

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

Cemetery Board Minutes November 9, 2022

BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair (at the Department of State, Albany, NY)
Thomas Fuller, Department of Health (at the Department of State, Albany, NY)
Jill Faber, Office of the Attorney General (at the New York State Office of the Attorney General, Westchester Regional Office)

OTHER ATTENDEES:

Leonard Breen, Division of Cemeteries
Charles Crane, Division of Cemeteries
Kerry Forezzi, Division of Cemeteries
Sarah Levin, Division of Cemeteries
Michael Morris, Dep't of State
Michael Seelman, Division of Cemeteries
Steven Troutman, Division of Cemeteries
Alicia Young, Division of Cemeteries

Michael Catena, Division of Cemeteries
John Fatato, Dep't of State
Vincent Gimondo, Division of Cemeteries
Matthew LoBiondo, Division of Cemeteries
Lewis Polishook, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Robert Vanderbles, Dep't of State, Counsel

GUESTS:

Lisa Alpert, Green-Wood Cemetery
Eric Barna, Green-Wood Cemetery
Chris Black
Brian Burri, Bergmann PC, for White Haven Memorial Park
Nicholas DiBartolo, Mount Hope Cemetery
David F. Fleming, Featherstonhaugh, Wiley & Clyne, LLP, for NYS Ass'n of Cemeteries
Annah Geiger, Bruce W. Geiger & Assocs., Inc.
Bruce Geiger, Bruce W. Geiger & Assocs., Inc.
Adam Ginsberg, Cedar Grove/Mount Hebron Cemetery
Jay Ivler, Mount Lebanon Cemetery
Theresa Joyce, Mount Hope Cemetery
Justin Locke, Pinelawn Memorial Park
Kristen Luce, Coughlin & Gerhart LLP
JudieLynn McAvinney, White Haven Memorial Park
Michelle Menter, Greensprings Natural Cemetery
Richard Moylan, Greenwood Cemetery
Nate Romagnola, White Haven Memorial Park
Philip Tassi, Ferncliff Cemetery
Bernard Vogel, Troy Oakwood Cemetery

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



**Department
of State**

Opening Remarks:

Mr. Pattison called the meeting to order.

22-11-A-82- Minutes of Previous Meetings

Motion was made, seconded, and unanimously adopted approving the minutes of the October 12, 2022 meeting as submitted.

22-11-B-83-Legislation and Regulation

1. Pending Legislation

No update.

2. Regulations

No update.

22-11-C-84-Division Report

1. Staffing

Division Director Lewis Polishook reported that Matthew LoBiondo, an Albany-based Senior Accountant, started with the Division on October 27 and a second Senior Accountant will start on November 25. We also hope that retired Associate Accountant will return to the Division part time at the end of November. With these hires, the only remaining vacancies are the Administrative Assistant position in Albany and an Associate Accountant position.

2. Delegated duties

Mr. Polishook stated that the Board had, in January 2019, delegated to the Division the ability to approve various types of applications. More recently, the Board delegated to the Division the authority to approve columbarium applications where 1. The project is not the cemetery's first columbarium; and 2. The columbarium unit is prefabricated.

At this meeting, the Division asks the Board to delegate to the Division authority to approve the following types of applications:

1. Cremation retort replacements where the applicant is not a grandfathered standalone crematory, does not seek to finance the project with a loan from its permanent maintenance fund, and the crematory merely seeks to replace an existing, operating retort.
2. Prefabricated columbariums even where the columbarium is the first one for the cemetery.
3. Adding niches in an existing mausoleum building.

Mr. Polishook explained that the Division would still perform the same review and prepare a similar write-up even if it no longer has to present these applications to the Board, and that the Division would report to the Board monthly on applications delegated to the Division. Finally, Mr. Polishook indicated that the Division would not deny any applications; if the Division is not prepared to approve an application, it will present it to the Board with a negative recommendation.

After discussion, motion was made, seconded, and unanimously adopted delegating to the Division authority to approve these applications.

The discussion of this proposal can be found in the video recording of this meeting at 3:20-18:42.

Assistant Director Alicia Young reported that the Division has received about 1,400 so far this year, about 40% of which came in via the online form.

Mr. Polishook added that Division staff member Bridget Coleman has been calling cemeteries that have not yet submitted their annual reports; Ms. Young added that she has been very successful.

22-11-D-85- Vandalism, Abandonment and Monument Repair or Removal Fund Report

Ms. Young indicated that she had shared the vandalism report with the Board (it is also posted in the Division's website).

There are four applications for the Board today, totaling \$184,937.39, all involving dangerous monuments.

09-006, Coventry Union Cemetery (Chenango), \$42,332.24

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 23 hazardous monuments in the amount of \$42,332.24, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 19:55-21:42.

17-007, East Side Cemetery (Franklin), \$24,075.33

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 17 hazardous monuments in the amount of \$24,075.33, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 21:43-25:16.

42-034, Oakwood (Troy) Cemetery (Rensselaer), \$90,691.30

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 78 hazardous monuments in the amount of \$90,691.30, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 25:17-27:39.

55-010, Ludlowville Cemetery (Tompkins), \$27,838.52

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 20 hazardous monuments in the amount of \$90,691.30, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 27:40-30:07

22-11-E-86 20-023 Oak Hill Cemetery – Columbarium

This cemetery, a small cemetery in Greene County, seeks to purchase to install a small pre-fab 48 unit columbarium and install it in an area not well suited for in-ground burials near the entrance. The Cemetery reports interest in cremation niches. Apparently, there are no other columbarium units in Greene County.

