2. Rules and Regulations

Mr. Milillo reported that the proposed regulations have still not been published.

**15-10-C-75 Division's Report**

Mr. Butkiewicz attended a NYSAC conference. Some topics discussed were the Lean improvement process, turnaround time of applications, and net appreciation. Mr. Polishook and a few staff from the Division will be attending an upcoming Cremation Training course in Oneonta.

### **15-10-D-76 Vandalism Report**

Mr. Butkiewicz gave the Vandalism Report.

The Board approved the following applications for restoration of dangerous monuments: Pine Grove Cemetery (02-024) in Allegany Co. in the amount of \$23,546.00, Wylie Cemetery (17-024) in Franklin Co. in the amount of \$6,400.00, West Galway Cemetery (18-015) in Fulton Co. in the amount of \$14,632.34, Jordanville Cemetery (22-020) in Herkimer Co. in the amount of \$7,534.00, Winfield Cemetery (22-040) in Herkimer Co. in the amount of \$12,978.50, Temple Hill Cemetery (26-029) in Livingston Co. in the amount of \$13,764.67, Baptist Rural Cemetery (59-002) in Wayne Co. was conditioned approved in the amount of \$31,518.00 until the Division receives the newspaper ad to complete their application, and Southside Cemetery (59-032) in Wayne County in the amount of \$678.00.

### **15-10-E-77 Mokom Sholom Cemetery (Queens – 41-017) – Cell Tower**

The cemetery has an existing cell tower on site. Verizon would like to add to the tower and expand the equipment pad at the base of the cell tower, and will pay \$1,200 per month. The Division initially recommended approval of the cell tower. The Division now recommends redrafting and requests to have application rejected by prejudice or deny it. The Board is concerned that the base will be too close to existing graves in the cemetery. The Board would like the Division to explore potential conflicts of interest in management. The Board made a motion to deny the application on the basis of (1) unacceptable lease provisions, (2) the fiscal status of the cemetery is insufficiently explained in the application, and (3) the proposed base expansion is unacceptably close to existing graves. Motion was seconded and unanimously carried in denying the cell tower.

### **15-10-F-78 Oak Hill Cemetery (Rockland – 44-007) – Cell Tower**

The cemetery proposes to enter into a lease for a cell tower to be located in an area of the cemetery that is currently used for storage of clean fill and wood chips. The initial rent is \$2,000 per month and the lease is for 15 years but up to 40 years with possible renewal. The Division recommends approval of this application. There is a hospital that is within a ¼ of a mile of the cemetery. The Board would like more information with respect to local and federal oversight on this matter, information about notice to the hospital and information regarding possible impact on the hospital's operation. This application has been tabled by the Board.

**Public Comments:** Mr. Fleming explained that the dangerous monument applications are difficult to get multiple quotes for in many parts of the State. He suggests that an online reference would be an easy way to give smaller cemeteries some assistance with the applications. Replaced monuments that are being hauled away are expensive and there's nowhere to put them. Mr. Fleming would like the Division to be more consistent in the application with their policies. Mr. Fleming explains that cell towers are highly regulated by local zoning and codes.

Next meeting to be held on November 16, 2015 at 10:30 AM, 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.**

The Board was presented by a memorandum regarding financial transactions at the Lutheran Cemetery. A motion was made, seconded and approved to refer the matter to the Attorney General's office subject to individual board member approval of the forum of the board order. The order was drafted and presented by Counsel and consultation of the Division.

**Motion to adjourn made, seconded and unanimously carried.**