

APPROVED

Cemetery Board Minutes

May 20, 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
Leonard Breen, Division of Cemeteries
Richard Buske, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Monee McAdoo, Division of Cemeteries
Joseph Ambrose, Division of Cemeteries

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Dannielle Melendez, NYSFDA

Daniel Hallenbeck, NYSAC
Bruce Geiger, Pinelawn Cemetery

16-05-A-31 Minutes of Previous Meetings

The Board approved the minutes of the April 25, 2016 meeting as amended. Motion made, seconded and unanimously adopted approving the minutes as amended.

16-05-B-32 Legislation and Regulation

Pending Legislation

Assembly Bill # 6132 – is being held for consideration in Veterans Affairs. This bill would amend section 365 of the Executive Law to require the Director of the Division of Veterans' Affairs to commence the process of construction and establishment of the first state veterans' cemetery no later than January 1, 2017.

Senate Bill # 1104 – has passed the Senate and delivered to the Assembly. This bill would enhance the criminal penalties for criminal mischief and larceny offenses committed at a place of religious worship and for cemetery desecration.

Assembly Bill # 7759 – has been reported and has advanced to third reading. This bill would create a cemetery disclosure form which would be posted in the cemetery corporation's office and

given to every potential customer. The details of the form would be created by the State Cemetery Board and would provide a lengthy list of detailed information to consumers.

Senate Bill # 5570-A – has advanced to third reading. This bill would authorize a veteran's close friend or family member who is reasonably familiar with such veteran's wishes to request that such veteran be buried in a state veterans' cemetery. It would also eliminate the requirement in Public Health Law § 4201 that a written statement be executed when the person who seeks to be in control of disposition of remains is a close friend of the deceased.

Senate Bill # 2941-A – has been reported and committed to finance. This bill would add a new section 369 to the Executive Law which would direct the Division of Veterans Affairs to conduct an investigation and study on the issue of the establishment of a New York state veterans cemetery program on or before December 31, 2011, and to submit to the federal Veterans Administration cemetery grants program a pre-application for the establishment of one or more veterans cemeteries.

Senate Bill # 7494 has been referred to Corporations, Authorities and Commissions. This bill would amend chapter 560 of the laws of 1998 (The Anti-Combination Law) to allow the funeral entity of a grandfathered combination to: Transfer the right to operate a crematory; add space or equipment, including the addition of retorts; and relocate facilities.

16-05-C-33 Division's Report

Mr. Butkiewicz reported on Lakeview Cemetery (Tompkins Co.). This cemetery was embezzled by a previous cemetery operator who is now before the Tompkins County Probationary Department. The county contacted the Division for a statement on behalf of the cemetery. Mr. Polishook is working with counsel to draft a response letter to be considered by the probation department. Both the general operating fund and permanent maintenance fund were depleted and cemetery equipment went missing.

Mr. Butkiewicz reported that the Division is working with counsel on Net Appreciation and Perpetual Care funds. The Division's financial annual report is also being updated.

16-05-D-34 Vandalism Report

Mr. Butkiewicz summarized the April 2016 Vandalism Report.

The Board approved the following application(s):

04-017 Lisle Village Cemetery (D)	\$36, 751.84
09-021 Oak Grove Cemetery (D)	\$13, 502.08
12-001 Atwater Cemetery (D)	\$19, 301.19
44-004 Mount Repose Cemetery (D)	\$11, 850.00
46-024 Charlton Pine Grove Cemetery (D)	\$22, 381.03
33-063 Utica Cemetery (D)	Tabled until next meeting.

Public Comments:

None

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 Cemetery Board meeting is to be held on June 15, 2016 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.