

DIVISION OF CEMETERIES

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DEPARTMENT OF STATE
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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 July 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:

Joseph Ambrose, Division of Cemeteries
Leonard Breen, Division of Cemeteries
John Fatato, Department of State
Kerry Forezzi, Division of Cemeteries
Sarah Levin Division of Cemeteries
Michael Morris, Department of State
Lewis Polishook, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Steven Troutman, Division of Cemeteries
Robert Vanderbles, Department of State
Alicia Young, Division of Cemeteries

GUESTS:

Brendan J. Boyle, Featherstonhaugh, Wiley & Cline, LLP, for New York State Association of Cemeteries
David F. Fleming, FWC, for NYSAC
Richard J. Moylan, Green-Wood Cemetery
Nate Romagnola, White Haven Memorial Park
Stephanie, for L.F. Sloane Consulting

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.

23-07-A-40- Minutes of Previous Meetings

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

Mr. Polishook explained that the Board made a mistake in its approval of a hazardous monument application for Grove Place Cemetery in Steuben County, in that the Board should have approved the repair of 18 monuments, rather than 20. The minutes of the May meeting as approved included a parenthetical question flagging this error that should not have been included. We have revised the minutes to contain a more appropriate note explaining the error in the Board's approval of this application.

A motion was made, seconded, and unanimously adopted approving the amended minutes of the May meeting.

23-07-B-41-Legislation and Regulation

1. Pending Legislation

No update as to cemeteries; the legislature is not in session.

Counsel reported that legislation passed affecting the rules for a quorum for boards where a board member has a disability; the Committee on Open Government is working on guidance for this this legislation.

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.

23-07-C-42-Division Report

Mr. Polishook reported that the Division is continuing with hiring and has recommended hires for an Associate Accountant in Albany and a Senior Accountant in Syracuse. We are finishing interviews for vacancies for an Administrative Assistant in Albany and a Senior Accountant in New York City and await results for a canvass for a Senior Accountant in Albany.

Mr. Polishook added that the Division is offering Cemetery 101 sessions across the state this summer: on August 1, at 9 a.m., at Mount Calvary Cemetery in Cheektowaga, on August 1, at 4 p.m., at Woodlawn Cemetery in Canandaigua, on August 2, at 4 p.m., at Woodlawn Cemetery in Syracuse, and on August 7, at 4 p.m., at SUNY Canton. We are trying to schedule additional sessions for the Fall in the Hudson Valley, Suffolk County, and will participate in NYSAC's regional meeting in Oneonta. In response to a question by Mr. Pattison, Mr. Polishook explained that Cemetery 101 programs are aimed at cemetery officers, directors, and staff to provide information about regulatory compliance and best practices. All sessions will be in person but we may record one session and share that recording on the Division's website.

Finally, Mr. Polishook reported on cemeteries at risk of abandonment. He indicated that he would present a more formal report at the next meeting but will highlight changes since the Division's last report in May.

Mr. Polishook stated that there are no abandonments or definitive "saves" of cemeteries at risk since May.

Mr. Polishook stated that, as reported last month, Warsaw Cemetery in Wyoming County is in the process of being conveyed (not abandoned) to the Town of Warsaw, but we do not yet know if that has occurred.

Willow Brook Cemetery in Chautauqua County: we have had ongoing discussions with this cemetery to try to identify new board members. This cemetery is located in a city.

Clinton County: East Beekmantown Cemetery. The last active board member seeks to resign; we will try to organize a special meeting to try to identify new board members.

Delaware County: East Meredith Cemetery. Like East Beekmantown Cemetery, this cemetery has only one remaining active board member; we are doing an audit and will try to arrange a special meeting.

Franklin County: North Bangor Cemetery. A board member has inquired about abandonment; we will explain the process and try to stave off abandonment.

Herkimer County: Dolgeville Cemetery. We recently attended a meeting with the Town and board members to try to identify someone to do the mowing; with a landscaper, the board is willing to stay on. We may need a special meeting.

Madison County: Brookfield Rural and Hillside Cemeteries. Both are struggling financially; Brookfield Rural in particular is affected by the loss of funds by Burton Marshall, which the Attorney General is investigating.

Saratoga County: Clifton Park Cemetery. Investigator Leonard Breen met with them recently and we anticipate that it will be able to continue as a not-for-profit cemetery.

Wyoming County: Gainesville Cemetery. This cemetery needs assistance; the Town will consider providing assistance to keep this cemetery going as a not-for-profit.

Leonard Breen added that he and Alicia Young had recently attended a special meeting for Stuyvesant Falls Cemetery in Columbia County, and that this cemetery is likely to be abandoned or conveyed to the Town because it has been unsuccessful in recruiting new board members.

Assistant Director Alicia Young reported that this year, we have received 1,322 annual reports, 572 of which were submitted online, representing 43% of the total.

23-07-D-43 – Vandalism, Abandonment and Monument Repair or Removal Fund Report

Ms. Young referred to the vandalism report posted online. She stated that we have obligations of almost \$2 million (our appropriation) between previously-approved claims and pending claims. However, it is unlikely that we will be called on to pay all \$2 million of this in this fiscal year.

There are four new applications for funds from the vandalism fund to be reviewed at this meeting and one amended application.

47-011, Vale Cemetery (Schenectady), \$20,200.13

This cemetery seeks funds to repair 44 monuments that were 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 \$20,200.13, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 11:04-14:07.

06-027, Scipio Rural Cemetery (Cayuga), \$25,823.45

This cemetery seeks funds to repair 30 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 \$25,823.45, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 14:09-16:42.

33-043, Oriskany Cemetery (Oneida), \$45,703.16

This cemetery seeks funds to repair 32 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 \$45,703.16, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 16:43-22:04.

51-004, Bath Cemetery (Steuben), \$17,361.68

This cemetery seeks funds to repair 20 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 \$17,361.68, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 22:05-25:28.

51-023, Grove Place Cemetery (Steuben), \$21,540.50

At the Board's May 2, 2023 meeting, this cemetery sought funds to repair 20 dangerous monuments. Investigator Michael Catena reported that only 18 of the 20 monuments were eligible. After discussion, a motion was made, seconded, and unanimously adopted approving the application by this cemetery for funds to repair 20 monuments for a total cost of \$21,540.50, subject to availability of funds.

At this Board meeting, the Division explained the error in this earlier approval, and noted that the cemetery did not dispute that only 18 monuments were eligible. After discussion, a motion was made, seconded, and unanimously adopted amending the Board's approval of the previous application to make clear that it approved \$21,540.50 in funds to repair 18 monuments, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 25:29-27:31.

3-07-E-44 Amended May Minutes

The discussion and resolution of this agenda item can be found above, under Minutes of Previous Meetings.

23-07-F-45 13-050 - Woodland Cemetery- Land Sale

This cemetery seeks approval of the sale of a 32 square foot parcel of land and grant of a temporary easement of 275 square feet to the New York State Department of Transportation.

After discussion, a motion was made, seconded, and unanimously adopted approving this application in the amount discussed.

The discussion of this application can be found in the video recording of this meeting at 27:36-39:19.

Public Comment

David Fleming, for the New York State Association of Cemeteries, thanked the Division for working with NYSAC on the upcoming Cemetery 101 meetings. There are many folks who have served on boards who are now in new positions or roles and need help learning about those positions.

The next Cemetery Board meeting is scheduled for August 8, 2023, at 2 p.m.

The meeting adjourned at 11:21 a.m.