

DIVISION OF CEMETERIES

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DEPARTMENT OF STATE
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CEMETERY BOARD
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SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

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

DRAFT

Cemetery Board Minutes February 13, 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
Jill Faber, Office of the New York State Attorney General

Thomas Fuller, Department of Health

OTHER ATTENDEES:

Leonard Breen, Division of Cemeteries
Lisa Dooley, Division of Cemeteries
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

Michael Catena, Division of Cemeteries
John Fatato, Department of State
Nathan McCarthy, Division of Cemeteries
Natesha Salmon, Division of Cemeteries
Brendon Stanton, Division of Cemeteries
Robert Vanderbles, Department of State

GUESTS:

Brian Groblewski, Pinelawn Memorial Park
Brendan Boyle, NYS Ass'n of Cemeteries
David Fleming, Featherstonhaugh, Wiley & Clyne, for NYS Ass'n of Cemeteries
Adam Ginsberg, Cedar Grove Cemetery
Jay Ivler, Mount Lebanon Cemetery
Justin Locke, Pinelawn Memorial Park
Rich Moylan, Green-Wood Cemetery
Nate Romagnola, White Haven Memorial Park
Julie R. Snyder, Forest Lawn
Russ Tallman, Fairview 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 10:32 a.m.

Mr. Pattison introduced himself and indicated Jill Faber will be attending this meeting remotely because of an emergency. Jill Faber and Thomas Fuller introduced themselves.

Counsel Robert Vanderbles explained Public Officers Law section 103-a(3) permits a public body to suspend the in-person meeting requirements when the Governor or a local authority has declared a state or local disaster emergency and the circumstances surrounding the emergency would affect the ability of the public body to have an in-person meeting. On February 12, 2024, Westchester County issued a disaster emergency because of snow. One location noticed for this meeting is in Westchester County, where Jill Faber would have attended, and DOS staff in that county were directed to telecommute to the extent possible. After discussion, a motion was made, seconded, and unanimously adopted to suspend the in-person meeting rules as a result of the disaster declaration in Westchester County to allow all three board members to participate and vote.

Note that the meeting was, as always, broadcast via WebEx and two Board members appeared in person at a location in Albany that is open to the public.

24-02-A-08 - Minutes of Previous Meetings

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

24-02-B-09 - Legislation and Regulation

1. Pending Legislation

Robert Vanderbles referred the Board to the legislative update he prepared. He highlighted that the Governor signed the chapter amendment to S.490 on January 26th.

2. Regulations

Mr. Vanderbles reported that Counsel and the Division are still receiving and reviewing comments concerning natural organic reduction.

24-02-C-10 - Division Report

Director Lewis Polishook highlighted efforts by Cindi Craig and Brendon Stanton to organize training and resources for cemeteries across the state, including Cemetery 101 sessions and, together with Michael Seelman and Michael Catena, develop additional training sessions on various topics.

Assistant Director Alicia Young highlighted annual report tutorials held on January 11 and February 8 which were very well received; another session is upcoming, on March 14, 2024. Additionally, we will make the recording of one of these sessions available online on the Division website for future viewing.

We have four upcoming Cemetery 101 sessions scheduled for March 7 at St. Agnes Cemetery in Menands, April 11 at St. Paul Lutheran Church in Cohocton, April 18 at Electricians Union Hall in Harriman, and April 25 at Willsboro Union Methodist Church in Willsboro. We are continually seeking additional locations and dates to hold Cemetery 101 sessions throughout 2024.

24-02-D-11 - Vandalism, Abandonment and Monument Repair or Removal Fund Report

Assistant Director Alicia Young highlighted that the Division has paid more than \$1M of its vandalism and hazardous monument repair budget through fiscal year 2023-24 and has committed more than the total

\$2M appropriation to be paid upon completion of ongoing projects.

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

01-009 Fairview Cemetery (Albany), \$45,946.56

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 \$45,946.56, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 12:13-14:46.

17-005 Constable Cemetery (Franklin), \$41,959.71

This cemetery seeks funds to repair 58 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 \$41,959.71, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 14:47-18:15.

39-011 Fly Creek Cemetery (Otsego), \$29,802.82

This cemetery seeks funds to repair 26 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 \$29,802.82, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 18:16-23:27.

55-030 Etna Cemetery (Tompkins), \$41,008.60

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 \$41,008.60, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 23:28-26:35.

24-02-E-12 – 12-003 – Cortland Rural Cemetery – PM Loan

The cemetery seeks the Cemetery Board's recommendation regarding a PM loan in the amount of \$45,681.37 to be used towards purchasing new equipment necessary for cemetery operations. They will also be using these funds to re-pay existing commercial loan(s) on equipment already in their possession.

Steven Troutman provided a detailed explanation of the cemetery's current financial status and good-will efforts to seek alternative funding. He recommends that a PM loan would be the most beneficial course of action here.

After discussion, a motion was made, seconded, and unanimously adopted that the Cemetery Board has no opposition to Supreme Court approving the cemetery's request to borrow funds and setting a repayment schedule as proposed in the cemetery's application to the board.

The discussion of this application can be found in the video recording of this meeting at 26:36-35:23.

Public Comment

An unidentified caller had a question that was difficult to understand due to poor connection. Director Lewis Polishook gave the caller contact information and will follow up directly with the caller.

Russ Tallman from Fairview Cemetery thanked the board for their consideration of their application.

The next Cemetery Board meeting is scheduled for March 12, 2024, at 10:30 a.m.

The meeting adjourned at 11:13 a.m.