

# DIVISION OF CEMETERIES

STATE OF NEW YORK  
DEPARTMENT OF STATE  
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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 October 12, 2022

State of New York, Department of State  
One Commerce Plaza  
99 Washington Avenue, Room 505  
Albany, New York 12231

Office of the New York Attorney General  
44 South Broadway, 5<sup>th</sup> Floor  
White Plains, New York 10601

#### BOARD MEMBERS PRESENT:

Mark Pattison, Department of State, Chair (at One Commerce Plaza)  
Thomas Fuller, Department of Health (at One Commerce Plaza)  
Jill Faber, Office of the Attorney General (at 44 South Broadway)

#### OTHER ATTENDEES:

Michael Catena, 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  
Steven Troutman, NYS Department of State, Division of Cemeteries  
Robert Vanderbles, NYS Department of State  
Alicia Young, NYS Department of State, Division of Cemeteries

#### GUESTS:

Kevin Boyd, Ferncliff Cemetery  
Brendan Boyle, Featherstonhaugh, Wiley & Clyne, LLP, for NYS Ass'n of Cemeteries  
Linda Cady  
Peter Colgrove, Humes & Wagner, for Locust Valley Cemetery  
David F. Fleming, Featherstonhaugh, Wiley & Clyne, LLP, for NYS Ass'n of Cemeteries  
Annah Geiger, Bruce W. Geiger & Assocs., Inc.  
Adam Ginsberg, Cedar Grove/Mount Hebron Cemetery  
Matthew Ivler, Mount Lebanon Cemetery  
Justin Locke, Pinelawn Memorial Park  
Richard Moylan, Greenwood Cemetery



Department  
of State

Susan Stockman  
Philip Tassi, Ferncliff Cemetery

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 10:30 a.m.

## **22-10-A-75 Minutes of Previous Meetings**

Motion was made, seconded, and unanimously adopted approving the minutes of the Board’s September 20, 2022 meeting.

## **22-10-B-76 Legislation and Regulations**

### 1. Legislation

Mr. Vanderbles stated that there is nothing to report. Mr. Polishook added that the Town of Ellicottville wrote in opposition to legislation proposed by Sen. Addabbo and Assembly Member Hevesi.

### 2. Regulations

No update.

## **22-10-C-77 Division Report**

Division Director Lewis Polishook reported as follows:

1. Staffing: we have hired one Senior Accountant in Albany (out of two vacancies); he will start in two weeks. We still seek to fill the second position, along with a temporary position for an Associate Accountant and an Administrative Assistant in Albany.
2. All but two cemeteries have reported on their certificates of indebtedness or land share certificates; we will review the submissions.
3. We are fast approaching annual report season.
4. Report on cemeteries at risk of abandonment: This is our second quarterly report on cemeteries at risk of abandonment. One of the cemeteries listed in the report as at risk of abandonment, Bear Ridge Cemetery in Niagara County, had a successful special lot owners meeting on Saturday, October 8, and should be characterized as no longer at risk. Eleven cemeteries are at risk of abandonment, of which three are likely past the point of no return. We are trying to determine if they meet the definition of abandonment; we are missing information for two of them that we would need to determine that they are abandoned. We have assisted in preventing abandonment, at least for now, of fourteen cemeteries using our process of working with lot owners, boards, and towns. Mr. Pattison asked about lessons learned; Mr. Polishook responded that two of the cemeteries were saved from abandonment via posts on social media, and that local officials are best suited for identifying new cemetery directors.
5. Investigator application: The application, which will allow for inputting data in the field, is done; we are working on deployment.

Assistant Director Alicia Young reported that we have received approximately 40% of annual reports online.

## **22-10-D-78 Vandalism, Abandonment and Monument Repair or Removal Fund Report**

Assistant Director Alicia Young provided the vandalism report and referred the Board to it. She noted that of the \$2 million dollar appropriation for this fiscal year, if we had to pay out all of the applications previously

approved, currently before the board, and in the pipeline, we would exhaust our appropriation, but payments will not all be made in this fiscal year.

There is one application for the Board today, totaling \$37,284.20, involving dangerous monuments.

33-043, Oriskany Falls Cemetery (Oneida County), \$37,284.20

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 31 hazardous monuments in the amount of \$37,284.20, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 15:25-17:30.

**22-10-E-79 30-005 Locust Valley Cemetery – Major Renovation**

This cemetery in Nassau county seeks approval of a major alteration to build a new storage and maintenance building at an estimated cost of \$203,901, to come from the cemetery's general fund.

After discussion, a motion was made, seconded, and unanimously adopted approving the application, subject to receipt of stamped plans.

The discussion of this application can be found in the video recording of this meeting at 17:30-23:33.

**22-10-F-80 33-056 South Trenton Cemetery – Land Sale**

This cemetery seeks to sell a 5.2-acre parcel of land that is not contiguous to developed areas of the cemetery, for \$23,000.

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

The discussion of this application can be found in the video recording of this meeting at 23:35-26:09

**22-10-G-81 60-006 Ferncliff Cemetery – Additional Niches**

This cemetery seeks to install 1,056 glass-front niches in an existing mausoleum building, for a total estimated cost of \$480,380 to come from the cemetery's general fund.

After discussion, a motion was made, seconded, and unanimously adopted approving the application, subject to the cemetery not receiving any adverse comments concerning the project by October 15, 2022.

The discussion of this application can be found in the video recording of this meeting at 26:10-32:36.

**Public Comment**

David Fleming, for the New York State of Cemeteries, asked that the Board consider delegating to the Division authority to approve applications such as the one presented by Ferncliff at this meeting, because delays in approval can affect prices.

Mr. Pattison noted that after adjournment 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 11:09 a.m.

The next Board meeting has been scheduled for November 9, 2022.