

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

**Cemetery Board Minutes
July 13, 2021
One Commerce Plaza
99 Washington Ave, Albany, NY 12231**

**44 South Broadway
White Plains, NY 10601**

BOARD MEMBERS PRESENT:

Jill Faber, Office of the New York Attorney General, Acting Chair
Thomas Fuller, Department of Health

OTHER ATTENDEES:

Joshua Beams, Department of State
John Fatato, Department of State
Andrew Hickey, Division of Cemeteries
Lewis Polishook, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Robert Vanderbles, Department of State
Alicia Young, Division of Cemeteries

GUESTS:

Anthony Biolsi, Montefiore and Springfield Cemeteries
Joseph Dispenza, Forest Lawn Group
David F. Fleming, Featherstonhaugh, Wiley & Clyne, LLP, for NYS Ass'n of Cemeteries
Bruce W. Geiger, Bruce W. Geiger & Assocs., Inc., for Pinelawn Memorial Park
Adam Ginsberg, Cedar Grove/ Mount Hebron Cemetery
Jay Ivler, Mount Lebanon Cemetery
Justin Locke, Pinelawn Memorial Park
Richard J Moylan, Green-Wood Cemetery
Nate Romagnola, White Haven Memorial Park
Philip Tassi, Ferncliff Cemetery

Some "other attendees" and "guests" attended solely via WebEx.

Opening Remarks

Ms. Faber and Mr. Fuller introduced themselves. Ms. Faber noted that Mark Pattison is unavailable and that she would act as Chair.

Those joining by phone should identify themselves when they speak; lobbyists must identify themselves when they speak whether they are joining in person or by phone.



**Department
of State**

21-07-A-45 Minutes of Previous Meetings

Motion was made, seconded, and unanimously adopted approving the minutes of the Board's June 8, 2021 meeting.

21-07-B-46 Legislation and Regulations

1. Legislation

Mr. Vanderbles reported that the Legislature has closed out its session but that there was some movement on cemetery legislation.

A.382/S.5535 which permits a cemetery to perform organic natural reduction was committed to the Rules Committee in the Senate.

A.4160/S.1647 which would prohibit, with exceptions, the sale of certain veterans' memorabilia, was committed to the Rules Committee in the Senate.

A.6741/S.6171B, which would permit a grandfathered standalone crematory combination in Tonawanda, NY to move under certain conditions passed both houses of the legislature.

A.6971/S.6257-A providing a procedure for leasing of cemetery lands was signed into law on July 1, 2021, and became effective on that date.

A.7301/S.6521 permitting the use of electronic signatures on cemetery documents was signed into law on July 1, 2021, and became effective on that date.

2. Regulations

We await final approval to publish a notice of proposed rulemaking for the abandonment regulations and hope to get that approval soon.

21-07-C-47 Division Report

Mr. Polishook reported on efforts to contact delinquent cemeteries. Delinquent cemeteries: We have a significant minority of cemeteries that are delinquent in filing annual reports. We have been calling them to find out why and to offer to help them file. We have contacted approximately 1/3 of the delinquent cemeteries.

Mr. Polishook also noted that the Governor has signed legislation allowing for electronic signatures on death-related documents. The Division is working on guidance on what it means to witness electronic signatures on the cremation authorization, the only Division form directly affected by the law, and encouraged crematories to pose to the Division any questions they might have.

Ms. Young reported on delegated functions. In the second quarter of calendar year 2021, the Division received 97 rate applications and approved 114.

During the second quarter, we received 13 applications concerning rules and regulations and approved five

To date in calendar year 2021, we have received 1,283 annual reports, 461 of which were submitted on line, representing 36% of all reports received.

21-07-D-48 Vandalism, Abandonment and Monument Repair or Removal Fund Report

Assistant Director Alicia Young provided the vandalism report.

Calendar year collections for the vandalism fund are \$565,893; \$317,922 for the assessment.

Fiscal year collections total \$134,068 for vandalism and \$74,997 for assessment.

Danby Rural Cemetery, No. 55-032 (Tompkins), \$32,319.33

Brendon Stanton, Investigator with the Division of Cemeteries, stated that this cemetery has applied for funds for the repair of 26 hazardous monuments. This cemetery, in the Town of Danby, in Tompkins County, has successfully applied to the Board for funds for repair of dangerous monuments twice before. Mr. Stanton stated that he visited the cemetery and confirmed that the monuments are in fact hazardous.

Motion was made, seconded, and unanimously adopted approving the application in the amount of \$32,319.33, subject to availability of funds.

21-07-E-49 41012 Mt. Olivet (Queens) – Request for Waiver of Proposed Penalty

Mr. Polishook stated that the Division has confirmed that the cemetery has retained an outside firm to review issues raised by the Division concerning cemetery finances. The Division states that it seeks to extend the Cemetery's time to further respond to the Division's proposed notice of penalty through August 31, 2021, with the understanding that it will recommend a further extension their time to respond after the Division gets a better sense of the scope and timing of the review and shares that with the Board.

Ms. Faber added that between now and the August meeting the Board will want a report as to the timeline and plan.

Mr. Polishook agreed to provide that report as to a timeline and retainer but the details of the review might need to be discussed in executive session.

Motion was made, seconded, and unanimously adopted extending Mount Olivet's time to respond to the notice of penalty until August 31, 2021.

Motion made, seconded, and unanimously adopted to adjourn the meeting at 11:16 a.m.

The next Board meeting is scheduled for August 10, 2021 at 10:30 AM.