

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

DRAFT

Cemetery Board Minutes January 9, 2024

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

Thomas Fuller, Department of Health

BOARD MEMBERS ABSENT:

Jill Faber, Office of the New York State Attorney General

OTHER ATTENDEES:

Michael Catena, Division of Cemeteries
John Fatato, Department of State
Sarah Levin, Division of Cemeteries
Lewis Polishook, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Steven Troutman, Division of Cemeteries
Alicia Young, Division of Cemeteries

Lisa Dooley, Division of Cemeteries
Kerry Forezzi, Division of Cemeteries
Nathan McCarthy, Division of Cemeteries
Natesha Salmon, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Robert Vanderbles, Department of State

GUESTS:

Michael Austin, Elmlawn Cemetery
Brandon Boyle, NYS Ass'n of Cemeteries
Nicholas DiBartolo, Mount Hope Cemetery
David Fleming, Featherstonhaugh, Wiley & Clyne, for NYS Ass'n of Cemeteries
Antonia Gilkey
Kourtnei, Waterville Cemetery
Jennifer Kovach, Forest Lawn - Buffalo
Justin Locke, Pinelawn Memorial Park
Jamie Lotz, Forest Lawn - Buffalo
Rich Moylan, Green-Wood Cemetery
Nate Romagnola, White Haven Memorial Park
Julie R. Snyder, Forest Lawn - Buffalo
Philip Tassi, Ferncliff Cemetery
Tom

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



Department
of State

Opening Remarks

Mr. Pattison called the meeting to order at 10:31 a.m. Mr. Pattison introduced himself and indicated Jill Faber would not be in attendance at this meeting. Thomas Fuller introduced himself.

24-01-A-01 - Minutes of Previous Meetings

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

24-01-B-02 - Legislation and Regulation

1. Pending Legislation

Robert Vanderbles referred the Board to the legislative update he prepared. He stated that the Governor had signed into law A.1477/ S.0490, concerning abandonment, with a statement calling for agreed-upon technical amendments, reflected in proposed S.8075.

2. Regulations

Mr. Vanderbles reported that Counsel and the Division are drafting a response to public comments received regarding the proposed regulations for natural organic reduction facilities. The Division will soon publish its regulatory agenda for 2024, which, with the addition of considering rules regarding imminent danger of abandonment, will be similar to its agenda for 2023.

24-01-C-03 - Division Report

Director Lewis Polishook provided the Division's quarterly report on cemeteries at risk of abandonment. He mentioned three cemeteries that were voluntarily conveyed to Towns in the last quarter of calendar year 2023. A new statute will allow towns to seek funds for cemeteries in imminent danger of abandonment, rather than waiting until they are abandoned.

Mr. Polishook highlighted an upcoming conference on natural organic reduction which three Division staff members will travel to Tacoma, Washington to attend.

Mr. Polishook mentioned that the Division will offer an annual report tutorial on January 11, 2024, February 8, 2024, and March 14, 2024 online. Additionally, we will make the recording of one of these sessions available online for future viewing on the Division website.

We have one upcoming Cemetery 101 session scheduled for March 7 at St. Agnes Cemetery in Menands. We are continually seeking additional locations and dates to hold Cemetery 101 sessions throughout 2024. Cemetery 101 power point slides are now available on the Division website as well.

Assistant Director Alicia Young highlighted the passing of Bernie McEvoy, longtime president of Vale Cemetery. The Division recognized his above-and-beyond service to Vale Cemetery throughout his tenure on its board.

24-01-D-04 - Vandalism, Abandonment and Monument Repair or Removal Fund Report

Assistant Director Alicia Young highlighted that the Division has paid greater than \$1M of their vandalism and hazardous monument repair budget throughout 2023 and has committed greater than the total \$2M of their vandalism and hazardous monument repair budget to be paid upon completion of ongoing projects. Ms. Young indicated that the Division's \$2M budget for vandalism and hazardous monument repair is appropriate and necessary.

Director Lewis Polishook stressed the importance of communication with the Division when publishing notices in connection with repair of hazardous monuments.

There is one application for funds from the vandalism fund to be reviewed at this meeting.

50-008 Lakeview Cemetery (Seneca), \$46,444.00

This cemetery seeks funds to repair 34 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 \$46,444.00, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 16:28-19:07.

24-01-E-05 - 33-068 - Waterville Cemetery – Land Purchase and Demolition

Waterville Cemetery in Oneida County seeks approval to purchase an adjoining piece of land and demolish a condemned single-family home neighboring the cemetery. This lot could, in the future, hold up to 150 graves. At present, no plans exist to develop the land, only to demolish the condemned building. The estimated cost of this project would be \$61,200.00, paid from Waterville's general fund.

After discussion, a motion was made, seconded, and unanimously adopted classifying the application as an unlisted action, adopting a negative declaration pursuant to SEQRA, authorizing Mark Pattison to sign the Environmental Assessment Form containing this negative declaration, and approving this application.

The discussion of this application can be found in the video recording of this meeting at 19:08-27:44.

24-01-F-06 - 15-024 & 15-027 - Evergreen Lawn (Bloomingdale) & Forest Lawn Cemetery – Merger

Before considering this application, the Board moved into non-public session to discuss matters leading to the possible discipline of Buffalo City Cemetery.

The Board exited non-public session without having taken any actions.

The non-public session was trimmed from the video recording of this meeting at 28:55.

These cemeteries seek approval for a merger, absorbing Evergreen Lawn (Bloomingdale) into Forest Lawn Cemetery. Bloomingdale has been unable to identify new board members to replace its existing, aging trustees, but has generally been profitable. Director Lewis Polishook highlighted that this merger would benefit both parties.

After discussion, a motion was made, seconded, and unanimously adopted approving the certificate of merger and recommending approval of the merger, subject to review by the Attorney General and/or Supreme Court.

The discussion of this application can be found in the video recording of this meeting at 28:56-38:21

24-01-G-07 - 15-009 & 15-027 - Clarence Fillmore Cemetery & Forest Lawn Cemetery – Merger

These cemeteries seek approval for a merger, absorbing Clarence Fillmore Cemetery into Forest Lawn Cemetery. Clarence Fillmore Cemetery has been unable to identify new board of trustees but has significant financial assets in relation to its size. Director Lewis Polishook highlighted that this merger would benefit both parties.

After discussion, a motion was made, seconded, and unanimously adopted approving the certificate of merger and recommending approval of the merger, subject to review by the Attorney General and/or

Supreme Court.

The discussion of this application can be found in the video recording of this meeting at 38:22-43:55.

24-01-H-08 - 15-027 - Forest Lawn – Audit

This matter was not discussed as a separate agenda item at this meeting.

Public Comment

David Fleming from NYS Association of Cemeteries spoke to the Association's eagerness to assist in disseminating resources, including sample documents, to cemeteries across NYS.

The next Cemetery Board meeting is scheduled for February 13, 2024, at 10:30 a.m.

The meeting adjourned at 11:40 a.m.