

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
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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

Cemetery Board Minutes

November 2, 2017
Department of State
One Commerce Plaza, Albany, NY

BOARD MEMBERS PRESENT:

Daniel Shapiro, 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

Antonio Milillo, Department of State, Counsel
Jaclyn Frechette, Division of Cemeteries

GUESTS:

David F. Fleming, New York State Association of Cemeteries
Bruce Geiger, Pinelawn Memorial Park
Lindsey McEntire, Monolith Solar
James Villanueva, Monolith Solar
Dr. Bernie McEvoy, Vale Cemetery
Gordon Zuckerman, Vale Cemetery

17-11-A-73 Vale Cemetery (47-011 – Schenectady) – Major Renovation – Solar Installation

The Cemetery proposed for Monolith Solar to lease for 20 years, with two five-year renewals on consent of both parties, a parcel of approximately 1.5 acres within the Cemetery and for Monolith to install a solar array on that parcel, in return for an up-front payment of \$15,000 and an annual payment, initially \$2,000. Any proceeds received will be deposited into the Cemetery's permanent maintenance fund.

Motion was made, seconded, and unanimously adopted approving the proposal, contingent upon the following:

- The cemetery give notice to lot owners, preferably by posting before Veterans Day, of the proposed project and to property owners whose property is immediately abutting the project in a form and manner acceptable to the Division; if any negative comments are received either from lot owners or abutting property owners, they must be shared with the Division and, if appropriate, shared by Division with the Board for its further consideration.

- Delivery to the Division and the Board either minutes or a resolution showing that the Cemetery's board convened a meeting at which a quorum was present, at which attendance was taken and at which the project was voted on and approved by the Cemetery's board.
- The legal issues raised by Counsel to the NYS Cemetery Board and discussed in open session are addressed to the satisfaction of Counsel to the NYS Cemetery Board; those issues include:
 - A more precise location and description of the land to be leased.
 - A description of any easements both during construction and during maintenance.
 - The indemnification language in the contract is deleted or made reciprocal.
 - The Cemetery must consent to any attempt to sublet the land.
 - The solar company must consent to a rider similar to what has been used for cell towers.

17-11-B-74 Forest Lawn (15-027 – Erie) – Major Renovation – Demolition of Structure at Williamsville Cemetery

The Cemetery proposed to demolish a cinderblock building on a concrete slab and restore the portion of land for additional graves. The proposed demolition will provide for approximately 85 additional burial spaces, and will cost a total of \$36,400.

Motion was made, seconded, and unanimously adopted approving the demolition project.

Public Comments:

None.

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

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

Motion to adjourn made, seconded and unanimously carried.

The next Cemetery Board meeting is to be held on December 11, 2017 at 1:00 PM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.