

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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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

Cemetery Board Minutes August 25, 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 (participating remotely)

OTHER ATTENDEES:

Leonard Breen, NYS Department of State, Division of Cemeteries
Michael Catena, NYS Department of State, Division of Cemeteries
Chris Cosco, NYS Department of State, Division of Cemeteries
Cindi Craig, NYS Department of State, Division of Cemeteries
Charles Crane, NYS Department of State, Division of Cemeteries
John Fatato, NYS Department of State
Kerry Forezzi, NYS Department of State, Division of Cemeteries
Vincent Gimondo, NYS Department of State, Division of Cemeteries
Sarah Levin, NYS Department of State, Division of Cemeteries
Kerry McGovern, NYS Department of State, Division of Cemeteries
Lewis Polishook, NYS Department of State, Division of Cemeteries
Robert Vanderbles, NYS Department of State
Michael Seelman, NYS Department of State, Division of Cemeteries
Brendon Stanton, NYS Department of State, Division of Cemeteries
Alicia Young, NYS Department of State, Division of Cemeteries

GUESTS:

Anthony Biolsi, Montefiore Cemeteries
Brendan Boyle, Featherstonhaugh, Wiley & Clyne, LLP, for New York State Ass'n of Cemeteries
Hugh Ferguson, Oakland 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.
Adam Ginsberg, Cedar Grove/Mount Hebron Cemetery
Juneay Oliver, Ostroff Associates

Some "other attendees" and "guests" attended solely via WebEx phone call-in; their names may not be listed above.



Department
of State

Opening Remarks

Mr. Pattison opened the meeting at 10:30 a.m. He noted that the meeting was being conducted remotely and asked that people not speaking remain muted.

Mr. Vanderbles explained that the meeting is being held remotely pursuant to executive order, and is being recorded and transcribed.

22-08-A-64 Minutes of Previous Meetings

Motion was made, seconded, and unanimously adopted approving the minutes of the Board's July 29, 2022 meeting, with one correction.

22-08-B-65 Legislation and Regulations

1. Legislation

Mr. Vanderbles referred to his previously-circulated legislative report and added that the Governor signed A.9977, allowing crematories to provide emergency transportation and disposition assistance during emergency declarations.

2. Regulations

No update.

22-08-C-66 Division Report

Division Director Lewis Polishook reported as follows:

1. Staffing—a new staff member will start in Buffalo next week; we continue to interview candidates for Senior Accountant positions in our Albany office. We are working on filling the Administrative Assistant position and hiring a part time Project Assistant to help with accounting functions.
2. The Division has approved two columbarium applications under its delegated authority: Corwin Cemetery and Cold Spring Cemetery, both in Niagara County.
3. The Board previously approved a penalty for West Monroe Cemetery for non-compliance. To resolve the matter, we agreed to waive payment of the penalty if the cemetery agreed to transfer the funds to its own permanent maintenance fund instead; the cemetery has done that.
4. Michael Catena reported on two successful special lot owners meetings where the Division avoided abandonment: Canaseraga Cemetery and Port Gibson Cemetery. We also had a successful meeting with the board of Hartland Cemetery to cut expenses and hopefully make the cemetery viable. Mr. Pattison asked what made these meetings successful. Assistant Director Alicia Young answered that simply having meetings and contacting Town officials helps. Mr. Catena added that he believes social media had made these meetings successful. Associate Accountant Kerry Forezzi stated that providing information to potential board members helps. Mr. Polishook added that we anticipated these three would be very challenging and commended Mr. Catena for his work on these projects.
5. Michael Seelman reported on the successful lot owners meeting at New Forest Cemetery in Utica. The special lot owners meeting in 2022 was smaller but better organized than the previous meeting in 2020. We were able to determine who could vote. Two groups put forward slates of officers; the final board is a hybrid of these two. We have been in contact with the new board and are hopeful about the cemetery's future.
6. Ms. Young reported that about 41 percent of applications were filed on line.

22-08-D-67 Vandalism, Abandonment and Monument Repair or Removal Fund Report

Assistant Director Alicia Young provided the vandalism report and referred the Board to it, calling the Board's attention to page 2, showing the amounts of the appropriation already spent or committed; there is about \$600,000 available for new applications but if all applications in the pipeline are approved, there will be only about \$150,000 left.

There are six applications for the Board today, totaling \$353,331.31, all of which involve dangerous monuments.

27-013, Lenox Rural Cemetery (Madison County), \$51,480.84

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 105 hazardous monuments in the amount of \$51,480.84, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 23:40-26:00.

33-003, Augusta Cemetery (Oneida County), \$36,997.20

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 41 hazardous monuments in the amount of \$36,997.20 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 26:00-28:39.

22-09-E-68 - 01-010 Graceland Cemetery – Land Purchase

Graceland Cemetery seeks approval to purchase a small parcel of property from the Albany Land Bank for \$400.

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 29:00-33:06.

22-08-F-69 - 42-034 Troy (Oakwood) Cemetery – Replace Retort

Oakwood Cemetery in Troy seeks to replace one of its two cremation retorts to comply with new DEC emission guidelines at a total estimated cost of \$250,506.48.

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 33:06-37:33.

22-08-G-70 - 60-015 Oakland Cemetery – Develop New Section

Oakland Cemetery in Yonkers seeks approval to develop a new section of graves, including installation of a new retaining wall, for a total estimated cost of \$961,000.

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 37:33-43:22.

Public Comment

Mr. Fleming stated that NYSAC is pleased with the Division's work in preventing abandonment and offered the assistance of its own board members to work with the Division to help struggling cemeteries.

Mr. Pattison noted that the Board would move into a meeting exempt from the open meetings law for privileged communications with counsel.

Adjournment

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

The meeting adjourned at 11:17 a.m.

The next Board meeting has been scheduled for August 25, 2022.

Public Comment
Executive Session

DEPARTMENT OF STATE
DIVISION OF CEMETERIES
July 29, 2022

To: Mark P. Pattison, Chairman, for Robert Rodriguez, Secretary of State
Thomas Fuller, for Hon. Dr. Mary T Bassett, Commissioner of Health
Jill F. Faber, Esq. for Hon. Letitia James, Attorney General

FROM: Lewis A. Polishook, Director
Alicia Young, Assistant Director

RE: Proposed Dangerous –6 Abandoned – 0 Vandalism – 0

VANDALISM FUND APPLICATIONS

Dangerous ID No.	Name	County	Amount
		Total	\$353,331.31