

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 July 29, 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
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
Michael Morris, NYS Department of State
Lewis Polishook, NYS Department of State, Division of Cemeteries
Michael Seelman, NYS Department of State, Division of Cemeteries
Brendon Stanton, NYS Department of State, Division of Cemeteries
Robert Vanderbles, NYS Department of State
Alicia Young, NYS Department of State, Division of Cemeteries

GUESTS:

Brendan Boyle, Featherstonhaugh, Wiley & Clyne, LLP, for New York State Ass'n of Cemeteries
Mark Cuthbertson, Cuthbertson Law
Kevin Farrell, Genesee Land Trust
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
Laurie Mayhood
Matthew Ivler, Mount Lebanon Cemetery
Richard Moylan, Green-Wood Cemetery
Juneay Oliver, Ostroff Associates
Nathan Romagnola, White Haven Memorial Park

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

Opening Remarks

Mr. Pattison opened the meeting at 9:03 a.m. He noted that the meeting was being conducted in a hybrid fashion, with two Board members participating in person and a third participating remotely.

22-07-A-56 Minutes of Previous Meetings

Motion was made, seconded, and unanimously adopted approving the minutes of the Board's June 14, 2022 meeting, as presented.

22-07-B-57 Legislation and Regulations

1. Legislation

Mr. Vanderbles referred to his previously-circulated legislative report; a copy of the report is posted on the Department of State's website.

2. Regulations

No update.

22-07-C-58 Division Report

Division Director Lewis Polishook reported as follows:

1. Staffing—we have two new Senior Accountants in our Buffalo office: Charles Crane and Sarah Levin. Michael Catena is also making his first in-person appearance at a Cemetery Board meeting.
2. Per the Division's new abandonment regulations, Mr. Polishook presented a report on cemeteries at risk of abandonment and also described several cemeteries the Division has saved from abandonment since the beginning of 2021. The oral presentation can be found in the video recording of this meeting from 4:00-17:15. Mr. Polishook also reported on an inquiry from Corinth Cemetery in Saratoga County received after the written report was prepared. Corinth Cemetery's board members are anxious to step down, but the Town would like to avoid becoming responsible for this cemetery. We will work with them to try to see if we can identify new board members and help the cemetery continue operating.

Mr. Pattison commented that the Board should inform the Division if other information would be useful.

22-07-D-59 Vandalism, Abandonment and Monument Repair or Removal Fund Report

Assistant Director Alicia Young provided the vandalism report and referred the Board to it; it is posted on the Division's website.

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

05-007, East Otto Cemetery (Cattaraugus County), \$40,220.29

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 37 hazardous monuments in the amount of \$40,220.29, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 18:20-24:25 and 26:45-27:16.

29-011, Green Hill Cemetery (Montgomery County), \$49,430.95

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 56 hazardous monuments in the amount of \$49,430.95 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 24:30-26:45.

33-043, Oriskany Cemetery (Oneida), \$72,765.31

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 66 hazardous monuments in the amount of \$72,765.31, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 27:18-32:33.

48-008, Esperance Cemetery (Schoharie), \$69,821.78

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 42 hazardous monuments in the amount of \$69,821.78 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 32:33-36:43.

58-021, North Hebron Cemetery (Washington), \$78,673.40

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 73 hazardous monuments in the amount of \$78,673.40 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 36:43-39:37.

51-028, Hope Cemetery (Corning, Steuben County), \$42,419.58

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 \$42,419.58 subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 39:37-42:20.

22-07-E-60 - 04-019 Maine Cemetery – Land Purchase

Maine Cemetery seeks approval to purchase an adjoining 3.181 parcel of land from one of its board members for \$22,000, less than its appraised value.

After discussion, a motion was made, seconded, and unanimously adopted approving the application to purchase the adjoining parcel of land for \$22,000.

The discussion of this application can be found in the video recording of this meeting at 44:00-52:15.

22-07-F-61- 59-017 Lakeview Cemetery – Land Swap

This cemetery seeks to swap a 1.681-acre parcel for another parcel of equal size with the Genesee Land Trust.

After discussion, a motion was made, seconded, and unanimously adopted approving the application to swap the two parcels.

The discussion of this application can be found in the video recording of this meeting at 52:15-57:45.

22-07-G-62 - 52-033 Mount Pleasant Cemetery/Crematory – Additional Retort

Mount Pleasant Cemetery seeks approval to add a sixth cremation retort, to be used primarily for cremation of remains in hardwood caskets and obese cases. The total estimated cost is \$135,000, which will come from the cemetery’s general fund.

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 57:45-1:02:50.

22-07-H-63- 36-028 Pleasant Hill Cemetery – Nunc Pro Tunc Columbarium

This small cemetery in Orange County installed a 24-unit prefabricated columbarium unit without first seeking Board approval and has since sold six; the total cost was \$9,605, all from the cemetery’s general fund. The cemetery has approached the Division to seek approval nunc pro tunc.

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

The discussion of this application can be found in the video recording of this meeting at 1:02:50-1:07:50.

Public Comment

None

Adjournment

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

The meeting adjourned at 10:13 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