

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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CEMETERY BOARD
ROBERT J. RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

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

Cemetery Board Minutes
May 3, 2022
Crown Plaza Albany-The Desmond
660 Albany Shaker Road, Albany, New York 12211

BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair
Thomas Fuller, Department of Health
(Jill Faber, Office of the Attorney General, was connected via videoconference but was not “present”)

OTHER ATTENDEES:

Hon. Robert J. Rodriguez, Secretary of State
Michael Catena, Division of Cemeteries
Cynthia Craig, Division of Cemeteries
Kerry Forezzi, Division of Cemeteries
Vince Gimondo, Division of Cemeteries
Kerry McGovern, 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
Erica Gonzalez, Department of State
Robert Vanderbles, Department of State
Joanne Fernandez, Department of State

GUESTS:

George Baker, Webster Union Cemetery
Eric Barna, Green-Wood Cemetery
Richard Bie, Catholic cemeteries of Long Island
Brendan Boyle, Featherstonhaugh, Wiley & Clyne, LLP, for New York State Ass’n of Cemeteries
Alexander Buchholz, PFK O’Conner Davies, LLP
Daniel Cassin, Merendino Cemetery Care
Colleen Crawford, Holy Sepulchre Cemetery
Nicholas DiBartolo, Mount Hope Cemetery
Joseph P. DiTroia, US Columbarium
Tina DiTroia, US Columbarium
Edward DuPre, Catholic Cemeteries of Brooklyn
Jamar Farmer, Featherstonhaugh, Wiley & Clyne, LLP, for NYS Ass’n of Cemeteries
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.
John F. Kennedy, Catholic Cemeteries of Brooklyn



**Department
of State**

Gino Merendino, Merendino Cemetery Care
Richard Moylan, Green-Wood Cemetery
Grace Nolan, Ostroff Associates
William Passodelis, PL Corp.
Matthew Parisi, Kensico Cemetery
Charles Orlando, White Haven Memorial Park
Nathan Romagnola, White Haven Memorial Park
Emily Simmons, Albany Diocesan Cemeteries
Philip Tassi, Ferncliff Cemetery
Cathy Vail, Holy Sepulchre Cemetery
Dennis Werner, St Michael's Cemetery

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

Opening Remarks

Mr. Pattison called the meeting to order.

Mr. Pattison thanked New York State Association of Cemeteries for allowing us to have the New York State Cemetery Board.

The Hon. Robert J. Rodriguez, Secretary of State, addressed the meeting. He thanked the Cemetery Board and staff for its service, and thanked Jeffrey Reed and the members and staff of NYSAC for their efforts. The Department of State appears to be all encompassing. It oversees licensing of professionals, consumer protection, development of community infrastructure, working with local governments, and immigration. The Division of Cemeteries is critical to the health and well being of the state; the Division and NYSAC ensure that cemetery corporations can provide peace of mind to families in trying times and also protect the communities they serve. The industry is critical in the best of times, and we saw how critical it was during the two years of the pandemic. Secretary Rodriguez specifically recognized work of NYSAC members and cemetery volunteers for the work they did under these extremely difficult circumstances.

Mr. Pattison thanked the Secretary for his remarks.

Mr. Pattison noted that Jill Faber is on the line but was not present at the meeting, and consequently would not be voting.

Mr. Pattison recognized the role of cemetery staff as essential workers both during and after the early stages of the pandemic.

Robert Vanderbles, counsel, noted that we have a quorum with two members. Lobbyists should identify the organization they represent; all speakers should identify themselves.

22-05-A-39 Minutes of Previous Meetings

Motion was made, seconded, and unanimously adopted approving the minutes of the Board's April 14, 2022 meeting, with a minor change to omit a stray number.

22-05-B-40 Legislation and Regulations

1. Legislation

Mr. Vanderbles referred the Board to his previously-circulated legislative report and stated that there was nothing significant of note.

Mr. Vanderbles stated that pursuant to Chapter 56 of the laws of 2022, after June 8, for a member of a board to meet remotely in a location where the public may not be present, the board must have a hearing and adopt procedures for such meetings. If the Board wants the Division and Counsel to work on the draft, we can put that on the agenda for a future meeting. He indicated that the Committee on Open Government is working on sample resolutions and asked whether the Board wanted him and the Division to pursue this.

