

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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ANDREW M. CUOMO
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO
SECRETARY OF STATE
CHAIR

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

APPROVED

Cemetery Board Minutes
April 23, 2018
Department of State
One Commerce Plaza, Albany, NY

BOARD MEMBERS PRESENT:

Mark Pattison, 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
Leonard Breen, Division of Cemeteries
Joshua Beams, Department of State
Jill Faber, NYS Office of Attorney General

Antonio Milillo, Department of State, Counsel
Joseph Ambrose, Division of Cemeteries
Alicia Young, Division of Cemeteries
James Sheehan, NYS Office of Attorney General

GUESTS:

David F. Fleming, New York State Association of Cemeteries
Calum d’Oelsnitz, New York State Association of Cemeteries
George Baker, New York State Association of Cemeteries
Scott Henderson, New York State Funeral Directors Association
Randy McCullough, New York State Funeral Directors Association
Bruce Geiger, Pinelawn Cemetery
Charles Orlando, White Haven Memorial Park
Judie Lynn Nassar McAvinney, White Haven Memorial Park
Mitch Rose, The Woodlawn Cemetery

18-04-A-18 Minutes of Previous Meetings

Motion made, seconded, and unanimously adopted approving the minutes of the March 26, 2018 meeting as amended.

18-04-B-19 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported there was no movement on pending legislation.

2. Rules and Regulations

None.

18-04-C-20 Division's Report

Mr. Polishook reported a portion of Division staff will be attending the New York State Association of Cemeteries policy conference May 7th and 8th, that the New York State Cemetery Board will be holding its monthly public meeting at the conference, and that the Division's Senior Investigator will be participating in "Ask the Cemeterian" roundtable discussion, answering cemetery questions of conference attendees.

The Division has received approximately 125 electronically filed annual reports, representing some 10% of annual reports received this filing season.

18-04-D-21 Vandalism Report

Mr. Butkiewicz presented the vandalism report: In this fiscal year, the Division has collected \$499,789 in vandalism fund fees. As of March 31, 2018, the Board had granted \$1,064,558 from the vandalism fund. There are \$2,540,667 in applications pending.

The Board approved the following applications for funds for restoration of dangerous monuments:

- o Tully Cemetery (D) \$ 4,054.61
- o Bath Cemetery (D) \$29,934.37

The Board had tabled the Town of Shandaken's application for abandonment funds, at its March 26, 2018 meeting, pending information as required by provisions from rules and regulations, "Part 200 Rules of Procedure of State Cemetery Board," 19 NYCRR § 200.11(g). The Town of Shandaken (the Town) sent a letter in response stating the cemetery property was relinquished to the town July 9, 2014, and provided the information required by the regulation.

Having reviewed the Town's submission, the Board approved the Town of Shandaken's application for funds for abandoned cemetery maintenance in the amount of \$18,249.00.

18-04-E-22 Woodlawn Cemetery (34-053 Onondaga) – Major Renovation

Woodlawn Cemetery in Syracuse is seeking approval for a major renovation involving razing the existing administrative building and constructing a new 4,027 square foot administrative building. The new administrative building will be built on the foundation of the existing 3,172 square foot cemetery office building after it is demolished. The current building, built in 1977, is, "no longer suitable to provide the marketplace experience necessary to serve lot owners and visitors." The current building is stated to have major operational flaws and cannot feasibly be retrofitted. During demolition and construction, estimated to take up to eight months, the cemetery intends to operate out of a temporary office set up on site. This project is estimated to cost \$1,705,911.50 which will be paid using the general fund of the cemetery. The cost includes all demolition and construction, a temporary office, landscaping and furnishings. As this renovation is for the replacement of an existing administrative building, there is no expectation of a financial return on the investment.

The Division also reported that it had discussed with the cemetery ways to further increase its Permanent Maintenance Fund.

Motion made, seconded and unanimously adopted approving the major renovation, contingent upon the cemetery's receipt of all local approvals.

18-04-F-23 White Haven Memorial Park (28-045 Monroe) – Major Renovation

White Haven Memorial Park is seeking approval to grade and pave new roadways and construct a new parking area. This development will allow the cemetery to access a 10-acre parcel, which will be used for in-ground burials and possible construction of mausoleum buildings. The cemetery has only 1.5 acres of space left for sale, and will need the additional land to continue operations. The cemetery plans to complete this work in several phases beginning in the spring of 2018 and finishing in the summer of 2019. The renovation will cost \$583,970, of which \$500,000 is proposed to be borrowed from the cemetery's Permanent Maintenance fund (the current application does not seek approval for construction of the new mausoleums and these sums do not include any such work). At current prices, the project is projected to provide some \$3.9 million. The renovation will not interfere with lot owners in any permanent way.

Motion made, seconded and unanimously adopted to: (1) approve paving new roadways and construction of a new parking lot contingent upon the cemetery's receipt of all local approvals; and (2) recommend to Supreme Court, Monroe County, approval of a PM loan contingent upon counsel's review of a draft petition and in accord to representation made in the application that the PM loan of \$500,000 will be paid back over eight years at a 2% interest rate, with monthly payments of \$5,640.44.

Public Comments:

Christopher Wiles, Board designee of NY State Attorney General(AG), announced that the next meeting will be his last meeting as AG representative of the Cemetery Board, and that Jill Faber, Assistant Attorney General in Charge of the Poughkeepsie Regional Office, will succeed him.

Mr. Fleming thanked Mr. Wiles for his years of service to the industry as a whole and for pointed questions on applications that were very helpful.

Motion to go into executive session made, seconded, and unanimously carried.

Motion to exit executive session made, seconded, and unanimously carried.

The Cemetery Board had no board resolutions to report.

Motion to adjourn made, seconded, and unanimously carried.

The next Cemetery Board meeting is to be held on May7, 2018 at 10:00 AM, The Desmond Hotel 660 Albany Shaker Road, Albany, NY 12211.