

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
TELEPHONE: (518) 474-6226
FAX: (518) 473-0876
WWW.DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

CEMETERY BOARD

ROBERT J. RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

DRAFT

Cemetery Board Minutes April 12, 2022 Meeting Conducted Virtually

BOARD MEMBERS PRESENT:

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

OTHER ATTENDEES:

Michael Catena, Division of Cemeteries
Kerry Forezzi, Division of Cemeteries
Vince Gimondo, Division of Cemeteries
Lewis Polishook, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Alicia Young, Division of Cemeteries
John Fatato, Department of State
Robert Vanderbles, Department of State
Christopher Cosco, Division of Cemeteries
Leonard Breen, Division of Cemeteries

GUESTS:

Brendan Boyle, Featherstonhaugh, Wiley & Clyne, LLP, for New York State Ass'n of Cemeteries
Joseph Dispenza, Forest Lawn Cemetery
David F. Fleming, Featherstonhaugh, Wiley & Clyne, LLP, for NYS Ass'n of Cemeteries
Annah Geiger, Bruce W. Geiger & Assocs., Inc.
Bruce Geiger, Bruce W. Geiger & Assocs., Inc.
Richard Moylan, Green-Wood Cemetery
Pierre Alric

Some "other attendees" and "guests" attended solely via WebEx phone call-in.

Opening Remarks

Mr. Pattison called the meeting to order.

Mr. Pattison noted that the meeting is being held remotely, even though he and Mr. Fuller are present in person.

22-04-A-33 Minutes of Previous Meetings

Motion was made, seconded, and unanimously adopted approving the minutes of the Board's March 8, 2022 meeting, without change.

22-04-B-34 Legislation and Regulations

1. Legislation

Mr. Vanderbles referred the Board to his previously-circulated legislative report.

2. Regulations

Mr. Vanderbles stated that the regulations to prevent abandonment were adopted in March and that counsel continues to work with the Division on their implementation.

22-04-C-35 Division Report

Mr. Polishook reported as follows:

1. Annual Reports: if you haven't filed your annual report yet, please do so; about half of annual reports received have been submitted electronically.
2. Staffing: Andrew Hickey retires next week; we wish him well. We have two Senior Accountants and are working to fill two Albany vacancies, a Binghamton vacancy, and two Buffalo vacancies, along with the Administrative Assistant position in Albany.
3. .
4. The Division met in Binghamton last week. As a result of the meeting, we have two concrete suggestions to streamline board applications. First, for land sales and purchases for less than \$50,000, the Division proposes relying on a single appraisal. The Division does not presently seek approval of this change, but, rather, will present the next such application with one appraisal so the Board can review its sufficiency in context. Second, the Division asks the Board to delegate to the Division approval of the installation of pre-fabricated columbarium units where the columbarium unit is not the cemetery's first one. Mr. Pattison suggested waiting until the next Board meeting to decide whether to delegate this authority. Ms. Faber asked concerning appraisals whether it would be possible to obtain an additional appraisal if the board deems it helpful in a particular matter. Ms. Faber stated that so long as the Board could ask for an additional appraisal when needed, she favors the change. Mr. Pattison stated that Mr. Fuller favors delegating authority on this issue. Motion, made, seconded, and unanimously adopted delegating to the Division the Board's authority to approve columbarium applications where the columbarium is not the cemetery's first columbarium and is a pre-fabricated unit.
5. Accounting checklist: We have developed a checklist for accountants to apply to applications instead of a full accountant's writeup. Assistant Director Alicia Young explained that the checklist covers most of the things we normally discuss in accounting reports. The checklist is included in the Webster Union columbarium application to be presented this month. Associate Accountant Kerry Forezzi explained that the checklist covers most of the same ground that the current accountant memos do.
6. Forms: We are working on approval of our retort replacement form and a supporting schedule designed for standalone crematories. Mr. Pattison stated that the goal is to educate cemeteries and let them know up front what is required for applications.

22-04-D-36 Vandalism, Abandonment and Monument Repair or Removal Fund Report

Assistant Director Alicia Young referred the Board to the report previously shared with the Board and posted online.

We spent only about \$500,000 of our \$2,000,000 last year. This year, we have committed \$1.3 million from previous years' applications, leaving \$700,000 available for new applications.

Last year, we collected more money for the fund on burials and cremations than we have in the past.

There are three hazardous monument applications on the agenda for this meeting.

27-022, Oneida Cemetery (Madison County), \$52,435.69

Oneida Cemetery seeks funds to repair hazardous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 60 hazardous monuments in the amount of \$52,435.69.

The discussion of this application can be found in the video recording of this meeting at 24:00-25:45.

27-033, Walnut Grove Cemetery (Madison County), \$ 29,968.07

Walnut Grove Cemetery seeks funds to repair hazardous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 24 hazardous monuments in the amount of \$29,968.07.

The discussion of this application can be found in the video recording of this meeting at 26:00-28:38.

46-015, Greenridge Cemetery (Saratoga County), \$ 37,693.42

Greenridge Cemetery seeks funds to repair hazardous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 49 hazardous monuments in the amount of \$37,693.42.

The discussion of this application can be found in the video recording of this meeting at 28:55-31:25.

22-04-E-37 28-039 Webster Union Cemetery—Columbarium

Webster Union Cemetery seeks approval to install two 64-niche columbarium units for a total cost of \$110,000.

After discussion, a motion was made, seconded, and unanimously adopted approving the application.

The discussion of this application can be found in the video recording of this meeting at 31:40-33:33.

22-04-F-38 34-037 Pine Ridge Cemetery—Columbarium

Pine Ridge Cemetery seeks approval to install a 48-niche pre-fabricated columbarium for a total cost of \$15,189.

After discussion, a motion was made, seconded, and unanimously adopted approving application.

The discussion of this application can be found in the video recording of this meeting at 33:35-37:40.

Public Comment

David Fleming, Featherstonhaugh, Wiley & Clyne, LLP, for the New York State Association of Cemeteries, congratulated Andrew Hickey on his retirement and thanking him for his years of helping cemeteries throughout the state.

Mr. Pattison echoed Mr. Fleming's comments, and also thanked the staff of the Division for their work given the staffing challenges.

Adjournment

Mr. Pattison stated that the meeting was being conducted remotely under a statute that expires April 15.

Mr. Vanderbles added that the public was able to view and comment via WebEx and that the meeting was recorded and transcribed.

Motion was made, seconded, and unanimously adopted adjourning the meeting.

The meeting adjourned at 11:06 a.m.

The next Board meeting is scheduled for May 3, 2022 at the New York State Association of Cemeteries Conference at The Desmond, at 10:30 AM.