

# 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

July 9, 2019  
One Commerce Plaza  
99 Washington Ave, Albany, NY 12231

### BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair  
Thomas Fuller, Department of Health  
Jill Faber, Office of Attorney General

### OTHER ATTENDEES:

Lewis Polishook, Division of Cemeteries  
Antonio Milillo, Dep't of State, Counsel  
Alicia Young, Division of Cemeteries  
Michael Seelman, Division of Cemeteries  
Brendon Stanton, Division of Cemeteries

David Jacobson, Division of Cemeteries  
Joshua Beams, Department of State

### GUESTS:

David Fleming, FWC/NYSAC  
Calum d'Oelsnitz, FWC/NYSAC  
Bruce Geiger, Pinelawn

### Opening Remarks

#### 19-07-A-36 Minutes of Previous Meetings

Motion made, seconded, and unanimously adopted approving the minutes of the June 11, 2019 meeting as amended.

#### 19-07-B-37 Legislation and Regulation

##### 1. Pending Legislation

Mr. Millilo reports that no new legislation had been introduced. Two bills passed both houses but have yet to be presented to the Governor.

#### 19-07-C-38 Division Report

## 1. Annual Reports

Mr. Polishook reports the division received 1,350 cemetery submissions of annual reports out of the 1,705. 28 percent of the submissions were online. The Division is at the same compliance rate and is still granting extensions.

## 2. Statistics on rate applications, annual report reviews, reviews of rules and regulations, net appreciations, and reclamations

Mr. Polishook reports that no lot reclamation, net appreciation, or resales pre 1949 applications have been received or approved this quarter. 53 rate applications were received in the past quarter. 87 were processed. 21 amendments to rules and regulations were logged in during the past quarter. 4 such applications were approved during that period. Mr. Polishook stated that the high number of rules and regulations submissions probably represents investigators beginning to use the new system for older submissions and are probably not all new submissions. The Division received 1 society grave reclamation application in the past quarter. It is not compliant with the Division's guidance on the subject, so the Division has requested more information from the cemetery.

## 2. Division staff meeting in Syracuse August 8, 2019

Mr. Polishook states that there will be a Division-wide staff meeting in the Syracuse office on August 8, 2019. Mr. Polishook also states the investigatory staff will be in Albany on July 31, 2019 and August 1, 2019 to participate in a training for the new database as well as a LEAN event on the Division's current Vandalism and Restoration of Dangerous Monuments application.

## 4. St Matthews upcoming court dates

Mr. Polishook states that the Division will submit papers in the litigation concerning the mass disinterments at St. Matthew's by July 15 and a hearing is scheduled for July 29, 2019.

## 5. Other Litigation

Mr. Milillo reported that there is a second lawsuit in the Court of Claims concerning an alleged injury on a sidewalk at a regulated cemetery in Brooklyn. The plaintiff claims that maintaining the sidewalk was the state's duty and that the injury was therefore the state's fault. The Office of the Attorney General is handling this matter.

## **19-07-D-39 Vandalism, Abandonment and Monument Repair or Removal Fund Report**

Mr. Polishook reports that the Division has collected \$457,837. The Board has granted \$71,357 in applications; \$23,287 in applications remain pending. Of the \$2,000,000 - 2019/2020 appropriation, \$414,920.79 has been paid out.

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

39-028 Otego Evergreen Cemetery- \$23,287.02

**19-07-E-40 Mount Repose Cemetery (44-004)- Major Renovation**

Mt. Repose is applying to develop ¾ of an acre of land on a hillside as a new section. The cemetery believes it has strong demand for larger lots situated on a hillside. The Division recommends approval of the application. Motion was made, seconded and unanimously adopted approving the application contingent on the Division's receipt of the final plans and all local required approved, with total cost not to exceed \$250,000.

**19-07-G-42 Chenango Valley Cemetery (04-003) and Forest Lawn (15-027)- Merger**

The board discussed that the application is still under review by counsel.

**Public Comments:**

Mr. Fleming representing Forest Lawn stats that a 9-page memo was presented to the DOS Office of General Counsel. The president of the cemetery and the cemetery's counsel followed up with subsequent calls. The president of Chenango Valley is concerned with the time the decision is taking. Mr. Fleming stats that a resolution is needed as soon as possible.

Mr. Fleming representing NYSAC states that members are calling regarding the board's policy regarding dangerous monuments and vandalism applications. Mr. Fleming questioned if the total approved amount was being allocated.

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

The Board exited executive session without further action being taken

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

The next Cemetery Board meeting is to be held on August 13<sup>th</sup>, 2019 at 10:30 AM, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231. The meeting date was subsequently changed to August 19, 2019.