

DIVISION OF CEMETERIES

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DEPARTMENT OF STATE
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CEMETERY BOARD
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COMMISSIONER OF HEALTH

DRAFT

Cemetery Board Minutes August 8, 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, Division of Cemeteries
Kathleen Chittenden, Division of Cemeteries
Charles Crane, Division of Cemeteries
John Fatato, Department of State
Sarah Levin Division of Cemeteries
Nathan McCarthy, 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:

Eric Barna, Green-Wood Cemetery
Anthony Biolsi, Old and New Montefiore Cemeteries
Brendan J. Boyle, Featherstonhaugh, Wiley & Cline, LLP, for New York State Association of Cemeteries
Jay Ivler, Mount Lebanon Cemetery
Mike Lanotte, New York State Funeral Directors Ass'n
Justin Locke, Pinelawn Memorial Park
John Loser
Randy McCullough, New York State Funeral Directors Ass'n
Richard J. Moylan, Green-Wood Cemetery
Nate Romagnola, White Haven Memorial Park

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 2:00 p.m. Mr. Pattison introduced himself and had the other Board members introduce themselves.

23-08-A-46- Minutes of Previous Meetings

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

23-08-B-47-Legislation and Regulation

1. Pending Legislation

No update.

2. Regulations

Mr. Vanderbles reported on the draft regulations for natural organic reduction (NOR) that he had previously shared with the Board, and explained that he would ask the Board to adopt a resolution directing the Division to file a proposed rule making implementing NOR.

NOR or human composting is the contained accelerated reduction of human remains to soil. The remains are placed inside a vessel with organic material such as wood chips. The result is about a cubic yard of organic material. The operator pulverizes the bones. At the end, the result looks a lot like dirt.

The effective date authorizing NOR in New York is June 28.

The statute is modeled on a 2006 law concerning cremations, so we used our cremation regulations as a model. For the technical aspects, our regulations are informed by regulations on DEC regulations for composting facilities. We consulted DEC and DOH in connection with the draft.

Three points:

Section 204.6: we specify acceptable and prohibited additions to the vessel and require a non-compostable tag, to ensure this is a composting process.

Section 204.8: we drew heavily from DEC’s regulations for the commercial composting process for temperature and testing. DEC’s rules are equal to or stricter than EPA rules for spreading sewage sludge on a home garden.

Section 204.3: we included certain remains that are unsuitable for natural organic reduction, such as certain causes of death and embalmed remains.

Mr. Vanderbles added that we shared the draft with stakeholders.

In response to a question by Mr. Pattison, Mr. Vanderbles confirmed that the process is restricted to cemeteries (including religious and municipal cemeteries). Also, in response to a question by Mr. Pattison, Mr. Vanderbles stated that the statute requires that the remains must be placed in a cemetery.

In response to a question by Mr. Fuller, Mr. Vanderbles stated that if remains fail testing, the cemetery must repeat the process or add organic material to meet standards.

Mr. Polishook added that in Washington State it is extremely rare for remains to fail testing and none had failed more than once.

Mr. Pattison explained that if the Board directs the Division to publish proposed rules, there will be a time for public comment. Mr. Vanderbles added that the notice of proposed rule making would be published on August 23 and the comment period would close on October 22, with an earliest effective date of November 8.

After discussion, a motion was made, seconded, and unanimously adopted directing the Division to propose the draft natural organic reduction rules.

23-08-D-48-Division Report

Mr. Polishook introduced Nathan McCarthy, Administrative Assistant in Albany, and has an Associate Accountant in Albany starting August 17 and a Senior Accountant starting in New York City in late September; we are working on filling Senior Accountant vacancies in Albany and Syracuse.

Mr. Polishook added that the Division held Cemetery 101 sessions across the state, last week in Buffalo, Canandaigua, and Syracuse, yesterday in Canton. We are scheduling sessions in Oneida and other counties for the fall.

23-08-D-49 – Vandalism, Abandonment and Monument Repair or Removal Fund Report

Ms. Young referred to the vandalism report posted online. She stated that the numbers are not much different from last month in collections; we have committed almost all of the \$2 million appropriation but it is unlikely that all applications will be completed this year.

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

37-009, Morton Union Cemetery/ Town of Kendall (Orleans), \$8,581.22

The Town of Kendall previously received funds for maintenance of Morton Union Cemetery after its abandonment in 2020. The cost of one of the items—installing the fence—ended up costing significantly more than originally forecast, so the Cemetery seeks additional funds for fence repairs because of delays.

After discussion, a motion was made, seconded, and unanimously adopted, approving additional funds in the amount of \$8,581.22 for the fence, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 18:45-22:34.

28-033, Riga Cemetery (Monroe), \$39,440.77

This cemetery seeks funds to repair 15 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 \$39,440.77, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 22:35-25:12.

33-066, Verona Cemetery (Oneida), \$62,445.25

This cemetery seeks funds to repair 38 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 \$62,445.25, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 25:13-28:00.

34-050, Walnut Grove Cemetery (Onondaga), \$63,982.35

This cemetery seeks funds to repair 79 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 \$63,982.35, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 28:01-30:28.

45-066, Union Cemetery (St. Lawrence), \$56,950.25

This cemetery seeks funds to repair 82 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 \$56,950.25, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 30:29-33:36.

49-013, Union Cemetery of Tyrone (Schuyler) \$32,877.98

This cemetery seeks funds to repair 27 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 \$32,877.98, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 33:37-36:05.

23-08-E-50 24-002 - Evergreens Cemetery - Mausoleum

This cemetery seeks approval of a new mausoleum building of fewer than 4,000 square feet, for an estimated total cost of \$1,033,980.00.

After discussion, a motion was made, seconded, and unanimously adopted approving this application, subject to physical receipt of all required permits.

The discussion of this application can be found in the video recording of this meeting at 36:55-39:50.

23-08-F-51 03-002 – The Woodlawn Cemetery – Disinterment Application

Mr. Vanderbles reported that we have been served with an application for a disinterment at this cemetery, but that the legal papers allege no wrongdoing by and seek no relief from the Board or the Division.

After discussion, a motion was made, seconded, and unanimously adopted authorizing counsel to inform the parties that the Board and Division would take no position in this action.

After further discussion, the sense of the Board is that counsel need not bring such applications before the Board in the future but could inform the parties that the Board would take no position.

The discussion of this matter can be found in the video recording of this meeting at 39:51-43:03.

This item was not on the agenda posted before the meeting.

Public Comment

None

The next Cemetery Board meeting is scheduled for September 19, 2023, at 10:30 a.m.

The meeting adjourned at 2:47 p.m.