

# 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

February 8, 2019  
Department of State  
One Commerce Plaza, Albany, NY

#### BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair

Paul Ambrose, Department of Health

#### OTHER ATTENDEES:

Lewis A. Polishook, Division of Cemeteries  
Joshua Beams, Department of State  
Len Breen, Division of Cemeteries  
Michael Seelman, Division of Cemeteries  
Thomas Fuller, Department of Health

Antonio Milillo, Dep't of State, Counsel  
Alicia Young, Division of Cemeteries  
Brendon Stanton, Division of Cemeteries  
Joe Ambrose, Division of Cemeteries

#### GUESTS:

Bruce Geiger, Pinelawn Memorial Park  
David Fleming, New York State Association of Cemeteries  
Scott Henderson, NYSFDA

#### 19-02-A-06 Minutes of Previous Meetings

Motion made, seconded, and unanimously adopted approving the minutes of the January 8, 2018 as amended.

#### 19-02-B-07 Legislation and Regulation

##### 1. Pending Legislation

Mr. Milillo stated 17 bills are on the floor. A.1254-2019/ S.2501-2019 provide that the Cemetery Board will be the sole administrator of the vandalism fund, and remove it from control of the State Comptroller, and Commissioner of Taxation and Finance. A.1605-2019/S.1876-2019 requires due notice from the Division, cemetery, and municipality regarding abandonment. The municipality could return 25 years after first application for funds for a second application. A.3207/S.1654 protects war memorabilia over 75 years old from being sold by the cemetery without permission from the New York State Cemetery Board. The bill covers all cemeteries, not just those under the Division's jurisdiction.

## **Rules and Regulations**

None.

### **19-02-C-08 Division Report**

#### 1. Annual Mailing – Complete

Mr. Polishook reported the annual mailing was completed on January 16, 2019. There has been a steady trickle of calls requesting the paper copy of the annual report. The Board discussed that change is a process, and with some assistance from the Division, more cemeteries will utilize the online form.

#### 2. Division Staffing Changes –

Mr. Polishook reported that the Assistant Director retired and a Senior Accountant accepted a position outside the Division.

#### 2. Delegated Powers

Mr. Polishook reported on the delegated powers and which ones could have reporting done on a quarterly basis. Mr. Milillo stated that while the powers were delegated to the Division, some powers still need Counsel's input.

### **19-02-D-09 Vandalism, Abandonment and Monument Repair or Removal Fund Report**

Mr Polishook presented the vandalism report. In this fiscal year, the Division has collected \$130,164 in vandalism fund fees. The Vandalism Fund appropriation amount is \$939,000. For the current fiscal year, the Board has granted applications total \$1,586,158. Applications pending review total \$1,572.722.

The Board approved the following application for funds for vandalized monuments, subject to the availability of funds:

01-010 Graceland Cemetery - \$300  
47-011 Vale Cemetery - \$8,115.28  
56-037 Wiltwyck Cemetery - \$6,783.45

### **19-02-E-10 Oakwood Cemetery (32-017 Niagara) – Major Renovation**

The cemetery seeks approval of a major renovation to replace its existing crematory and retort, which are now functionally obsolete. There is currently no room in the existing building for a temporary storage space. The cemetery seeks approval to build a small building nearby to house the new retort. The cemetery originally obtained a bank loan but paid it back and decided to borrow the money from permanent maintenance instead. The current retort is decades past its useable lifespan. Mr. Milillo mentioned a previous Permanent Maintenance that will be paid off in two years and suggests that the new loan payments not commence until the first loan is paid off. Mr. Milillo also pointed out that no minutes showing a quorum or approval of project were in the packet submitted.

Motion was made, seconded and unanimously adopted approving the major renovation and recommending Supreme Court approval of a \$400,000 loan permanent maintenance loan, repayable with 2% interest, with payments to begin no later than the completion of payment of the outstanding permanent maintenance loan, subject to Division verification of the Oakwood Cemetery Board's proper action, and counsel's review of the final petition.

#### **19-02-F-11 Riverhurst Memorial (04-027 Broome) – Columbarium**

Riverhurst Cemetery is requesting their first columbarium. The cemetery received donations to fund the installment, so no loan is required. They are seeking approval to install the columbarium. Motion was made, seconded and unanimously adopted to approve the project.

#### **19-02-G-12 Hartland Cemetery (32-010 Niagara) – Columbarium**

Hartland Cemetery has three current columbarium units. They are starting a new columbarium section; they require a PM loan to finance the project. The sign was initially posted incorrectly, but the cemetery subsequently reposted. The cemetery was instructed to not begin installation until the 60-day period after reposting had concluded. The cemetery has low current inventory and is looking to increase it. Mr. Milillo states that the cemetery has losses of \$10,000 in the past year. Joe Ambrose stated that an analysis will be done regarding losses in recent years. There is a rental home on the property; the Board and Mr. Ambrose discussed the possibility of the losses being related to maintenance on the home. Motion was made, seconded and unanimously adopted approving the columbarium and recommending Court approval of a PM loan of \$24,500 at 3% interest, contingent on cemetery submission and Division review of any comments received during the 60 day comment period after reposting, and contingent on counsel's review of a final petition.

#### **19-02-H-13 Greenlawn Cemetery (34-015 Onondaga) – Columbarium**

Greenlawn Cemetery is requesting its first free standing columbarium unit. Currently only 5 niche spaces remain from the 144. The cemetery is going to pay for the project out of the general fund. The total cost is \$83,270. Mr. Ambrose stated that the cemetery's board minutes do not indicate that the project was approved at the current number. A motion to approve the application, subject to confirmation of project being fully disclosed and properly approved by the cemetery's board was made, and unanimously accepted.

#### **19-02-I-14 Chenango Valley Cemetery (04-003 Broome) – Merger**

The Forest Lawn Group, based Erie County, seeks to merge with Chenango Valley Cemetery, in Broome County. Chenango Valley Cemetery has lost money in each of the last several years. Mr. Milillo states that Forest Lawn has merged with other cemeteries. However, this merger raises legal issues as cemeteries are local creatures. There are issues with merging cemeteries such distances apart. Mr. Milillo requested that the Board go into Executive Session to discuss the legal issues prior to the merits of the application. Mr. Polishook states that, apart from the legal issues, policy issues may exist with a merger of a cemetery that is hundreds of miles away. The Board acknowledged the current board of Chenango Valley Cemetery has not been successful, and the town is not interested with taking ownership of the cemetery.

**Public Comments:**

Mr. Fleming, representing Forest Lawn, addressed the Board, stating that the legal issues being taken into executive session will have public policy ramifications and asked that the cemetery be allowed to address these issues. Mr. Fleming spoke of Forest Lawn's success in merging with other cemeteries including remote administration, and lot owner participation. Staff will be available at Chenango Valley Cemetery.

**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 March 12, 2019 at 10:30 AM, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231.