

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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ANDREW M. CUOMO
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO
SECRETARY OF STATE
CHAIR

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

APPROVED 9/20/17

Cemetery Board Minutes

August 15, 2017
Department of State
One Commerce Plaza, Albany, NY

BOARD MEMBERS PRESENT:

Daniel Shapiro, Department of State, Chair
Christopher Wiles, Office of Attorney General

Paul Ambrose, Department of Health

OTHER ATTENDEES:

Mark Pattison, Department of State
Antonio Milillo, Department of State, Counsel
Michael Seelman, Division of Cemeteries

Lewis A. Polishook, Division of Cemeteries
Chester Butkiewicz, Division of Cemeteries
Joseph Ambrose, Division of Cemeteries

GUESTS:

David F. Fleming, New York State Association of Cemeteries
Calum d’Oelsnitz, New York State Association of Cemeteries
Bruce Geiger, Pinelawn Memorial Park

17-08-A-49 Minutes of Previous Meetings

Motion made, seconded and unanimously adopted approving the minutes of the June 26, 2017 meeting as amended.

17-08-B-50 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported on pending legislation. Nothing new to report.

2. Rules and Regulations

None.

17-08-C-51 Division’s Report

Mr. Polishook reported CANA (Cemetery Association of North America) is providing cremation operation certification at its convention in New York City and Division staff will present the New York State law section regulating crematory operations and operators.

17-08-D-52 Vandalism Report

Mr. Butkiewicz presented the vandalism report: In this fiscal year, the Division has collected \$121,741 in vandalism fund fees. As of July 2017, the Board had granted \$388,870 from the vandalism fund. There are \$889,159 in applications pending.

Vandalism/Abandoned/Repair Orders – 5

The Board approved the following applications for funds for restoration of dangerous monuments:

- Albany Rural Cemetery (D) \$ 48,034.16
- Forest Lawn Cemetery (D) \$ 54,677.00
- Riverside Cemetery (D) \$ 18,149.70
- Plainville Rural Cemetery (D) \$ 27,482.80
- Southampton Cemetery (V) \$ 1,559.32

17-08-E-53 Holland Patent Cemetery (33-027 Oneida) – Incorporation

This application was tabled for the next meeting pending receipt of a revised proposed certificate of incorporation.

17-08-F-54 Pinelawn Cemetery (52-044 – Suffolk) – Major Renovation

Pinelawn Memorial Park seeks approval of its entry into a lease with the Long Island Rail Road to allow for construction of a parking lot at the LIRR station adjacent to the cemetery and for two temporary licenses to the LIRR to facilitate construction of a second track near the cemetery and related demolition of the existing Pinelawn station building.

Having considered the application, a motion was made, seconded and unanimously approved by the New York State Cemetery Board for the major renovation application as submitted, contingent upon inclusion of protection/indemnification rider satisfactory to counsel and upon cemetery obtaining municipal and any other required regulatory approvals.

17-08-G-55 Long Island Cremation (52-068 – Suffolk) – Major Renovation – Retort

The crematory proposes to replace an older existing retort with a new Matthews Ener-Tek cremation unit in the existing building. The estimated cost of the project to replace the retort is \$220,000. The project to be financed entirely from the crematory's General Fund and Capital Improvement fund.

Motion was made, seconded and unanimously approved by the New York State Cemetery Board for the major renovation application as submitted contingent upon the crematory obtaining municipal and any other required regulatory approvals.

Public Comments:

Mr. Fleming, commented on vandalism applications and how extremely difficult it can be to get two bids. While the application process is not complicated it is a matter of contractors not being available to provide bids, and adding more requirements would be a concern.

Motion to go into executive session made, seconded and unanimously carried.

Motion to exit executive session made, seconded and unanimously carried.

Matter of Frederick Douglass Memorial Park, Inc. (43-042 Richmond) – PM Loan

During executive session, Cemetery Board reviewed the foregoing application.

Frederick Douglass Memorial Park, Inc. (FDMP) seeks Supreme Court approval to borrow up to \$147,876 from its Permanent Maintenance (PM) Fund in connection with a Supreme Court proceeding seeking to appoint a new Temporary Receiver of FDMP. The total loan of up to \$147,876 shall be repaid by FDMP depositing ten percent (10%) of its net operating surplus into the PM fund each year in which it has a surplus. Should the loan not be repaid in twenty years from the date of the Order, any balance remaining shall be due and owing in full, unless the repayment schedule is further modified by Court order.

Motion was made, seconded and unanimously adopted by the New York State Cemetery Board recommending the application, that Court approve nunc pro tunc withdrawal of funds in the amount of \$108,876 and additional amount of up to \$39,000, both to be repaid on the terms described above.

Motion to adjourn made, seconded and unanimously carried.

The next Cemetery Board meeting is to be held on September 20, 2017 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.