Mr. Pattison stated that today's circumstances indicate that it should be possible to have remote meetings

2. Regulations

Mr. Vanderbles stated that the Division and Counsel continue to work together to put these regulations into practice.

22-05-C-41 Division Report

Mr. Polishook asked attendees to sign the sign-in sheet.

Mr. Polishook reported as follows:

1. Two major pieces of legislation—on mergers of non-contiguous cemeteries and other, related issues, and leasing of cemetery land for non-cemetery purposes—passed.
2. The Department adopted regulations concerning abandonment both to create a process to try to prevent abandonment and to give the Division a role in determining that a cemetery is abandoned.
3. The Division successfully prevented the abandonment of six cemeteries.
4. The Division recommended approval of four non-contiguous cemetery mergers, including the first merger across county lines.
5. The Division implemented forms for columbarium and mausoleum applications, major alterations, and permanent maintenance fund loans.
6. There are two recent changes to streamline applications:
 - a. The Board has delegated to the Division authority to approve columbarium projects where the columbarium is a pre-fabricated unit and not the cemetery's first.
 - b. The Division intends to present small land transactions (under \$50,000) with only one appraisal in most cases.
7. Staffing changes: We hired a new Associate Accountant, Kerry Forezzi, and an investigator in the Buffalo region, Michael Catena. We have several accountants leave this year and are working on filling those roles. If you are trying to contact a Division accountant, unless you're following up on an audit, please contact the Albany office. You may email to cemeteryreports@dos.ny.gov
8. Things you can do to help us out:
 - a. Please file annual reports on line;
 - b. Please email us documents;
 - c. Please use only one method of delivery, don't email, fax, and regular mail;
 - d. Please send all hard copies to Albany except for ongoing audits;
 - e. Please send us only one copy;
 - f. Please don't bother with overnight delivery—it saves little time;
 - g. Put your cemetery number on all correspondence;
 - h. If you are sending a full list of service charges, please label it as such and make clear that it is not a request for a rate increase.
9. Future:
 - a. We did not use a significant portion of the money available to us for hazardous monument applications; please submit applications.
 - b. We will be making second payments on existing applications;
 - c. We are working on better data input and tracking capacity;
 - d. Please give us any suggestions, comments, questions on how we are doing.
10. Approval of columbarium: We approved a columbarium project at Memory Gardens on April 27, 2022. The project is two 64-unit columbariums for a total estimated cost of \$31,966

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

Assistant Director Alicia Young provided the vandalism report.

Calendar year collections total \$555,539.96; assessment collections are \$285,899. Fiscal year collections since April 1, 2022 total \$82,027 for vandalism and \$45,336 for assessment.

We made payments for two of three applications approved this fiscal year, totaling \$16,905.37.

Funds committed but not yet paid for 2018-19 and 2019-20 total \$101,771.76, and \$89,603.82 for applications approved last fiscal year. Outstanding payments from last fiscal year total \$342,567.61. Applications in the pipeline (received but not yet fully reviewed) total \$556,315.77. There are two applications before the Board at this meeting, totaling \$98,125.82

To date, the Board has approved three applications this fiscal year totaling \$120,097.18.

39-016, Lakewood Cemetery (Otsego County), \$65,364.74

Lakewood 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 \$65,364.74, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 27:47-29:20.

39-033, Roseboom Cemetery (Saratoga County), \$27,761.08

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 24 hazardous monuments in the amount of \$27,761.08 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 29:20-31:03, subject to availability of funds.

22-05-E-43 41-016 U.S. Cremation Co.—Retort Replacement

U.S. Columbarium (Fresh Pond Crematory) seeks approval of a major alteration to replace four of its cremation retorts, at a total estimated cost of \$1,686,556.00.

After discussion, a motion was made, seconded, and unanimously adopted approving the application in the amount of approximately \$1.685 million, subject to the crematory's receipt of all required permits and the Division's receipt of a complete set of stamped plans.

The discussion of this application can be found in the video recording of this meeting at 31:04-37:42.

Public Comment

Richard Moylan, Green-Wood Cemetery, expressed his appreciation for the Board and counsel working collaboratively with cemeteries on various issues.

Mr. Pattison added that we have a productive relationship with NYSAC. We learn a lot from working with them, even if we do not always agree on everything.

Adjournment

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

The meeting adjourned at 11:09 a.m.

The next Board meeting is scheduled for June 14, 2022.