

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

JAMES V. McDONALD, M.D., M.P.H.
COMMISSIONER OF HEALTH

Cemetery Board Minutes June 11, 2023

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

**Office of the New York Attorney General
44 South Broadway
White Plains, New York 10601**

BOARD MEMBERS PRESENT:

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

OTHER ATTENDEES:

Michael Catena, NYS Department of State, Division of Cemeteries
Kathleen Chittenden, 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
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
Brendon Stanton, NYS Department of State, Division of Cemeteries
Steven Troutman, NYS Department of State, Division of Cemeteries
Alicia Young, NYS Department of State, Division of Cemeteries
Michael Seelman, NYS Department of State, Division of Cemeteries
Michael Morris, NYS Department of State
Joseph Ambrose, NYS Department of State, Division of Cemeteries

GUESTS:

Anthony Biolsi, Old and New Montefiore Cemeteries
David F. Fleming, Featherstonhaugh, Wiley & Clyne, for NYS Ass'n of Cemeteries
Jay Ivler, Mount Lebanon Cemetery
Eileen Mershon, Riverside Cemetery
Tasse Niforatos, Riverside Cemetery
Nate Romagnola, White Haven Memorial Park
Philip Tassi, Ferncliff Cemetery

Some “guests” attended solely via WebEx phone call-in; their names may not be listed above.

Opening Remarks

Mr. Pattison called the meeting to order at 10:32 a.m. Mr. Pattison introduced himself and had the other Board members introduce themselves.

23-06-A-34- Minutes of Previous Meetings

A motion was made, seconded, and unanimously adopted approving the minutes as distributed.

23-06-B-35-Legislation and Regulation

1. Pending Legislation

Four bills passed both houses. A.1477 amends the Not-for-Profit Corporation Law in relation to authorizing maintenance of abandoned cemeteries. A.4439 amends the Public Health Law eliminates the Electronic Death Registration System fee for funeral directors. A.3116 would amend the General Municipal Law directing counties and New York City to allow veterans’ organizations to arrange funerals for people who do not have people to do that. A.7121 would authorize the cemetery board to accept from a town an application for funds for maintenance of three abandoned cemeteries.

2. Regulations

Mr. Vanderbles also indicated that he and the Division continue to work on natural organic reduction regulations. We hope to present a draft at the next meeting.

23-06-C-36-Division Report

Mr. Polishook reported that the Division held a regional meeting in Lowville, New York last week and has another one scheduled for Orleans on June 27. We are looking to schedule meetings in July in Suffolk County, Norwich, NY, and the North Country in July.

Mr. Polishook reported that we believed that Warsaw Cemetery in Wyoming County was abandoned but were informed that it still (contrary to our understanding) has a board. The cemetery’s board intends to convey the cemetery to the Town and the Town is willing to accept the conveyance. The town will not be entitled to seek abandonment funds as part of a conveyance.

Mr. Polishook reported that the Division is interviewing to fill positions and that it has five vacancies: three Senior Accountants, an Associate Accountant, and an Administrative Assistant in Albany. Mr. Polishook also said that Bridget Coleman, the Division’s Administrative Assistant in New York City, would be transitioning to working primarily to another Division.

23-06-D-37 – Vandalism, Abandonment and Monument Repair or Removal Fund Report

Ms. Young referred to the vandalism report posted online. She also reported that there is a delay in payment of some vouchers submitted because of a glitch, but that Fiscal is working with the Division of the Budget on this.

There are seven applications for funds from the vandalism fund to be reviewed at this meeting.

46-016, Hillside Cemetery, Town of Ballston (Saratoga), \$39,850.00

See below for the Board's confirmation of the Division's determination that this cemetery is abandoned within the meaning of Town Law section 291.

After confirming that determination, the Board considered the request of the Town of Ballston for maintenance of this abandoned cemetery for which the Town has assumed the obligation of maintenance. Division Investigator Leonard Breen described the items for which the Division recommended approval.

After discussion, a motion was made, seconded, and unanimously adopted approving this application in the amount of \$39,850.00, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 12:55-19:33.

27-010, Hillside Cemetery (Madison), \$200.00

This cemetery seeks funds to repair one monument that was vandalized. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair the vandalized monument for a total cost of \$200, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 19:36-23:29.

13-034, Ouleout Valley Cemetery (Delaware), \$72,891.71

This cemetery seeks funds to repair 56 dangerous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair these dangerous monuments for a total cost of \$72,891.71, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 23:36-26:21.

39-016, Lakewood Cemetery (Otsego), \$68,106.20

This cemetery seeks funds to repair 24 dangerous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair these dangerous monuments for a total cost of \$68,106.20, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 26:30-29:39.

48-022, Sharon Cemetery (Schoharie), \$128,064.51

This cemetery seeks funds to repair 62 dangerous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair these dangerous monuments for a total cost of \$128,064.51, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 29:42-31:57.

51-031, Howard Cemetery (Steuben), \$49,315.50

This cemetery seeks funds to repair 29 dangerous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair these dangerous monuments for a total cost of \$49,315.50, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 32:00-35:13.

59-008, East Palmyra Cemetery (Wayne), \$70,045.20

This cemetery seeks funds to repair 44 dangerous monuments. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair these dangerous monuments for a total cost of \$70,045.20, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 35:30-37:40.

23-06-E-38 53-024 - Riverside Cemetery - Failure to File Penalties

This cemetery has repeatedly failed to file annual reports, resulting in penalties of \$100 per day accruing for each day for which the reports were late.

On recommendation of the Division, and after discussion including statements from cemetery board members, a motion was made, seconded, and unanimously approved adopting a resolution in the form attached to these minutes partially waving/ delaying the imposition of penalties conditioned on the Division's timely receipt of annual reports in 2024, 2025, and 2026.

The discussion of this matter can be found in the video recording of this meeting at 37:45-54:33.

23-06-F-39 46-016 – Hillside Cemetery - Abandonment

The Division has prepared a determination that this cemetery is abandoned because it is not controlled by any existing board or body and for the care of which there exists no sufficient special fund or endowment. After discussion, a motion was made, seconded, and unanimously adopted confirming the Division's determination that the cemetery lacks fiscal resources and board members and meets the definition of abandonment.

The discussion of this determination can be found in the video recording of this meeting at 8:43-12:53.

Public Comment

David Fleming, for the New York State Association of Cemeteries, thanked the Division for working with NYSAC on Cemetery 101 sessions, including the recent one in Albany, and sharing information and helping smaller cemeteries. Mr. Fleming also discussed legislative efforts of large funeral home chains to become involved in various forms of final disposition and that changes to allow this would not help small funeral homes.

The next Cemetery Board meeting is scheduled for July 11, 2023.

The meeting adjourned at 11:31 a.m.