

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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CEMETERY BOARD

ROBERT J. RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

DRAFT

Cemetery Board Minutes December 13, 2022

BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair
Thomas Fuller, Department of Health
Jill Faber, Office of the Attorney General

OTHER ATTENDEES:

Leonard Breen, NYS Department of State, Division of Cemeteries
Michael Catena, NYS Department of State, Division of Cemeteries
Kathy Chittenden, NYS Department of State, Division of Cemeteries
Chris Cosco, NYS Department of State, Division of Cemeteries
Cindi Craig, NYS Department of State, Division of Cemeteries
Charles Crane, NYS Department of State, Division of Cemeteries
John Fatato, NYS Department of State
Kerry Forezzi, NYS Department of State, Division of Cemeteries
Vincent Gimondo, NYS Department of State, Division of Cemeteries
Sarah Levin, NYS Department of State, Division of Cemeteries
Matthew LoBiondo, NYS Department of State, Division of Cemeteries
Kerry McGovern, NYS Department of State, Division of Cemeteries
Michael Morris, NYS Department of State
Lewis Polishook, NYS Department of State, Division of Cemeteries
Michael Seelman, NYS Department of State, Division of Cemeteries
Brendon Stanton, NYS Department of State, Division of Cemeteries
Steven Troutman, NYS Department of State, Division of Cemeteries
Robert Vanderbles, NYS Department of State
Alicia Young, NYS Department of State, Division of Cemeteries

GUESTS:

Anthony Biolsi, New Montefiore Cemetery
Brendan Boyle, NYS Ass'n of Cemeteries
David F. Fleming, Featherstonhaugh, Wiley & Clyne, LLP, for NYS Ass'n of Cemeteries
Richard Freiman, Freiman Associates
Annah Geiger, Bruce W. Geiger & Assocs., Inc.
Bruce Geiger, Bruce W. Geiger & Assocs., Inc.
Brian Groblewski, Pinelawn Memorial Park
Laurie Hood
Matthew Ivler, Mount Lebanon Cemetery
Richard Moylan, Greenwood Cemetery
Russ Tallman, Fairview Cemetery



**Department
of State**

Some “other attendees” and “guests” attended solely via WebEx phone call-in; their names may not be listed above

Opening Remarks:

Mr. Pattison called the meeting to order at 1:00 p.m. Mr. Pattison stated that this represents the end of a couple years of very unique challenges for the Board and the Division. Mr. Pattison recognized staff members new Division of Cemeteries staff members. Additional staff will help our mission of helping cemeteries and protecting lot owners. Mr. Pattison also recognized the cemeteries and volunteers we work with and appreciated the efforts they made during the pandemic and in times later, including issues of staffing. Finally, Mr. Pattison thanked NYSAC and others who represent cemeteries.

22-12-A-93- Minutes of Previous Meetings

Mr. Fuller noted that the draft November minutes did not reflect the approval of the application of Greensprings Natural Cemetery. Mr. Polishook stated that he would review the recording and correct the minutes.

A motion was made, seconded, and unanimously adopted amending the minutes as described above.

A motion was made, seconded, and unanimously adopted approving the minutes as amended.

22-12-B-94-Legislation and Regulation

1. Pending Legislation

None

2. Regulations

Mr. Vanderbles noted that he had been working with the Division on a 2023 regulatory agenda, which will be discussed in a non-public session for purposes of receiving legal advice.

22-12-C-95-Division Report

Lewis Polishook stated that the Division report would recap achievements from the past year.

1. Staffing

Mr. Polishook recognized new staff members: Steven Troutman, Senior Accountant, Binghamton, Sarah Levin, Senior Accountant, Buffalo, Charles Crane, Senior Accountant, Buffalo, Kathleen Chittenden, Senior Accountant, Albany, Matthew LoBiondo, Senior Accountant, Albany, and Michael Catena, Investigator, Buffalo. The Division has two remaining staffing vacancies, an Associate Accountant position and an Administrative Assistant position in Albany.

