

CEMETERY BOARD MINUTES

February 16, 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
Marianne Reid, NYS Funeral Directors Association
Diana Ehrlich, NYSMBA
Ray Planell, Kensico Cemetery
Chet Day, Kensico Cemetery
Joel Lombardi, NYS Catholic Conference

12-01-A-06 Minutes of Previous Meeting

Motion made, seconded and unanimously carried to approve the January 19, 2012.

12-01-B-07 Legislation and Regulation

Legislation: Mr. Milillo summarized changes to any newly introduced or pending legislation.

Pet Cemeteries: Mr. Milillo summarized the comments received from the NYSAC and the International Association of Pet Cemeteries and Crematories (IOPCC) regarding the proposed regulation governing the burial of human remains in pet cemeteries. While no specific changes were proposed, both organizations objected to the regulations on the grounds that the board was acting outside its authority to allow pet cemeteries to bury human remains (NYSAC) or prevent pet cemeteries from burying human remains (IOPCC.) Discussion ensued and Mr. Shapiro directed that the proposed regulations be published for comment.

12-01-C-08 Division's Report

Burial Societies: Mr. Fishman reported that New Jersey was now requiring burial societies to register with the state in order that all society members and assigned graves can be identified. He stated that this stands in contrast to the situation in NYS where no such requirements exist and societies are allowed to authorize burial on an at-need basis.

Crematories: Mr. Breen reported that his inspections thus far had found that crematories were largely in compliance with respect to filling out the cremation authorizations forms.

Disaster Relief: Mr. Seelman reported that Riverside Cemetery in Tioga County had applied for assistance for disaster assistance from both FEMA and the New York State for damages sustained from Hurricane Irene.

12-01-D-09 Vandalism Payment Report

Mr. Butkiewicz summarized the January 2012 vandalism reports.

12-01-E-10 Vandalism/Dangerous Monument Repair /Abandoned Cemetery Orders

Talcottville Cemetery (25-019): Motion made, seconded and unanimously approved for a grant totaling \$32,162 for costs associated with the repair of dangerous monuments.

Mount Pleasant Cemetery (27-017): Motion made, seconded and unanimously approved for a grant totaling \$7,948 for cost associated with the repair of dangerous monuments.

Mr. Shapiro opened the meeting for comments from attendees.

Mr. Flemming discussed NYSAC's objections to the proposed pet cemetery regulations and asked that the board use its police powers to address the ongoing problems associated with burial societies.

Motion to adjourn made, seconded and unanimously carried.

DRAFT