

**APPROVED**

**Cemetery Board Minutes**

**November 16, 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  
Brendon Stanton, Division of Cemeteries

Antonio Milillo, Department of State, Counsel  
Michael Seelman, Division of Cemeteries  
Joe Ambrose, Division of Cemeteries  
Andrew Hickey, Division of Cemeteries

**GUESTS:**

David Fleming, Featherstonhaugh et al.-NYSAC  
Daniel Hallenbeck, Featherstonhaugh et al.-NYSAC  
David Gordon, NYS Assembly

Bruce Geiger, Pinelawn Cemetery  
Robert Franchini, NYS Assembly

**15-11-A-79 Minutes of Previous Meetings**

The Board approved the minutes of the October 14, 2015 meeting with minor changes. Motion made, seconded and approved to amend the minutes.

**15-11-B-80 Legislation and Regulation**

1. Pending Legislation

No updates to report.

2. Rules and Regulations

No updates to report.

**15-11-C-81 Division's Report**

Mr. Polishook reported that the Division has a new accountant in the Buffalo office, Karen DeYoung. The Division met with NYSAC regarding the proposed guidelines of the replacement of the modified total return statute which is now referred to as net appreciation. The Division is working with NYSAC to come up with protective long term finances of cemeteries and give access to gains on the funds of net

appreciation so that cemeteries can invest in growth and be able to generate income. The Division has a redraft that the Board will review and discuss next board meeting. Mr. Polishook reported that there was a conference in Oneonta and there has been an increased interest in establishing crematories in the state. There was a record number of people at the crematory training.

**15-11-D-82 Vandalism Report**

Mr. Butkiewicz gave the Vandalism Report.

The Board approved the following application: New Bremen Rural Cemetery (25-014) in Lewis County in the amount of \$5,827.12

**15-11-G-83 New Ohio Cemetery (Broome – 04-022) – Land Purchase**

The cemetery wants to purchase .167 acres for \$1200 from the Lutz Trust. The 2012 New Ohio Cemetery board paid \$1200 for a survey of property without contacting the Division or the Board. The cemetery has no remaining lots to sell. The parcel to be purchased has a few sections of land suitable for burials. The parcel also works well for a columbarium. It is the consensus of the Board that this parcel is a gift and thus does not need Supreme Court approval or Board action for this transaction.

**15-11-H-84 New Forest Cemetery (Oneida – 33-036) – Major Renovation**

The cemetery is a 37 acre hillside cemetery that wants to develop a 1.5 acre area designated as section 15 at the top of the cemetery. The development of this area will consist of clearing trees, and brush, paving an existing road, installing a columbarium, cremation garden, niche garden, and a green burial area. The cemetery is requesting a grant or loan from the PM fund to pay for the project and update equipment. The Board has concerns with the total projection of cost and anticipated revenue of this project. The need for roads is based on the need for the columbarium, etc. The Board would like more information, including the construction of the road, forgiveness of deficit, and the columbarium. Tabled until next meeting.

**15-11-I-85 Warwick Cemetery (Orange – 36-039) – QuitClaim Deed**

This cemetery has a 1.7 acre parcel of land that is in dispute. A title search indicates that the cemetery has never been deeded the land in question. The cemetery has requested to sign a Quitclaim Deed for the parcel in exchange for a \$2000 donation from Domar Homestead, LLC. The cemetery feels that the land is not suitable for burial purposes. The Board questions whether the cemetery may adversely possess the parcel. A cemetery representative was unreachable by phone. Tabled

**15-11-J-86 Oakwood Cemetery (Niagara -32-017) – PM Loan - Major Renovation**

The cemetery is requesting forgiveness of its remaining PM deficit of \$82,500. This deficit was inherited from the cemetery's previous Superintendent and his office manager, who together misappropriated funds. The cemetery has a small annual operating surplus and if they are no longer obligated to pay the \$16,500 annually for the repayment of the deficit they would like to start major improvements on the following: roads, crematory retort, and mausoleum combined improvements. The cemetery does have a large PM Fund consisting of \$944,893. The projects total is \$657,440. The Board would like to know what measures have been put in place

so that funds are not lost and what the cemetery's internal control procedures are. The cemetery needs to submit a major renovation application.

**15-11-K-87 Woodlawn Cemetery (Onondaga – 34-053) – Major Renovation/Crematory**

Tabled at the request of the cemetery to submit further material.

**15-11-L-88 Oak Hill Cemetery (Rockland – 44-007) – Cell Tower**

This application was tabled from the October 14, 2015 meeting. The Board requested 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. The cemetery has agreed to notify the hospital of when the local zoning board would consider this project. No updated FCC information has been provided. The cell tower carrier has provided information to show that there will be no interference or frequency affects. Motion made, seconded and unanimously carried approving the cell tower.

**Public Comments:** Mr. Fleming thanks the Division and Mr. Milillo for guidance on legislation on the issue of net appreciation. He also states there may be a push for pet interments next year.

Next meeting to be held on December 17, 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.**

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