

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

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

APPROVED

Cemetery Board Minutes

June 4, 2018
Department of State
One Commerce Plaza, Albany, NY

BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair
Jill Faber, 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
Brendon Stanton, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Alicia Young, Division of Cemeteries
Joshua Beams, Department of State

GUESTS:

David F. Fleming, New York State Association of Cemeteries
Scott Henderson, New York State Funeral Directors Association
Bruce Geiger, Pinelawn Cemetery

OPENING REMARKS:

Cemetery Board Chair, Mark Pattison, welcomed Jill Faber, designee of Office of Attorney General.

18-06-A-24 Minutes of Previous Meetings

Motion made, seconded, and unanimously adopted approving the minutes of the May 7, 2018 meeting as amended.

18-06-B-25 Legislation and Regulation

1. Pending Legislation

Mr. Polishook reported there was no movement on pending legislation.

2. Rules and Regulations

None.

18-06-C-26 Division's Report

Mr. Polishook reported on the Division's Strategic Plan accomplishments and current year goals. Accomplishments include SharePoint complaints tracking system and available on online annual report filing.

Mr. Polishook reported on the Division's response to the OSC Audit, which included updates to the audit procedure manual.

Mr. Polishook reported that the Division is developing a methodology to track and analyze executive salaries in relation to cemetery finances and other criteria.

18-06-D-27 Vandalism Report

A discussion was held regarding alternate methods of foundation repair, comparable estimates and verification of cost of repairs.

Mr. Butkiewicz presented the vandalism report: In this fiscal year, the Division has collected \$58,220 in vandalism fund fees. For the current fiscal year, the Board had granted \$282,131 from the vandalism fund. The total amount requested in applications pending review is \$2,211,685.

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

04-014 Killawog Cemetery (D)	\$26,948.37
06-002 Cato Cemetery (D)	\$31,064.05
22-020 Jordanville Cemetery (D)	\$13,899.00
32-027 Hillside Cambria Cemetery (D)	\$16,734.87
34-025 Maple Grove Cemetery (D)	\$41,177.12
39-019 Maple Grove Cemetery (D)	\$48,573.66
46-015 Green Ridge Cemetery (D)	\$49,467.15
61-031 Union Park Cemetery (D)	\$21,550.00
61-033 Warsaw Cemetery (D)	\$41,650.44

The Board approved the following application for abandonment funds related to restoration of dangerous monuments:

36-025 Town of New Windsor (A) -	\$330,420.00
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18-06-E-28 Oakwood Cemetery (60-016 Westchester) – Major Renovation – Solar Farm

Oakwood Cemetery in Mount Kisco, seeking to comply with conditions of a previously approved cell tower lease.

At its May 2018 meeting, the New York State Cemetery Board discussed with the Cemetery the need to obtain a nunc pro tunc order for a loan and/or grant from the PM Fund and to establish a repayment schedule.

The Division recommended that the Board recommend Court approval of a nunc pro tunc loan from the PM Fund of \$1,067,826.74, repayable over a 25-year period as follows:

1. \$500 per month for five years, commencing on July 1, 2018; this sum represents the

most that the Division and the Cemetery are confident that the Cemetery can afford.

2. an additional contribution of \$20,000 at the end of each year in which revenue exceeds expenses by at least \$50,000.

3. by July 1, 2023, and every five years thereafter, the Cemetery shall seek guidance from the New York State Cemetery Board as to what if any adjustment in repayment should be made.

4. payment of the balance will be due at the end of the 25-year period, absent further order or modification by the court.

Motion made, seconded and unanimously adopted recommending Court approval of a PM loan nunc-pro-tunc on the terms described above, subject to review by counsel to the Board of a draft petition.

Motion to go into, and subsequently 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 July 24, 2018 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231. Note—the date was later changed to July 25, 2018.