

**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

BARBARA D. UNDERWOOD  
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER  
COMMISSIONER OF HEALTH

**APPROVED**

**Cemetery Board Minutes**

**October 9, 2018**  
**Department of State**  
**One Commerce Plaza, Albany, NY**

**BOARD MEMBERS PRESENT:**

Mark Pattison, Department of State, Chair  
Jill Faber, 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  
Joshua Beams, Department of State

**GUESTS:**

Richard Freiman, Richard Freiman & Assoc., Beverly Hills Cem. Corp. (Rose Hills)  
Aaron Shipper, Beverly Hills Cem. Corp.  
Patrick Seely, Stewart Jones Hacker Murphy, Beverly Hills Cem. Corp.  
Bruce Geiger, Pinelawn Memorial Park  
Scott Henderson, NYSFDA  
Calum d’Oelsnitz, NYSAC/FWC

**18-10-A-52 Minutes of Previous Meetings**

Motion made, seconded, and unanimously adopted approving the minutes of the September 7, 2018, special meeting and September 18, 2018, regular meeting, as submitted.

**18-10-B-53 Legislation and Regulation**

**1. Pending Legislation**

Mr. Milillo reported that the Governor signed bill A.5784-B prohibiting new standalone mausoleums and columbariums that do not offer ground burials.

## 2. Rules and Regulations

None.

### **18-10-C-54 Division Report**

Mr. Polishook reported that a Division Associate Accountant and Investigator attended the NYSAC annual Fall conference. The regional NYSAC conference usually held in October in Oneonta was postponed to the Spring.

Mr. Polishook reported that legislation signed in 2016 allows cemeteries to reclaim graves owned by nonsectarian burial societies. Mr. Polishook reported that the Division and counsel had prepared guidance concerning such reclamations and requested that the Board delegate to the Division review of such applications, with the Division to report on reclamations. The Board also discussed the possibility of reviewing and renewing previous delegations of authority to the Division. Motion made, seconded, and unanimously adopted delegating to the Division the Board's authority to review applications to reclaim graves.

### **18-10-D-55 Vandalism, Abandonment and Monument Repair or Removal Fund Report**

No applications were presented to the Board for this month. The Division Director reiterated that all of the vandalism funds available have already been committed for this fiscal year and that payments on applications would be made only once funds became available.

### **18-10-E-56 Beverly Hills Cemetery (40-003 Putnam) Land Purchase**

Mr. Freiman, counsel to the cemetery, addressed the Board at length, contending that the application is in the best interest of lot owners and cemetery to continue operations. He stated the cemetery is rapidly running out of land (9 acres of 96 total were left), and that the permanent maintenance fund was insufficient to maintain the cemetery in perpetuity. The Board and counsel discussed with Mr. Freiman why the land was not appraised as vacant land as currently zoned rather than cemetery land and whether the cemetery would be interested in land not directly connected to the cemetery. The Board referred consideration of the application to executive session to receive a legal opinion from counsel.

### **18-10-F-57 Wellwood Cemetery (52-059 Suffolk) Major Renovation**

Richard M. Bethel, attorney representing Wellwood and Beth Moses Cemeteries, joined the meeting via phone call. It was discussed that resolutions were submitted to the board but were never acted on. The two identical boards were also discussed. Mr. Bethel stated that the two boards have operated as one since the 1940's. He stated the arrangement was known on the state and federal levels. Mr. Bethel stated the cemeteries are not opposed to a merger, but believed it to be impractical due to the length of time it would take to get legislation approved. It was said that it would take 2 -3 years to accomplish. In regard to the demolition of the building, it was expressed that the building was an eye sore, financial hardship, and potential harm to the public. The resolutions previously presented were blocked by both boards. Mr. Bethel stated that they were prepared to withdraw the application regarding the renovation. He requested permission to demolish the building while legislation was being sought.

Chairman Pattison stated that the two boards are not similar, but identical, and that the best interests could not be served with identical boards. Chairman is looking for a plan of resolution. Sufficient independence of boards was needed to serve the best interests of the cemeteries. It was stated that the

joint operation was an effort to avoid the 250-acre cap set by Not-for-Profit Corporation Law - Section 1506.

The application was tabled for the building discussion pending the cemeteries providing plan of merger or separate boards with a management agreement.

**Public Comments:**

**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 November 13, 2018 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.