

APPROVED 6/18/15

Cemetery Board Minutes

May 21, 2015

One Commerce Plaza

99 Washington Avenue, Albany, NY

BOARD MEMBERS PRESENT:

Daniel Shapiro, Department of State, Chair
Paul Ambrose, Department of Health

Christopher Wiles, Office of Attorney General

OTHER ATTENDEES:

Antonio Milillo, Department of State, Counsel
Chester Butkiewicz, Division of Cemeteries
Richard Buske, Division of Cemeteries
Monee McAdoo, Division of Cemeteries

Lewis A. Polishook, Division of Cemeteries
Leonard Breen, Division of Cemeteries
Brendon Stanton, Division of Cemeteries

GUESTS:

David Fleming, Featherstonhaugh et al.-NYSAC
Daniel Hallenbeck, Featherstonhaugh et al.-NYSAC
Shelly Hulbert, Schenectady Memorial Park

Bruce Geiger, Pinelawn Cemetery
Marianne Schrom, NYSFDA
D. Kirk Hulbert, Schenectady Memorial Park

15-05-A-35 Minutes of Previous Meetings

Approval of the April 27, 2015 minutes was tabled pending review of the video of the meeting as to public comment.

15-05-B-36 Legislation and Regulation

1. Pending Legislation

Mr. Milillo reported that two bills passed the Senate: (1) A3095/S3300, a bill to amend the N-PCL to eliminate Supreme Court approval of cemetery purchase/sale of land and would require cemetery board approval of such transactions, eliminate court approval of the designation of a fiduciary of trust funds, also giving that power to the cemetery board, and eliminate the requirement for cemetery board approval of the resale of a burial lot in instances when the cemetery has not offered to repurchase the lot; and (2) S3549/A7384, a bill to allow cemetery corporations to grant qualified veterans' organizations the right to receive the remains of a veteran which has not been claimed by a relative or friend of the deceased within one hundred twenty days after cremation.

2. Rules and Regulations

Mr. Milillo reported that the proposed revisions to the Board's financial reporting regulation are under review by the Executive Chamber.

15-05-C-37 Division's Report

The Director indicated that representatives of interested parties and the Department of State will meet during the first week of June 2015 to discuss implementation of guidelines concerning use of the net appreciation of the PM Fund for maintenance and preservation of cemeteries. The Director also introduced Brendon Stanton as the new investigator working from the Binghamton office, and that Rosemary Ballaro, accountant in the Buffalo office will be retiring. Finally, the Director noted that the Division had received inquiries from at least one owner of a grandfathered (funeral director-operated) standalone crematory as to succession of operation of the crematory.

15-05-D-38 Vandalism Report

Mr. Butkiewicz gave the Vandalism Report.

The Board approved an application for restoration of dangerous monument for the Elbridge Rural Cemetery (34-055) in Onondaga County in the amount of \$30,776.23.

15-05-E-39 Gouverneur Cemetery (St. Lawrence - 45-024) – Land Sale

The NYS Department of Transportation has proposed to acquire 721 square feet of land at the entrance to the cemetery and modify one of the entrances to the cemetery as part of road work on an adjacent public highway. The Division concluded that the reworking of the entrance will benefit cemetery and not interfere with any existing graves. The DOT proposes to pay \$1,100 compensation to the cemetery.

Motion made, seconded and unanimously carried to approve the acquisition of the 721 square feet by the DOT.

15-05-F-40 Park View Cemetery (Schenectady - 47-009) – Major Renovation

Park View Cemetery proposes to add a third retort to its crematory, for a total cost of \$162,445 from general fund. Motion made, seconded and unanimously carried approving this project.

15-05-G-41 Poughkeepsie Rural Cemetery (Dutchess - 14-022) – Columbarium

Installation of a columbarium. Total project to cost \$427,500 funded by current maintenance fund of the cemetery. The proposed columbarium is an elaborate gazebo situated in the current lawn crypt section of the cemetery. The cemetery projects cumulative revenue from sales of \$1,063,200. Motion made, seconded, and unanimously carried approving this columbarium and major renovation.

Public Comment:

David Fleming thanks all for participating in NYSAC. He has requested to set meeting dates in advance for the public on our website.

Shelly Hulbert, Schenectady Memorial Park requests information on how to get on the Board agenda to apply for a PM loan. There is a leak in the mausoleum roof that needs to be fixed. She states they have a bid on the roof repairs from OGS. The Chair of the Board indicated that the Division will need fiscal information and legal paperwork. The Division offered to meet with the Cemetery to go over the requirements for such an application.

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.

Next meeting to be held on June 18, 2015 at 10:30 AM, One Commerce Plaza, 99 Washington Ave, Albany, NY 12231