

# **DIVISION OF CEMETERIES**

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**DEPARTMENT OF STATE**  
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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 June 14, 2022 Meeting Conducted Virtually**

### **BOARD MEMBERS PRESENT:**

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

### **OTHER ATTENDEES:**

Lewis Polishook, NYS Department of State, Division of Cemeteries  
Robert Vanderbles, NYS Department of State  
Michael Morris, NYS Department of State  
John Fatato, NYS Department of State  
Alicia Young, NYS Department of State, Division of Cemeteries  
Michael Seelman, NYS Department of State, Division of Cemeteries  
Michael Catena, NYS Department of State, Division of Cemeteries  
Brendon Stanton, NYS Department of State, Division of Cemeteries  
Cynthia Craig, NYS Department of State, Division of Cemeteries  
Vincent Gimondo, NYS Department of State, Division of Cemeteries  
Christopher Cosco, NYS Department of State, Division of Cemeteries

### **GUESTS:**

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.  
Brendan Boyle, Featherstonhaugh, Wiley & Clyne, LLP, for New York State Ass'n of Cemeteries  
Richard Moylan, Green-Wood Cemetery  
Philip Tassi, Ferncliff Cemetery  
Nathan Romagnola, White Haven Memorial Park  
William Passodelis, PL Corp  
Justine Locke, Pinelawn Memorial Park  
Adam Ginsberg, Cedar Grove/Mount Hebron Cemetery  
Kristen K. Luce, CG Law Offices  
Tracey Edwards, NY DPS  
Aaron Shipper, Beverly Hills Cemetery  
Jay Ivler, Mount Lebanon Cemetery  
Matthew Ivler, Mount Lebanon Cemetery  
Anthony Belosi, New Montefiores Cemetery  
Joseph Dispenza, Forest Lawn Cemetery  
Mark Cuthbertson, Cuthbertson Law  
Patricia Sandison, Hodgson Russ LLP for Buffalo City Cemetery



**Department  
of State**

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

### **Opening Remarks**

Mr. Pattison noted that we would have a hearing at the end of the meeting, and will also go into non-public session.

### **22-06-A-44 Minutes of Previous Meetings**

Motion was made, seconded, and unanimously adopted approving the minutes of the Board’s May 3, 2022 meeting, as presented.

### **22-06-B-45 Legislation and Regulations**

#### 1. Legislation

Mr. Vanderbles reported that he previously circulated a legislative report but called the Board’s attention to four bills that passed the legislature:

A.9977 would create a new section 1518 of the Not-for-Profit Corporation Law. During a declared emergency crematories could choose to provide transportation when there is a lack of cremation capacity in the disaster area.

A.9326A would permit Nassau Cemetery Association to seek a property tax exemption.

A.382 which would amend various sections of Article 15 to allow natural organic reduction, modeled on state law for crematories.

A.6724, the Unmarked Burial Site Protection Act, amends various sections of law, including creating a new N-PCL section 1518, to establish a Native American Burial Site Review Committee. In the event that human remains that may be found, the committee will be responsible for determine lineal descendants or culturally kin groups.

#### 2. Regulations

Mr. Vanderbles stated that the Division and Counsel continue to work through put these regulations into practice, and that next month will be the first report from the Division.

### **22-05-C-41 Division Report**

Division Director Lewis Polishook reported as follows:

1. Staffing—no update. We have conducted interviews in Binghamton; we are trying to hire one candidate, and a second turned us down. We conducted interviews in Buffalo and have three strong candidates. As of now, we have two positions and are making recommendations. Our latest round of interviews did not produce any candidates we are prepared to hire. We await HR completion of a recruitment for our vacant administrative position and a vacant Associate Accountant position.
2. Division accountants have created a template for rate applications as a step toward creating a form for rate applications. Mr. Polishook credited Chris Cosco, Kerry Forezzi, and Vince Gimondo for this work.
3. Brendon Stanton and Cindi Craig attended a local government conference for the Southern Tier at Houghton College on June 9. We are looking to set up other public presentations this summer, one in the North Country, possibly in Jefferson County, and one in Oneonta.

Mr. Pattison noted that the rate application form is part of an ongoing effort to streamline Division processes and improve efficiency.

**22-05-D-42 Vandalism, Abandonment and Monument Repair or Removal Fund Report**

Assistant Director Alicia Young provided the vandalism report and referred the Board to it.

There are four applications for the vandalism fund, all of which are dangerous monuments.

18-002, Broadalbin Union Rural Cemetery Ass'n (Fulton County), \$49,497.25

This 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 50 hazardous monuments in the amount of \$49,467.25, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 9:05-12:34.

48-022, Sharon Cemetery (Schoharie County), \$57,726.48

This 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 31 hazardous monuments in the amount of \$57,726.48 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 12:34-14:02.

