

Cemetery Board Minutes

**March 16, 2016
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
Michael Seelman, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Joseph Ambrose, Division of Cemeteries
Leonard Breen, Division of Cemeteries

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Richard Moylan, Green-Wood Cemetery
Nate Romagnola, White Haven Memorial Park

Daniel Hallenbeck, NYSAC
Charles Orlando, White Haven Memorial Park

16-03-A-15 Minutes of Previous Meetings

The Board approved the minutes of the February 10, 2016 meeting as amended. Motion made, seconded and unanimously adopted approving the minutes as amended.

16-03-B-16 Legislation and Regulation

1. Pending Legislation

Senate Bill # 2583 – has passed the Senate and has been delivered to the Assembly. This bill is intended to clarify that state regulated cemetery operations are under the sole jurisdiction of the state cemetery board.

Senate Bill # 840-A – has advanced to its third reading. This bill would add a new section to the Mental Hygiene Law to require the release of patient names and other information for patients who have been buried for at least fifty years at a state mental health institution.

2. Rules and Regulations

Cemetery regulations regarding changes to financial reporting requirements were adopted and published on March 9, 2016.

16-03-C-17 Division's Report

Mr. Polishook reported that cemeteries in NYC and surrounding areas have not been fully audited or there is no recent audit report on file with the Division. Staff from the Albany, Binghamton, and Syracuse office will be assisting in all downstate cemetery audits. The Division has an audit cycle and schedule of 3-5 years and 5-7 years for inspections.

Mr. Polishook reported that the Division received its first PM Net Appreciation application. The Division has objected to it without prejudice to resubmission.

16-03-D-18 Vandalism Report

Mr. Butkiewicz summarized the February 2016 Vandalism Report.

The Board approved the following application(s):

01-010 Graceland Cemetery (D)	\$ 21, 226.45
29-011 Green Hill Cemetery (D)	\$ 19, 763.43
33-060 Stockwell Cemetery (D)	\$ 14, 057.85
38-017 Lakeside Rural Cemetery (D)	\$ 6, 724.49

The Board tabled the following application(s):

33-063 Utica Cemetery (D)

16-03-E-19 Grove Place Cemetery (Monroe – 28-012) – Land Purchase

The cemetery submitted a previous application requesting approval to purchase two acres of land for \$55,000 at the February 10, 2016 meeting. The application was tabled pending additional information regarding proposed funding of the purchase, the effect on sales, and the need for public notice. The cemetery has responded with (1) a letter from Bryan Pelkey, Attorney for cemetery, (2) a draft petition for a PM loan to borrow \$50,000 at four percent (\$5,000 will come from general funds), and (3) information previously presented to the Board on February 10, 2016. Motion to approve the application was made, seconded and unanimously approved. The Board found that the cemetery is not paying more than the fair reasonable market value and approves the terms of purchase including the price to be paid and the method of payment.

16-03-F-20 North Syracuse Cemetery (Onondaga – 34-033) – Columbarium

The cemetery previously submitted an application requesting approval to build a columbarium with 48 single niches for a total cost of \$19,456 at the December 17, 2015 meeting. The application was tabled pending additional information regarding operating deficits, internal controls, and control of expenses. The cemetery has responded with two letters (dated 1/12/16 and 2/19/16) from the cemetery president and an adjusted division financial analysis with six year income expenses and return on investment. The letters address operating deficits and burials performed. The cemetery president has also had follow-up discussions with the Division to address internal controls and efforts to control costs. Motion to approve the application was made, seconded and unanimously adopted by the Cemetery Board.

16-03-G-21 Rosendale Cemetery (Ulster – 56-029) – Columbarium

Tabled.

16-03-H-22 White Haven Cemetery (Monroe – 28-045) – Mausoleum

White Haven Memorial Park received approval for the first phase of the Lasting Light Mausoleum in 2008, they disclosed that there would be a Phase II and are now ready to commence this Phase II work and are seeking approval for renovation. The Town of Perinton has already approved the building for both phases. The total project cost is \$1,413,328. The source of funds for the project will be paid by \$75,000 from the cemetery's general fund and a PM loan of \$1,247,900 with 2% interest to be paid back in seven years. Motion made, seconded and unanimously adopted to approve the project and recommend approval of the PM loan asset worth and the application presented by the Division was made, seconded and unanimously adopted by the Cemetery Board.

Public Comments:

Mr. Moylan spoke on two landmark preservations.

Mr. Fleming spoke on PC Net Appreciation and asking that discussion be closed down. He also spoke on reimbursement costs for administrative charges.

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.

A Cemetery Board 'Special' meeting is to be held on March 29, 2016 at 10:30 AM, 99 Washington Ave, Albany, NY 12231

The next Cemetery Board meeting is to be held on April 25th, 2016 at 10:00 AM, Hilton Albany, 40 Lodge Street, Albany, NY 12205.