After discussion, a motion was made, seconded, and unanimously adopted approving the application.

The discussion of this application can be found in the video recording of this meeting at 30:08-33:51.

22-11-F-87 24-003 Green-Wood Cemetery – Major Renovation – New Building

Green-Wood Cemetery in Brooklyn seeks approval of two projects: The rehabilitation of a landmarked greenhouse building and construction of a building connecting with it, to house the cemetery's offices and multi-purpose and gallery space, and the conversion of the cemetery's existing executive office into an indoor columbarium containing glass-front niches.

Mr. Vanderbles provided background concerning the State Environmental Quality Review Act (SEQRA) and explained that, under SEQRA, both aspects of this application appear to be Type II actions.

After discussion, a motion was made, seconded, and unanimously adopted approving both the major alteration application (for the building work) and the columbarium, subject to the cemetery's receipt of all required local permits.

The discussion of this application can be found in the video recording of this meeting at 33:52-46:00.

22-11-G-88 28-045 White Haven Memorial Park – Major Renovation – New Road

White Haven Memorial Park in Monroe County seeks approval of a major alteration to construct a new roadway through wetlands. The cemetery has several required permits. This road is part of a future plan to develop an additional area of the cemetery.

Mr. Vanderbles explained that under SEQRA this proposed action appears to be an "unlisted" action, which requires a short form Environmental Assessment Form (EAF). We have prepared Parts II and III of the EAF, finding that the project will not result in any significant adverse environmental impacts.

After discussion, a motion was made, seconded, and unanimously adopted: 1. Approving the draft EAF, finding that the project will not have a significant adverse environmental impact, and authorizing the Board chair to sign the form for the Board; and 2. Approving the major alteration application to construct the proposed new road, as described in the cemetery's application, subject to receipt of any remaining outstanding permits and receipt of stamped plans.

The discussion of this application can be found in the video recording of this meeting at 46:01-54:25.

22-11-H-89 52-044 Pinelawn Memorial Park – Major Renovation – Road Reconstruction

Pinelawn seeks approval of a major alteration to rebuild and expand an existing major internal road at an estimated total cost of \$1.5 million, to be paid from the cemetery's general fund.

Mr. Vanderbles noted that this can be classified as a Type II action under SEQRA.

After extended discussion, a motion was made, seconded, and unanimously adopted approving the application, subject to receipt of a copy of the plans previously submitted that is certified by a licensed design professional.

The discussion of this application can be found in the video recording of this meeting at 54:26-1:16:42.

22-11-I-90 55-034 Greensprings Cemetery – Major Renovation

This cemetery seeks to demolish a dilapidated horse barn on its grounds at the edge of the cemetery, near an emergency services tower, and away from any area where there are current burials.

Mr. Vanderbles noted that this can be classified as a Type II action under SEQRA.

After discussion, a motion was made, seconded, and unanimously adopted approving this application.

The discussion of this application can be found in the video recording of this meeting at 1:16:43-1:19:44.

22-11-J-91 04-039 Vestal Hills Memorial Park – Land Sale Expenses

In June, the Board approved this cemetery's sale of land to a church, but deferred action on determining which expenses constituted "necessary expenses incurred," and could be paid out of proceeds, rather than deposited into the cemetery's permanent maintenance fund, per Not-for-Profit Corporation Law section 1506(i).

After discussion, a motion was made, seconded, and unanimously adopted finding that \$17,256.39 represent "necessary expenses incurred" by the cemetery that could be paid out of sales proceeds.

The discussion of this application can be found in the video recording of this meeting at 1:19:45-1:24:38.

22-11-K-92 42-034 Troy (Oakwood) Cemetery – PM Loan

At its August 2022 meeting, the Board approved the application of Oakwood Cemetery in Troy to replace a cremation retort. Oakwood's bank financing fell through and it now asks the Board to recommend that Supreme Court approve a \$240,000 loan from its permanent maintenance fund to pay for the retort. It also seeks to restructure an existing permanent maintenance fund loan on which \$71,567.18 in principal remains outstanding. It proposes to repay both loans over a 20-year period, with \$16,000 annual payments beginning on October 31, 2023, and a final payment of \$7,567.18 in year 20.

Motion was made, seconded, and unanimously adopted recommending that Supreme Court grant an order approving the cemetery's request to borrow funds and setting a repayment schedule as proposed by the cemetery, subject to the cemetery providing Supreme Court with an affirmation explaining the circumstances of its failure to comply with Supreme Court's previous order.

The discussion of this application can be found in the video recording of this meeting at 1: 24:39-1:37:02.

Public Comment

Mr. Pattison stated that he has a certificate of appreciation for Michael Seelman of 30 years of service provided by the Secretary of State and recognized his service to the State.

Richard Moylan, Green-Wood Cemetery, thanked staff and the Board for their work on the cemetery's application.

David F. Fleming, for the New York State Association of Cemeteries, thanked Mr. Seelman for his service and thanked the Board for acting rapidly on the Division's request for delegation of certain duties, especially with respect to cremation retorts.

Motion was made, seconded, and unanimously adopted adjourning the meeting at 12:13 p.m.

The next Cemetery Board meeting is scheduled for December 13, 2022, at 1 p.m.