

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

May 7, 2018

Department of State

The Desmond Americana

660 Albany Shaker Rd, 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
Brendon Stanton, Division of Cemeteries

Antonio Milillo, Department of State, Counsel
Andrew Hickey, Division of Cemeteries
Alicia Young, Division of Cemeteries
Kerry McGovern, Division of Cemeteries
Jill Faber, NYS Office of Attorney General

GUESTS:

Members of the New York State Association of Cemeteries (NYSAC)

18-05-A-24 Minutes of Previous Meetings

Motion made, seconded, and unanimously adopted approving the minutes of the April 23, 2018 meeting as submitted.

18-05-B-25 Legislation and Regulation

1. Pending Legislation

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

2. Rules and Regulations

None.

18-05-C-26 Division's Report

Mr. Polishook reported work continues on developing guidelines for reclamation of unused non-sectarian burial society graves. He explained non-sectarian burial societies are not affiliated with a religious entity. Once a final draft is completed there will be a further opportunity for industry review and comments will be allowed.

Mr. Polishook reported that the Division has received approximately 125 electronically filed annual reports, representing some 10% of annual reports received this filing season.

18-05-D-27 Vandalism Report

Mr. Butkiewicz presented the vandalism report: In this fiscal year, the Division has collected \$49,445 in vandalism fund fees. For the current fiscal year, the Board had granted \$52,238 from the vandalism fund. There are \$2,588,831 in applications pending.

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

- o 04-029 Riverside Cemetery (D) \$20,047.00
- o 15-013 Concordia Cemetery (D) \$36,612.61
- o 15-027 Buffalo City Cemetery (D) \$49,470.00
- o 15-054 Pioneer Cemetery (D) \$22,167.96
- o 19-013 Macpelah Cemetery (D) \$42,830.00
- o 54-014 Nichols Cemetery (D) \$22,061.05
- o 61-012 Gainsville Cemetery (D) \$36,704.75

18-05-E-28 Oakwood Cemetery (60-016 Westchester) – Major Renovation – Solar Farm

Oakwood Cemetery in Mount Kisco, NY is seeking to enter into a lease allowing for installation of a solar array to be used in a community solar (community distributed generation) project on an approximately 4.2-acre section of the Cemetery. The project involves a 25-year lease of the land with a five-year renewal period. The Cemetery will receive \$39,900 per year from the lease; the Cemetery understands that these funds will be deposited into its Permanent Maintenance (PM) Fund. The Cemetery estimates that it has 12 other acres of cleared land available for sale, 19 more acres of undeveloped land, and averages 54 lot sales per year.

The Board discussed several issues regarding the application such as solar leases being relatively new to cemeteries, the completeness of the application and compliance with conditions of a previously approved cell tower lease. The Board opined on conceptual support of the solar application with appropriate protections in the lease agreement and a financial plan regarding repayment of a deficit in the cemetery's permanent maintenance.

Motion made, seconded and unanimously adopted to table the application until the next Board meeting.

18-05-F-29 Woodlawn Cemetery (03-002 The Bronx) – Major Renovation - Mausoleum

Woodlawn Cemetery is seeking approval to expand the existing Knollwood Mausoleum and to start pre-construction sales for the mausoleum. The Cemetery proposes to add outdoor crypt and niche space and indoor glass-front niches in unused space inside the mausoleum. The estimated cost of the expansion and related improvements is \$858,000. The pre-construction sales will be escrowed in a segregated account to be used to make trust contributions, construction payments and cover sales and commission costs. The project is to be financed using funds raised through pre-need sales and general funds.

Motion was made, seconded and unanimously approved for the work on the mausoleum as submitted, contingent upon the Cemetery obtaining all required municipal regulatory approvals.

Public Comments:

Christopher Wiles, Board designee of the Attorney General (AG), announced his retirement and that this was his last meeting as AG representative of the Cemetery Board. Mr. Wiles said he enjoyed his time on the board and that cemeterians do important work every day continuing to take care of important places where loved ones no longer with us now rest.

Chairman Mark Pattison, on behalf of the Board and the Division, thanked Mr. Wiles for his years of service with a very clear voice in the good work.

Motion to adjourn made, seconded, and unanimously carried.

The next Cemetery Board meeting is to be held on June 4, 2018 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.