

APPROVED

Cemetery Board Minutes

**August 10, 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
Michael Seelman, 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
Bruce Geiger, Pinelawn Cemetery
J.L. McAvinney, White Haven MP Cemetery

Dannielle Melendez, NYSFDA
Charles Orlando, White Haven MP Cemetery

16-08-A-53 Minutes of Previous Meetings

Motion made, seconded and unanimously adopted approving the minutes of the July 20, 2016 meeting as amended.

16-08-B-54 Legislation and Regulation

Pending Legislation

Nothing to report.

16-08-C-55 Division's Report

Mr. Polishook reported that Forest Lawn Cemetery has a creek that runs through it and the Buffalo Sewer Authority will begin a project to clean up the creek. After discussion, the Chair requested that the Division submit a full write-up concerning this project.

The Division and NYSAC have come up with a proposed notice and form for the utilization of Net Appreciation of Perpetual Care funds. A copy was given to the Board. The Board will delegate to the Division authority to deny an application based on technical or incomplete information, while the Board will retain authority to deny an application based on substance.

16-08-D-56 Vandalism Report

Mr. Butkiewicz summarized the July 2016 Vandalism Report.

The Board approved the following application(s):

Rush Pine Cemetery (D)	\$18,132.00	Monroe 10-024
Elbridge Rural Cemetery (D)	\$32,340.33	Onondaga 12-006
Asbury Cemetery (D)	\$14,600.00	Tompkins 15-013*
Danby Cemetery (D)	\$10,732.03	Tompkins 17-025

*The NYS Cemetery Board approved the application in the amount of the higher estimate of \$14,690.89. The Cemetery Board approved the amount to allow Asbury Cemetery the option of choosing the more expensive vendor based on the superior warranty offered.

16-08-E-57 Fishkill Rural Cemetery (Dutchess – 14-007) – Major Renovation

The cemetery previously submitted an application to borrow \$197,441.90 from the Permanent Maintenance fund and use \$200,000 from its general fund to cover the cost of development of remaining undeveloped land in the cemetery. During the July 20, 2016 Board meeting, the Board tabled the application so that the Division and the cemetery could discuss the cemetery's need for a PM loan and its need for additional space. In response, the cemetery indicated its concern about leaving itself without unrestricted funds, and advised that about half of the general funds it intended to use were actually funds set aside for a possible future expansion of its mausoleum. The cemetery also indicated that it has 16 developed unsold acres, and the additional space for the new graves would be situated on a hillside and are more likely to sell, at a premium price, than existing graves. Motion made, seconded, and unanimously carried approving the major renovation, but not recommending approval of the PM loan, subject to the cemetery coming back to the Board after further discussion with the Division should the loan be needed.

16-08-F-58 White Haven MP Cemetery (Monroe – 28-045) – Major Renovation – New Retort

The cemetery proposes to purchase a new Matthews Power Pak I retort. This will be the cemetery's 4th retort. The total project cost is \$134,871.00 and the project will be funded from the crematory repair fund and the general fund. Two cemetery representatives were present at meeting to discuss the application in further detail. Motion made, seconded and unanimously carried approving the new retort.

16-08-G-59 Cooper Cemetery (Tompkins – 28-000) – Certificate of Incorporation

Tabled.

16-08-H-60 Pleasant Valley Cemetery (Dutchess – 14-021) – Land Swap

The cemetery has submitted an application for approval of a land swap. The land conveyed to the Cemetery is 0.06 acres. The owner of the adjoining property, C. Jon Enterprises, Inc. and the Cemetery had assumed that the Cemetery had always owned the land. A portion of this land could be cleared and used for burials. Motion made,

seconded, and approved conditioned upon counsel's review and approval.

16-08-I-61 Deer River Swineburne Cemetery (Lewis – 25-006) – Columbarium

The cemetery is requesting approval to build a 48 unit columbarium. The total cost of the project is estimated to be \$11,250. The funds to pay for this project will come from the general fund. Motion made, seconded and unanimously carried approving the new columbarium construction.

16-08-J-62 Marathon Cemetery (Cortland – 12-013) PM Net Appreciation

The cemetery is seeking to appropriate \$9,815 from its Permanent Maintenance fund for the purpose of offsetting an inadvertent invasion of Permanent Maintenance principal in the amount of \$9,268.32. The Board recommends that the Division have further discussion with the cemetery regarding the use of the funds and its need. Motion made, and seconded, to object to this application without prejudice to resubmission.

Public Comments:

Mr. Fleming commented on the inability for some cemeteries to obtain a warranty and or multiple quotes when they are submitting a Dangerous Monument application.

Mr. Fleming commented on modernization and replacement of older retorts. This increases productivity, uses less fuel and is safer. This will become more of the norm and should be encouraged.

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 September 15, 2016 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.