

APPROVED

Cemetery Board Minutes

**December 15, 2016
One Commerce Plaza
99 Washington Avenue, Albany, NY**

BOARD MEMBERS PRESENT:

Daniel Shapiro, Department of State, Chair

Paul Ambrose, Department of Health

OTHER ATTENDEES:

Lewis A. Polishook, Division of Cemeteries
Chester Butkiewicz, Division of Cemeteries
Brendon Stanton, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Monee McAdoo, Division of Cemeteries
Andrew Hickey, Division of Cemeteries

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Bruce Geiger, Pinelawn Cemetery
Larry Barnett, Mt. Pleasant Cemetery

Dannielle Melendez, NYSFDA
Alan Fox, Temple of Israel Cemetery

16-12-A-85 Minutes of Previous Meetings

Motion made, seconded and unanimously adopted approving the November 9, 2016 meeting minutes.

16-12-B-86 Legislation and Regulation

Nothing to report.

16-12-C-87 Division's Report

Mr. Polishook reported that the new annual report is close to being finalized. The Division is working with counsel on this. Smaller cemeteries will now have a smaller, shorter form to fill out.

Mr. Polishook reported that the Division intends to replace current review processes for cemeteries that use the Employment Cost Index (ECI) for rate increases with a self-certification process.

16-12-D-88 Vandalism Report

Mr. Butkiewicz summarized the November 2016 Vandalism Report.

The Board approved the following application(s):

1. Upper Lisle Cemetery (D)	\$42,034.95	Broome	04-037
2. Middlefield Cemetery (D)	\$41,353.13	Otsego	39-022
3. Lansingville Cemetery (D)	\$18,971.94	Tompkins	55-009
4. West Danby Cemetery (D)	\$13,011.48	Tompkins	55-020

The Board tabled the following application(s):

1. Vestal Cemetery (V)	\$3,287.08	Broome	04-040
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16-12-E-89 Cooper Cemetery (Tompkins – 28-000) – Certificate of Incorporation

The Cooper Cemetery is interested in incorporating the cemetery as a regulated non-profit cemetery. The cemetery has taken steps to improve the overall operations of the cemetery. Mr. Polishook and Mr. Hickey met with two trustees to determine operational plans, financial projections and goals of the cemetery. Motion made, seconded and unanimously carried approving the Certificate of Incorporation presented to the Board entitled “Certificate of Incorporation of Cooper Cemetery Association, Inc.” pursuant to section 404(e) of the Not-for-Profit Corporation Law, and consenting to the filing of said Certificate of Incorporation.

16-12-F-90 West Bethany Cemetery (Genesee – 19-025) – Land Swap

The West Bethany Cemetery seeks approval to exchange one parcel of real property for another parcel of real property, for consideration of \$500, representing half the appraisal fees, and seven graves valued at \$3,500. The land to be traded is in two parcels comprised of 0.843 acres total. The parcel to be obtained is comprised of 1.708 acres. The West Bethany Free Will Baptist Church is the seller. Motion made, seconded and unanimously carried approving the land swap. More particularly, the Cemetery Board finds that the agreed-upon price for the real property does not exceed its fair and reasonable market value. The Cemetery Board approves the purchase, including the price to be paid and method of payment. The Cemetery Board finds that; the land to be sold or disposed of is not used for burial purposes; that the sale or disposition will benefit the cemetery corporation and the owners of plots and graves in the cemetery; that the sale or disposition is not to a funeral entity; and that sufficient notice of this application and this meeting has been given to any person who is interested or who may be interested in this matter.

16-12-G-91 Mt. Pleasant Cemetery (Westchester – 60-014) – Major Renovation and PM Loan

The subject cemetery began an application for major renovation in February 2016. The project was put on hold awaiting completion of an audit and review of the cemetery’s rules and regulations. The cemetery proposes to develop an additional section for burials primarily serving the Chinese-American community, and creation of additional parking and visitation areas. The cemetery plans to finance this project via a loan against its Permanent Maintenance (PM) fund in the amount of \$3,000,000. Motion made, seconded and unanimously carried approving the major renovation portion contingent upon municipal approval. Motion made, seconded and unanimously carried recommending approval of the PM loan, contingent upon approval of the Supreme Court, review of counsel of the petition, and a payback schedule to the PM fund.

Public Comments:

Alan Fox of the Temple of Israel Cemetery commented on updates to the cemetery’s information on the DOS website.

An officer from the Mt. Pleasant Cemetery (Albany) inquired about funding for the cemetery for upkeep.

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.

The next monthly Cemetery Board meeting is to be held on January 12, 2017 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.