

APPROVED

Cemetery Board Minutes

**July 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
Paul Asamoah, Division of Cemeteries

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

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC

Steven Basinait, CDFDA

16-07-A-45 Minutes of Previous Meetings

The Board approved the minutes of the June 15, 2016 meeting as amended. Motion made, seconded and unanimously adopted approving the minutes as amended.

16-07-B-46 Legislation and Regulation

Pending Legislation

Senate Bill # 2941-A – has passed the Senate. 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, 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 # 840-A – has passed the Senate and the Assembly. 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 at least fifty years at a state mental health institution.

16-07-C-47 Division's Report

Mr. Polishook reported that the Division received an application for Net Appreciation Funds from the Marathon Cemetery in Cortland County.

The Division will meet with NYSAC regarding Net Appreciation and Perpetual Care funds.

The Division is redrafting the annual report form filed by cemeteries to reflect changes to rules on financial reporting. A redraft should be available at the next board meeting.

Mr. Polishook reported on two facilities in Ontario, Canada performing alkaline hydrolysis. One facility was performing this process illegally.

16-07-D-48 Vandalism Report

Mr. Butkiewicz summarized the June 2016 Vandalism Report.

The Board approved the following application(s):

Whispering Maples Cemetery (A)	\$100,000.00	Clinton 10-024
Elmwood Cemetery (D)	\$16,265.87	Cortland 12-006
Concordia Cemetery (D)	\$25,993.72	Erie 15-013
East Dickenson Cemetery (D)	\$4,536.33	Franklin 17-025
Oakwood (Troy) Cemetery (D)	\$66,546.61	Rensselaer 42-034
Vale Cemetery (V)	\$8,983.55	Schenectady 47-011
West Danby Cemetery (V)	\$1,391.00	Tompkins 55-020

16-07-E-49 Mount Olivet Cemetery (Queens – 41-012) – Net Appreciation Application

The cemetery submitted an application seeking to appropriate a percentage of net appreciation of its Permanent Maintenance funds. During the June 15, 2016 board meeting, the Board tabled the application so that the Division and the cemetery could discuss the application in more detail. In response to questions posed by the Division, the cemetery has supplemented its revised application. The cemetery has taken steps to control costs including giving back bonuses and reducing consulting contracts and trustee fees. Motion made, seconded, and approved conditioned upon tracking of appropriated funds and the Division monitoring the expenditure of the net appreciation funds.

16-07-F-50 Fishkill Rural Cemetery (Dutchess – 14-007) – Major Renovation

The cemetery began considering the development of the remaining undeveloped land in the cemetery in the spring of 2012. The renovation would involve the development of land within the cemetery for the purpose of creating lots for sale. The project was put on hold awaiting approval from the Town of Fishkill Planning Board. The cemetery has now received that approval and is resubmitting the application to the Cemetery Board. Total estimated cost of this project is \$397,441.90 and the cemetery plans to use \$200,000 from their general funds, and borrow \$197,441.90 from the permanent maintenance fund. The cemetery has enough funds in its general maintenance to fund the entire cost of the project. The Board recommends the

Division meet with the cemetery to discuss the application in detail, especially the need for a PM loan and repayment terms. Tabled until next meeting.

16-07-H-51 White Haven Memorial Park (Erie – 28-045) – Columbarium

The cemetery proposes a new columbarium with 64 single niches. The total project cost will be \$44,823 and to be funded by the cemetery's general fund. Motion made, seconded and unanimously carried approving the columbarium.

16-07-I-52 Wallkill Cemetery (Orange – 36-039) – Major Renovation – New Warehouse Shop

The cemetery proposes to build a new workshop/shed and demolish its existing shed. The cost of this project is estimated at \$80,000 and the cemetery is seeking to borrow \$80,000 from its Permanent Maintenance income to finance the project. The cemetery's Permanent Maintenance fund has retained income totaling \$160,000. The Board has concerns about the potential impact of fire and the burning of the existing structure. Motion made, seconded, and approved to allow for demolition of the shed and the renovation, but that no action be taken to remove the existing building by burning it without securing local regulatory approvals and presenting that information to the Board for consideration.

Public Comments:

Mr. Fleming thanks the Division for providing Perpetual Care information to NYSAC. Mr. Fleming commented on the alkaline hydrolysis issue.

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 August 10, 2016 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.