

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 August 1, 2024

Department of State
One Commerce Plaza, 99 Washington Avenue, 11th Floor, Room 1112
Albany, New York 12231

Office of the Attorney General
44 South Broadway
White Plains, NY 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:

Emmanuel Blugh, Division of Cemeteries

Michael Catena, Division of Cemeteries

Lewis Polishook, Division of Cemeteries

Steven Troutman, Division of Cemeteries

Alicia Young, Division of Cemeteries

Leonard Breen, Division of Cemeteries

Nathan McCarthy, Division of Cemeteries

Natesha Salmon, Division of Cemeteries

Robert Vanderbles, Department of State

GUESTS:

Anthony Biolsi, New Montefiore Cmty.

David Fleming Jr., Featherstonhaugh, Clyne & McCardle, LLP, & NYSAC

Jennifer Kovach, Forest Lawn

Richard Moylan, Green-Wood Cem.

Chris

Adam Ginsberg, Cedar Grove Cem.

Matt L

Julie R. Snyder, Forest Lawn

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

Opening Remarks

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

24-08-A-42 – Minutes of Previous Meetings

A motion was made, seconded, and unanimously adopted approving the minutes of the July 15 meeting.



Department
of State

24-08-B-43 – Legislation and Regulation

1. Pending Legislation

Robert Vanderbles communicated there is no legislative report this month as the legislature is out of session.

2. Regulations

Robert Vanderbles communicated that the rules and regulations for Natural Organic Reduction (NOR) will appear in the August 7th New York State Register.

24-08-C-44 – Division Report

Director Lewis Polishook reviewed staffing at the Division. The Division currently has two active recruitments. We have completed the interviews for our open investigator positions and made a recommendation to hire for our open accountant position.

Director Polishook communicated there is no update to the abandonment report or vandalism report, and that the Division will report on these at the Board's September meeting.

Director Polishook reviewed upcoming cemetery 101 sessions. We have upcoming sessions at Adams Fire Department on August 7th, Albany Rural Cemetery – Chapel on August 17th, and Nunda Historical Society on October 1st.

24-08-D-45 – Vandalism, Abandonment and Monument Repair or Removal Fund Report

Assistant Director Alicia Young directed the Board to the Division's Vandalism Report.

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

15-027 Forest Lawn (Freedom) (Erie), \$29,056.15

This cemetery seeks funds to repair 22 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 \$29,056.15, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 5:21-11:43.

15-027 Forest Lawn (Griffin Mills) (Erie), \$55,462.69

This cemetery seeks funds to repair 49 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 \$55,462.69, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 11:44-15:13.

24-08-E-46 – 15-027 – Forest Lawn – Mausoleum and PM Loan

The cemetery seeks to construct a mausoleum. There is evidence of strong demand for additional crypt space at the cemetery. This project will be paid through a 10-year PM loan.

After discussion, a motion was made, seconded, and unanimously adopted:

1. approving the cemetery's mausoleum application, subject to receipt of all required local permits and Supreme Court approval of the requested \$3 million PM loan; and
2. recommending Supreme Court approval of a \$3 million loan from the cemetery's permanent maintenance fund, with a term and payback as described in the draft petition included in the application.

The discussion of this determination can be found in the video recording of this meeting at 15:20-23:34.

24-08-F-47 – 34-053 – Woodlawn – Mausoleum

The cemetery seeks to amend a previously approved application for construction of a mausoleum.

After discussion, a motion was made, seconded, and unanimously adopted:

1. approving the Cemetery's amended application to construct a mausoleum, not to exceed \$4,885,000, subject to the Cemetery's subsequent receipt of all required building permits; and
2. 2. authorizing Board Chair Mark Pattison to sign the attached draft Part 3 of a Short Environmental Assessment Form.

The discussion of this application can be found in the video recording of this meeting at 23:35-29:30.

24-08-G-48 – 56-011 – Hudler – Determination of Abandonment

The Division has prepared and issued a determination that this cemetery is abandoned because it no longer has a board or sufficient funds to maintain the cemetery. A special lot owner's meeting was held June 11; the existing board resigned and no one was willing to serve on the board.

After discussion, a motion was made, seconded, and unanimously adopted confirming the Division's determination that the cemetery is abandoned.

The discussion of this determination can be found in the video recording of this meeting at 29:46-33:37.

Public Comment

Chris (no last name given) asked what could be done with naturally organically reduced remains. Division Director Lewis Polishook and Counsel Robert Vanderbles explained that the statute requires these to be deposited in a cemetery. Chris also asked why taking remains home is not allowed, as it is in Washington State. Mr. Vanderbles and Mr. Polishook stated that we could not state the legislature's intent in drafting and enacting this law. Chris also asked if NOR remains would be treated the same legally as cremains. Mr. Vanderbles responded that they are not treated the same as cremains, as the two statutes have different provisions. Chris also asked for clarification regarding the legality of scattering cremains or NOR remains. Mr. Vanderbles responded that the legislation requires final disposition of NOR remains within a cemetery. Mr. Polishook added that cremated remains could be scattered with permission of the owner of the land, but that the Board had previously indicated that only cemeteries may charge for accepting cremated remains.

Matt L. from Queens asked for the reason why private and family-owned funeral homes are excluded

from certain sections of the NOR regulations published. Director Polishook clarified that the Board could not state the legislature's intent in drafting and enacting the law, but added that this provision is consistent with the division between funeral home services and final disposition enacted in 1998.

Julie Snyder from Forest Lawn thanked the board for the expedient review of their mausoleum application.

David Fleming, representing the NYS Association of Cemeteries, thanked counsel for clarification of presented rules and regulations regarding NOR.

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

The meeting adjourned at 11:14 a.m.