59-008, East Palmyra Cemetery (Wayne), \$50,635.30

This 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 36 hazardous monuments in the amount of \$50,635.30 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 14:02-17:42.

23-012, Evergreen Cemetery (Jefferson), \$5,776.08

This 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 11 hazardous monuments in the amount of \$5,776.08 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 17:42-20:35.

**22-06-E-48 - 56-022 New Paltz Cemetery – Columbarium**

Motion was made, seconded, and unanimously adopted approving the application for installation of seven columbarium units, subject to receipt of all required local building permits and subject to the cemetery waiting the full 60 day comment period before commencing work.

The discussion of this application can be found in the video recording of this meeting at 20:54-27:33.

**22-06-F-49 - 14-007 Fishkill Rural Cemetery-Columbarium**

Motion was made, seconded, and unanimously adopted approving the application for installation of 11 columbarium units.

The discussion of this application can be found in the video recording of this meeting at 27:34-31:18.

**22-06-G-50 - 04-039 Vestal Hills – Land Sale**

Motion was made, seconded, and unanimously adopted approving the sale of approximately 3 acres of land by this cemetery but defer action on determining whether legal fees or other expenses are “necessary expenses” that may be deducted from the deposit of sale proceeds into the cemetery’s permanent maintenance fund.

The discussion of this application can be found in the video recording of this meeting at 31:18-48:57.

**22-06-H-51- 15-027 Forest Lawn Cemetery – 05-015 Freedom Cemetery- Merger**

After extended discussion, motion was made, seconded, and unanimously adopted approving the just-filed form of certificate of merger and recommending approval of the merger by Supreme Court.

The full discussion of this application can be found in the video recording of this meeting at 1:26:16-2:00:50.

**22-06-I-52- 15-027 Forest Lawn Cemetery – 05-016 Freedom Rural Cemetery- Merger**

After extended discussion, motion was made, seconded, and unanimously adopted approving the certificate of merger and recommending approval of the merger by Supreme Court.

The full discussion of this application can be found in the video recording of this meeting at 1:26:16-2:00:50.

**22-06-J-53- 15-027 Forest Lawn Cemetery – 15-052 Oakwood Cemetery- Merger**

After extended discussion, motion was made, seconded, and unanimously adopted approving the certificate of merger and recommending approval of the merger, subject to Attorney General, Supreme Court, and Erie County Legislature approval, and subject to Forest Lawn subsequently closing the deficit in Oakwood’s permanent maintenance fund using unrestricted funds. Before making a motion in connection with this application, Mr. Pattison stated that the Cemetery Board is not the final word on this merger. Mr. Pattison stated that he wanted to comment on the record concerning related party issues and urge that any efforts to assure oversight bodies are rigorous about related party transactions and do not have a blind spot because of their employee.

The full discussion of this application can be found in the video recording of this meeting at 48:57-1:26:16.

**22-06-K-54 Public hearing regarding the proposed resolution authorizing the use of videoconferencing and written procedures governing member and public attendance.**

Mr. Pattison stated that at 12:35 p.m. the Board had opened a public hearing, pursuant to section 103(a) of the Public Officers Law, to receive public comment on a proposed resolution concerning videoconferencing and remote participation in public meetings under certain circumstances.

Mr. Pattison, presiding at the hearing, stated the terms of the resolution and its effect.

Mr. Pattison invited comments.

David Fleming, for the New York State Association of Cemeteries, addressed the Board. Mr. Fleming assumed that the proposal contemplates additional activities or subcommittees at the Board at future dates and asked whether there are any existing subcommittees. Mr. Pattison stated that there are no current subcommittees.

Mr. Pattison stated that the public hearing closed at 12:40 p.m.

After discussion, motion was made, seconded and unanimously approved adopting the resolution (a copy of which is attached to these minutes).

The public hearing and discussion of this resolution can be found in the video recording of this meeting at 2:01:00-2:09:30.

### **Public Comment**

None

Motion was made, seconded, and unanimously adopted to go into executive session for current litigation matters.

Motion was made, seconded, and unanimously adopted to go into public session.

### **22-06-L-55 10-015, Riverside Cemetery – Application to Supreme Court**

After exiting executive session, the Board reported that it had voted to recommend approval of the cemetery's change of trustee for its permanent maintenance fund, that it has historically referred to as a perpetual care trust fund, from a bank to the cemetery's board and to ask that the cemetery withdraw its request to withdraw money from that fund because it has sufficient retained income to cover the amount the cemetery had requested. The Board directed counsel and the board to work with the cemetery on this.

### **Adjournment**

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

The meeting adjourned at 12:55 p.m.

The next Board meeting had been scheduled for July 12, 2022, but will be rescheduled to later in that month.