



New York State
DEPARTMENT OF STATE

DIVISION OF CEMETERIES
41 State Street, Suite 1110
Albany, NY 12231-0001

May 2000
No. 5

CEMETERY BULLETIN

Director's Notes C

I am happy to announce that the Division of Cemeteries will again be hosting informational "road shows" with the first scheduled to take place in Syracuse. We hope to have several more around the state in the near future. These informational sessions have been praised as extremely beneficial, particularly to small cemeteries.

This edition of the *Bulletin* also contains the full text of a new regulation which took effect May 3, 2000. Many lot owners across the state do not realize that there is a state agency to which they can address their concerns. Cemetery management should make every effort to address the concerns of lot owners. The Division, however, remains a resource to whom the public may turn for assistance.

We welcome any suggestions for future *Cemetery Bulletin* topics.

Cemetery Bulletin INDEX

- 1 / July 1998 (*mutual funds; pricing graves; assessment vs. vandalism fees*)
- 2 / March 1999 (*legislation: prohibition of combinations and management agreements; exclusive right of cemetery corporation to provide annual care*)
- 3 / September 1999 (*cemetery classifications; new Annual Financial Report requirements for medium-sized cemeteries; legislation: sale of cemetery lands clarified*)
- 4 / March 2000 (*transfer of burial rights: inalienability, consanguinity and irrevocable designations*)
- 5 / May 2000 (*Informational Cemetery Board Meeting in Syracuse, June 27, 2000; §201.7 of Title 19 NYCRR, posting of sign at cemetery*)

SYRACUSE: JUNE 27, 2000

Informational Meeting

You are cordially invited to attend the New York State Division of Cemeteries' informational meeting to be held on June 27, 2000 at the Holiday Inn, 441 Electronics Parkway, Liverpool, NY (Exit 37 of the Thruway).

This meeting has been scheduled in conjunction with the June Cemetery Board meeting. Cemetery Board meetings are open to all interested parties. In addition to meeting with Rich Fishman, Director; Mike Itzo, Assistant Director; Dom Pliskowski, Associate Accountant; Ed Hand, Sr. Investigator; Mary Lee Hedrick, Administrative Assistant; Bob Batson, Counsel to the Cemetery Board; and Mike Seelman, Syracuse Investigator — you will have the opportunity to meet the members of the Cemetery Board: Dan Shapiro, Chairman; John Eadie, Department of Health Designee; and Rachel Kretser, the Attorney General's Designee.

In response to those in the Syracuse area who requested that an informational meeting be held in the daytime, we have scheduled two meetings on June 27th. The agenda for the day is as follows:

- 1:00 – 2:00 p.m.** Cemetery Board Meeting, all are welcome to attend
- 2:00 – 4:00 p.m.** First Informational Session
- 6:30 – 8:30 p.m.** Second Informational Session

This will be an excellent opportunity to meet the New York State Cemetery Board members, your regional state representatives and fellow area cemeteterians. Following the meeting, you will have an opportunity to personally speak with any of the state's representatives and exchange information with other cemeteterians.

In order that we may properly prepare for space and handouts, please advise the Albany Office of your intention to attend and whether you will be joining us for the afternoon or the evening session.

We look forward to a large turnout and hope to see you there.

Posting of Sign at Cemetery

Section 201.7 of Title 19 of the *Codes, Rules and Regulations* (NYCRR): "(a) Every cemetery corporation shall post in its main office a notice that provides the following in no less than 20 point type:

(Name of Cemetery)
is regulated by the New York State Cemetery Board
(Phone number of nearest office of NYS
Division of Cemeteries, or hotline)

If the cemetery corporation does not have a main office on or adjacent to the cemetery premises that is open during regular business hours at least five (5) days

(Continued over, see SIGN)

SIGN . . .

per week, it shall post such notice at the main entrance to the cemetery in no less than 40 point type. Such notice shall also include the name, title and office telephone number of the superintendent or other person with primary responsibility for the operation of the cemetery.

(b) The sign shall be legible, in the English language and in any other language deemed appropriate by the cemetery corporation, and posted in a conspicuous, unobstructed location that is readily visible to a visitor to the cemetery corporation's main office or to a person who approaches the cemetery's main entrance."

CORRECTION

The March 2000 of the *Cemetery Bulletin* contained an error. A line stated,

"If John Doe dies without specifically bequeathing the lot to Mrs. Doe (or anyone else) in his Will, or if he dies without a Will, the lot becomes 'owned' by his wife and two children jointly."

Not-for-Profit Corporation Law §1512(b) says in part, "***The surviving spouse of a deceased lot owner during his or her life and the owners from time to time of the deceased lot owner's lot, plot or part thereof, shall have in common the possession, care and control of such lot, plot or part thereof.***" (Emphasis, ours.)

While, in the case of Mrs. Doe, she will share the possession, care and control of her late husband's lot with her two children, she will not "own" the lot.

We regret any confusion this may have caused.



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