

APPROVED

Cemetery Board Minutes

April 25, 2016

Hilton Albany

40 Lodge Street, 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
Monee McAdoo, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Brendon Stanton, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Cindi Craig, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Kerry McGovern, Division of Cemeteries
Karen DeYoung, Division of Cemeteries

GUESTS:

Members of the New York State Association of Cemeteries (NYSAC)

16-04-A-26 Minutes of Previous Meetings

The Board approved the minutes of the March 16, 2016 (as amended) and the March 29, 2016 meeting. Motion made, seconded and unanimously adopted approving the minutes as amended.

16-04-B-27 Legislation and Regulation

Pending Legislation

Senate Bill # 2207 – has passed the Senate. This bill would amend the Penal Law by making technical changes to PL sections 145.22 and 145.23 and would add two new sections to the Penal Law. PL 145.26 would define the term veteran and PL 145.27 would establish the crime of cemetery desecration of a veteran cemetery plot or grave by making it a class E felony.

Senate Bill # 3806 – has passed the Senate. This bill would remove the \$250 amount of damage from cemetery desecration in the second degree; makes cemetery desecration in the second degree a class E felony to apply to any damage or theft regardless of value; adds crime of cemetery desecration in the first degree and makes such crime a class D felony.

Senate Bill # 1104 – has passed to third reading. This bill would enhance the criminal penalties for criminal mischief and larceny offenses committed at a place of religious worship and for cemetery desecration.

Senate Bill # 3549 – has passed the Senate. This bill would allow cemetery corporations to grant qualified veterans’ organizations the right to receive the cremains of a veteran which has not been claimed by a relative or friend of the deceased within one hundred twenty days after cremation.

16-04-C-28 Division’s Report

Mr. Polishook reported that several cemeteries in NYC and surrounding areas have not been fully audited or there is no recent audit report on file with the Division. Staff from the Albany, Binghamton, and Syracuse office will be assisting in performing downstate cemetery audits.

Mr. Polishook reported that the Division is working on its guidance on applying the use of Net Appreciation on Perpetual Care. NYSAC’s committee has a copy of the proposal and the Division will soon meet with NYSAC. Use of such funds is limited to those purposes for which income can be used (meaning perpetual care of that particular lot).

Mr. Butkiewicz reported that the Division continues to provide guidance and support to cemeteries by reaching out to communities and doing conferences and meeting with groups of cemetery representatives.

16-04-D-29 Vandalism Report

Mr. Butkiewicz summarized the March 2016 Vandalism Report.

The Board approved the following application(s):

15-049 Mount Olive Cemetery (D)	\$ 27, 316.25
19-005 Darian Cemetery (D)	\$ 16, 094.66
19-010 Evergreen Hill Cemetery (D)	\$ 15, 142.72
48-010 Gilboa Rural Cemetery (D)	\$ 33, 860.45

16-04-E-30 Garbuttsville Cemetery (Monroe – 28-008) – Land Purchase

The cemetery has proposed to purchase a piece of parcel that is comprised of 1.28 acres and has only about 0.25 acres left unsold. The purchase price is \$4,000.00 and to be taken from the General Fund. The association has members that own equipment and have offered to do the grading work. The Cemetery Board has reviewed the application, reports, and appraisals and has determined that the agreed upon price for the real property does not exceed its fair and reasonable market value. The Cemetery Board approves the purchase, including the price to be paid and the method of payment.

Public Comments:

Richard Fishman commented on Perpetual Care and contracts and recommends legislative remedies to address any existing issues.

Mr. Fleming commented that it would be helpful for the Board to explain what happens after a land sale.

A commentator had a question regarding guidance of Net Appreciation and Perpetual Care.

Another commentator addressed burial societies not paying Perpetual Care.

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 May 18, 2016 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.