

CEMETERY BOARD MINUTES

March 22, 2012

99 Washington Ave., Albany, NY

ATTENDEES

Daniel Shapiro, Department of State, Chairman
Terryl Brown, Office of the Attorney General
Chester Butkiewicz, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Joseph Ambrose, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Lisa Smith, Division of Cemeteries

Robert Welch, Department of Health
Richard Fishman, Division of Cemeteries, Director
Antonio Milillo, Department of State, Counsel
Howard Carr, Division of Cemeteries

GUESTS

David Flemming, Featherstonhaugh, Wiley & Clyne, LLP, NYS Association of Cemeteries (NYSAC)
Bruce Geiger, Pinelawn Cemetery
Joanne Sullivan, Cemetery of the Highlands

12-03-A-11 Minutes of Previous Meeting

Motion made, seconded and unanimously carried to approve the February 22, 2012 as amended.

12-03-B-12 Legislation and Regulation

Legislation: Mr. Milillo summarized changes to any newly introduced or pending legislation. The Board noted that bill (A8883 - Quart) which would amend the Public Health Law to allow the disposal of unclaimed cadavers or anatomical by alkaline hydrolysis will merit attention as it raised questions of what constitutes final disposition.

12-03-C-13 Division's Report

Crematories: Mr. Fishman reported that the Division was again noting significant discrepancies with respect to completion of the cremation authorization form. Discussion ensued regarding an appropriate manner for dealing with such violations. The board directed the Division and Counsel to draft a formal procedure by which crematories could be cited and/or fined for non-compliance. Counsel stated that this should also include a means to appeal such decisions.

12-03-D-14 Vandalism Payment Report

Mr. Butkiewicz summarized the February 2012 vandalism reports.

12-03-E-15 Vandalism/Dangerous Monument Repair /Abandoned Cemetery Orders

Graceland Cemetery (01-010): Motion made, seconded and unanimously approved for a grant totaling \$570.54 for costs associated with the repair of vandalized monuments.

Batavia Cemetery (19-003): Motion made, seconded and unanimously approved for a grant totaling \$670.22 for cost associated with the repair of vandalized monuments.

Vale Cemetery (47-011): Motion made, seconded and unanimously approved for a grant totaling \$5,629.77 for cost associated with the repair of vandalized monuments.

Southside Cemetery (59-032): Motion made, seconded and unanimously approved for a grant totaling \$4,398.87 for cost associated with the repair of vandalized monuments.

Town of Walworth (59-999) – Motion made, seconded and unanimously approved for a grant totaling \$5,729 for the maintenance of an abandoned cemetery.

12-03-F-16 Abbot’s Corner’s Cemetery (Erie 15-001) - Major Renovation

The cemetery has requested permission to complete the roads in a newly developed section of the cemetery at a cost of \$61,060. The project will be funded from existing general fund monies.

Motion made, seconded and unanimously approved.

12-03-G-17 Johnstown Cemetery (Fulton 18-007) – Land Sale

The cemetery has requested permission to sell a .7 acre parcel of road frontage to the NYS Department of transportation for \$3,600. Discussion ensued regarding the location of the parcel and the board was advised that such a sale would not impede access to the cemetery.

Motion made, seconded and unanimously approved.

12-03-H-18 New Baltimore Chestnut Lawn Cemetery (Green 20-022) - Land Sale

The cemetery is requesting permission to sell .5 acres of land along its western perimeter for \$3,800. All proceeds from the sale would be placed in the permanent maintenance fund. Discussion ensued as to what assurances the cemetery had that loss of the parcel would not impact the wooded buffer between private property and the cemetery proper. The board was advised this would not impact the cemetery aesthetically as a portion of the woodlot would still be on its property.

Motion made, seconded and unanimously approved.

12-03-I-19 Finger Lakes Crematory (Livingston 26-005) – Major Renovation

The crematory operates under the grandfathering provisions of the Anti-Combination law and has requested approval to install a new retort while preserving its existing unit. Discussion ensued whether such crematories could lawfully install new retorts if this materially increases their capacity and/or allows them to operate indefinitely. The board held that the application could not be approved for a second retort; but that the cemetery should be apprised of the issues raised and could address them in a future submission. The Division was directed to research and report on the specifications of modern versus existing retorts.

Mr. Shapiro opened the meeting for comments from attendees.

Mr. Flemming discussed summarized NYSAC’s opposition to the legislation authorizing alkaline hydrolysis.

Motion to adjourn made, seconded and unanimously carried.