

# DIVISION OF CEMETERIES

STATE OF NEW YORK  
DEPARTMENT OF STATE  
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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

**November 13, 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  
Joshua Beams, Department of State

Antonio Milillo, Dep't of State, Counsel

### GUESTS:

Richard Freiman, Richard Freiman & Assoc., Beverly Hills Cem. Corp. (Rose Hills)  
Aaron Shipper, Beverly Hills Cem. Corp.  
Patrick Seely, Stewart Jones Hacker Murphy, Beverly Hills Cem. Corp.  
Bruce Geiger, Pinelawn Memorial Park  
David Fleming, NYSAC  
Calum d'Oelsnitz, NYSAC/FWC  
Mark Farrell, Oakwood Cemetery/Mt. Kisco

### 18-11-A-58 Minutes of Previous Meetings

Motion made, seconded, and unanimously adopted approving the minutes of the October 9, 2018 as amended.

### 18-11-B-59 Legislation and Regulation

#### 1. Pending Legislation

Mr. Milillo reported a minor proposed revision to Executive Law section 365 requiring study of state veteran cemeteries immediately. No action had been taken other than being referred to committees.

## 2. Rules and Regulations

None.

### **18-11-C-60 Division Report**

#### 1. Annual Mailing and Online Filing

Mr. Polishook reported that the annual mailing would be going out at the end of the year or early next year. He stated it would outline the Division's new board application process, among other things.

#### 2. Board Application – LEAN Process Review

Mr. Polishook discussed the new board application process for the new year, stating that the Division would develop forms which will be available online. He also indicated that the new process would result in less work for cemeteries and faster processing of board applications.

#### 3. Nonsectarian Burial Society Reclamation

Mr. Polishook spoke regarding the recently developed guidelines for such reclamations. N-PCL section 1513-a allows cemeteries to reacquire previously-sold lots under certain circumstances. Until recently, this statute did not apply to lots owned by burial societies. On November 29, 2017, the Governor signed a bill (S.6396-2017/A.8078-2017) to allow cemeteries to reacquire lots owned by some burial societies. Last month, the Board delegated to the Division authority to review such applications. The Division has received its first application under this statute and has asked the cemetery for additional information.

#### 4. Division Staffing

Mr. Polishook reported the addition of Holly Huckabone as the new investigator in the Division's Buffalo office on November 15, 2018, and reported that the Division hoped to soon fill the vacant position of Senior Accountant.

#### 5. Miscellaneous

Mr. Polishook reported a lawsuit filed regarding Amigone Funeral Home. He stated that the neighbors were suing stating that the provision of the anti-combination law "grandfathering" existing funeral home-cemetery combinations was unconstitutional because it did not allow grandfathered standalone crematories to relocate.

### **18-11-D-61 Vandalism, Abandonment and Monument Repair or Removal Fund Report**

No applications were presented to the board this month. Mr. Polishook reported that there were a few applications under review. He also stated that the Town of Oswegatchie would likely appear before the Board again soon with additional information required by regulation and a proposal for additional equipment for snow removal and maintenance.

**18-11-E-62 Oakwood Cemetery (60-016 Westchester) – Major Renovation – Solar Farm**

Oakwood Cemetery submitted an application on January 24, 2018 to enter into a lease allowing for installation of a solar array to be used in a community solar project on an approximately 4.2-acre section of the Cemetery. At the Board's May 7, 2018 meeting, the Cemetery's application was tabled pending (1) resolution of an existing permanent maintenance fund deficit; and (2) revisions to the proposed solar farm lease. At the Board's June 4, 2018 meeting, the Board recommended approval of a permanent maintenance fund loan nunc pro tunc to close the deficit. The Cemetery has not yet gone to Court to seek approval of the loan, but is complying with the repayment terms pending Court approval.

Mark Farrell, a representative of the cemetery, attended the meeting. He stated that the cemetery had not yet gone in front of the Court, and that the lease was close to final after some adjustments were made.

Motion was made, seconded, and unanimously adopted approving the application contingent upon counsel's approval of the lease, receipt of all local approvals, and deposit of all lease proceeds into the cemetery's PM fund.

**18-11-F-63 Beverly Hills Cemetery (40-003 Putnam) - Land Purchase**

The matter was tabled pending receipt of legal counsel during executive session.

**Public Comments:**

David Fleming addressed the Board stating that the law concerning State veterans' cemeteries allows funding for existing not for profit cemeteries to create veteran sections.

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

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

After the Board exited executive session, motion was made, seconded, and unanimously adopted denying the application of Beverly Hills Cemetery to purchase certain land, subject to subsequent issuance of a written decision within 30 days

**Motion to adjourn made, seconded, and unanimously carried.**

The next Cemetery Board meeting is to be held on December 11, 2018 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.