2. Investigator Application

Thanks to Brendon Stanton and Ari Epstein, we now have a web application to keep track of all of our basic interactions with cemeteries: visits, calls, complaints, inspections, etc. Mr. Stanton developed it in house. We are testing it now and will implement it beginning January 1.

3. Successful special lot owner meetings

We have attended successful special lot owners' meetings of 15 cemeteries that were at risk of abandonment. In all cases, the lot owners elected a board and are able to continue operating as public not-for-profit cemetery corporations.

4. Delegated duties

The Division, using its newly delegated powers, approved seven columbarium projects since the last meeting: Woodlawn Cemetery and Waterville Cemetery in Onondaga County, Memory Gardens in Albany County, Oak Hill Cemetery in Greene County, Riverhurst Cemetery in Broome County, and two projects at Pinelawn Memorial Park in Suffolk County. Next month, the Division's report will include the timing of submission and approval of applications. Mr. Polishook also stated that the Division approved the reclamation of non-sectarian burial society graves at New Montefiore Cemetery in Suffolk County.

Assistant Director Alicia Young stated that we have received 1,463 annual reports, 40% of which were submitted online.

22-12-D-96- Vandalism, Abandonment and Monument Repair or Removal Fund Report

Alicia Young referred to the vandalism report she has previously circulated. Ms. Young stated that approved applications exceed the fund

01-009, Fairview Cemetery (Albany), \$67,501.37

This cemetery seeks funds to repair hazardous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 51 hazardous monuments in the amount of \$67,501.37, subject to availability of funds, and further subject to the cemetery not commencing work to restore monuments until at least 60 days after it contacts any lot owners for whom it has contact information by registered or certified mail (the cemetery had already called those families).

The discussion of this application can be found in the video recording of this meeting at 15:20-19:26.

02-006, Black Creek Cemetery (Alleghany), \$78,353.79

This cemetery seeks funds to repair hazardous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 95 hazardous monuments in the amount of \$78,353.79, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 19:27-21:36.

05-031, North Otto Cemetery (Cattaraugus), \$23,292.00

This cemetery seeks funds to repair hazardous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 21 hazardous monuments in the amount of \$23,292.00, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 21:37-23:21.

33-010, Carr Cemetery (Oneida), \$35,896.87

This cemetery seeks funds to repair hazardous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 30 hazardous monuments in the amount of \$35,896.87, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 23:21-24:42.

22-12-E-97 04-019 Maine Cemetery – Land Purchase – Amended Price

This cemetery previously received approval to buy land for \$22,000 from one of its board members. The seller declined to sell the land at that price, and the cemetery and seller agreed to a sale price of \$25,000, which is still less than the appraised value.

After discussion, a motion was made, seconded, and unanimously adopted approving the purchase of the property at the amended purchase price.

The discussion of this application can be found in the video recording of this meeting at 24:48-28:31.

22-12-F-98 41-013 Elmweir Cemetery – Amended Certificate of Incorporation

This cemetery seeks consent to filing an amendment to its certificate of incorporation.

After discussion, a motion was made, seconded, and unanimously adopted consenting to the filing of the amendment to the certificate of incorporation.

The discussion of this application can be found in the video recording of this meeting at 28:32-31:01.

Public Comment

David Fleming, for the New York State Association of Cemeteries, thanked the board for its work and partnership with NYSAC in helping prevent abandonment. NYSAC's position is that cemeteries are best run by cemeteries.

Richard Freiman, attorney for Elmweir Cemetery, thanked the Board for getting that matter on the agenda and approving it quickly.

The next Cemetery Board meeting is scheduled for January 10, 2023.

Motion was made, seconded, and unanimously adopted to adjourn the meeting and go into a non-public meeting for receipt of legal advice.

The public meeting adjourned at 1:33 p.m.