

**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  
LETITIA JAMES  
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER  
COMMISSIONER OF HEALTH

**APPROVED**

**Cemetery Board Minutes**

**December 11, 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  
Joshua Beams, Department of State  
Leonard Breen, Division of Cemeteries  
Andrew Hickey, Division of Cemeteries  
Michael Seelman, Division of Cemeteries

Antonio Milillo, Dep't of State, Counsel  
Chester Butkiewicz, Division of Cemeteries  
Karen DeYoung, Division of Cemeteries  
Holly Huckabone, Division of Cemeteries  
Brendon Stanton, Division of Cemeteries

**GUESTS:**

Bruce Geiger, Pinelawn Memorial Park  
David Fleming, NYSAC  
Calum d'Oelsnitz, NYSAC/FWC  
Scott Henderson, NYSFDA

**18-12-A-64 Minutes of Previous Meetings**

Motion made, seconded, and unanimously adopted approving the minutes of the November 13, 2018 as amended.

**18-12-B-65 Legislation and Regulation**

**1. Pending Legislation**

Mr. Milillo reported two bills that passed both houses of the Legislature. The Governor signed one prohibiting new standalone mausoleums and columbariums unless in-ground interment is also offered. A bill addressing abandonment of cemeteries that included notice requirements and the option for a municipality to come back 25 years later for a second application for abandonment funds was vetoed.

## 2. Rules and Regulations

None.

### 18-12-C-66 Division Report

#### 1. Board Application – LEAN Process Review

Mr. Polishook discussed the new board application process for the new year, stating that the goal was to have forms available for all major types of application including additional documents and schedules by the end of January 2019. There was a discussion on whether or not the applications would be able to be submitted electronically. It was stated that there was currently no online submission available for most application types, but that the possibility of a portal for online submission with the vandalism applications was being explored.

#### 2. Annual Mailing and Online Filing

Mr. Polishook reported that paper copies of the annual report would no longer be included with the annual mailing. The vandalism and assessment form and trustee list would still be included with the bulletin.

#### 3. Nonsectarian Burial Society Reclamation

Mr. Polishook spoke regarding the recently developed guidelines for such reclamations. N-PCL section 1513-a allows cemeteries to reacquire previously-sold lots under certain circumstances. Until recently, this statute did not apply to lots owned by burial societies. On November 29, 2017, the Governor signed a bill (S.6396-2017/A.8078-2017) to allow cemeteries to reacquire lots owned by Non-Sectarian burial societies. Last month, the Board delegated to the Division authority to review such applications. The Division has received its first application under this statute and has asked the cemetery for additional information.

#### 4. Delegated Powers

Mr. Polishook circulated a list of Board powers currently delegated to the Division. The Board discussed reviewing the list and would return with any questions as well as a process to review, affirm or change the powers delegated. The Board also discussed the need for an appropriate reporting process for the Division to report back periodically on the progress of such delegations.

#### 5. Sentencing of Raymond Hill Cemetery Superintendent - Robert Bauer

Mr. Polishook reported that Mr. Bauer had been sentenced to 1½ to 4 ½ years in prison for the theft of cemetery funds.

#### 6. Beverly Hills Cemetery Corp.

Mr. Polishook reported that the Board's written decision on the application submitted by Beverly Hill's Cemetery Corp. was sent to the application on November 26, 2018.

#### 7. Division Staffing

Mr. Polishook reported that the candidate for the Senior Accountant position in the Buffalo Office had declined the position. He stated that the Division would begin the process for another candidate to be selected.

**18-12-D-67 Vandalism, Abandonment and Monument Repair or Removal Fund Report**

Mr. Butkiewicz presented the vandalism report. In this fiscal year, the Division has collected \$104,592 in vandalism fund fees. The Vandalism Fund appropriation amount is \$939,000. For the current fiscal year, the Board had granted applications totaling \$1,472,383. Applications pending review total \$1,665,214.

The Board approved the following applications for funds for restoration of dangerous monuments, subject to availability of funds:

01-001 Albany Rural Cemetery (D) \$57,996.14  
34-044 Oriskany Cemetery (D) \$18,355.00

The Board approved the following application for funds for maintenance of an abandoned cemetery subject to availability of funds:

10-024 Towns of Ellenburg and Plattsburgh (Whispering Maples Memorial Gardens) (A) - \$7,825.00

**18-12-E-68 D. Tonken Crematory (15-077 Erie) – Major Renovation – Crematory Retort**

A request was submitted by the crematory to table the application to allow for submission of additional information regarding the replacement of an inactive retort. A brief overview was given regarding the project and the crematory's previous connection to a funeral home on the property, which has since been closed. The Board discussed the previous grandfathering of the crematory related to the statute and whether that was still in effect.

**18-12-F-69 Pinelawn Memorial Park (52-044 Suffolk)- Major Renovation – Lawn Crypts**

Pinelawn Memorial Park seeks approval of installation of a large section of lawn crypts. Mr. Milillo stated that regulations do allow for projects to be completed in phases. Mr. Geiger explained the demand for lawn crypts and that the cemetery is running out of inventory. It was noted that over the years, sales of lawn crypts have increased. Mr. Geiger stated that the cost estimates submitted with the application should be accurate based on years of experience with crypt sales. He also stated that the project will take place over two years. There is no loan or permanent maintenance loan needed. All payments will be taken from the cemetery's general fund. The development would be done by Pinelawn employees, and no outside vendors would be utilized. Single and double graves were discussed regarding the number of rights of burial depending on the depth of the grave. The application was approved.

**Public Comments:**

Mr. Fleming of NYSAC voiced concern for older board members of cemeteries with the filling out of the online forms. The division will assist those needing help.

Mr. Fleming highlighted the increasing rate of cemetery abandonments and the strain this will place on the Vandalism Fund. He recommended an evaluation of this situation and a development of a sustainable fund source for abandonments.

Mr. Fleming also read a prepared statement from the New York State Association of Cemeteries concerning cemetery abandonment and sales tax.

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

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

The Board exited executive session with no additional actions to be taken,

**Motion to adjourn made, seconded, and unanimously carried.**

The next Cemetery Board meeting is to be held on January 8, 2019 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.