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CEMETERY BOARD
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JAMES V. MCDONALD, M.D., M.P.H.
COMMISSIONER OF HEALTH

DRAFT

Cemetery Board Minutes
March 11, 2025

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 Attorney General
Thomas Fuller, Department of Health

OTHER ATTENDEES:

Leonard Breen, Division of Cemeteries
Lisa Dooley, Division of Cemeteries
Jeff Hardwick, Division of Cemeteries
Nathan McCarthy, Division of Cemeteries
Michael Morris, Department of State
Jessica E. Rosario, Division of Cemeteries
Michael Seelman, Division of Cemeteries
Cynthia Craig, Division of Cemeteries
Brendan Dunn, Division of Cemeteries
Sarah Levin, Division of Cemeteries
Corey Moore, Division of Cemeteries
Lewis Polishook, Division of Cemeteries
Natesha Salmon, Division of Cemeteries
Steven Troutman, Division of Cemeteries

GUESTS:

Eric Barna, Green-Wood Cem.
David Fleming, Jr., Featherstonhaugh, Wiley & Clyne, LLP, & NYSAC
Rich Moylan, Green-Wood Cem.
Brendon Boyle, FW&C, LLP, & NYSAC
Jim
Philip Tassi, Ferncliff Cem.

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 10:31 a.m. Mr. Pattison introduced himself and had the other Board members introduce themselves.

25-03-A-20 – Minutes of Previous Meetings

A motion was made, seconded, and unanimously adopted approving the minutes of the February 11, 2025, meeting as submitted to the Board.

25-03-B-21 – Legislation and Regulation

1. Pending Legislation

Deputy General Counsel David Gonzalez reported that there was no update on pending legislation.

2. Regulations

Director Lewis Polishook stated that the Division is working on proposed revisions to its regulations, mostly in response to legislative changes. One legislative change allows Towns to seek funds for cemeteries in "imminent danger" of abandonment. Director Polishook also highlighted a new statute that allow cemeteries to withdraw a portion of principal from their restricted funds.

After discussion, a motion was made, seconded, and unanimously adopted directing the Division to share the proposed draft regulations with stakeholders; the resolution itself is appended to these minutes.

Mr. Gonzalez highlighted the Department's regulatory agenda, which was published in the January 29th State Register. Three items on this register are relevant to the Division of Cemeteries: changes to 19 NYCRR Part 200, Part 201, and Part 203. Mr. Polishook added that the proposed Division rule making addresses most of these items.

25-03-C-22 – Division Report

Director Polishook updated the Board on recruitment within the Division. Director Polishook welcomed Jessica Rosario to her position as an investigator for the Division. Alicia Young has accepted an Associate Accountant position with the Division. We have begun recruiting for a second Senior Accountant position in our New York City office and seek to begin recruitment for the Senior Accountant position most recently occupied by Alicia Young.

Director Polishook highlighted community outreach programs planned for 2025. Clean Up Your Cemetery Day is scheduled for April 26th. Director Polishook highlighted our Annual Report assistance sessions that have been held throughout the month of March. We have three scheduled sessions left which can be found at dos.ny.gov/cemeteries. We have two upcoming Cemetery 101 sessions to be held during NYSAC's next two regional conferences, in Western New York.

25-03-D-23 – Vandalism, Abandonment and Monument Repair or Removal Fund Report

Associate Accountant Alicia Young indicated we have received 54% of 2024's annual reports via our online portal. The Division is on track to pay approximately $1.85 million of our $2 million 2024-2025 vandalism fund.

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

<u>29-021 West St. Johnsville Cemetery (Montgomery), $38,655.72</u>

This cemetery seeks funds to repair 31 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 $38,655.72, subject to availability of funds.

The discussion of this application can be found in the video recording of this meeting at 38:13-30:45.

25-03-E-24 – 60-006 Ferncliff Cemetery (Westchester) – Columbarium

The cemetery seeks to erect a new columbarium. This columbarium consists of a row of in-ground niches.

After discussion, a motion was made, seconded, and unanimously adopted approving construction of the new columbarium at a cost not to exceed $109,736.

The discussion of this application can be found in the video recording of this meeting at 34:00-38:55.

25-03-F-25 – 23-005 Cedar Grove Cemetery (Jefferson) – Determination of Abandonment

The Division has prepared and issued a determination that this cemetery is abandoned because it no longer has a board or the necessary funds to maintain the cemetery. The existing board members resigned as of January 2025 and the cemetery lacks sufficient funds to continue operating on a long-term maintenance-only basis.

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

The discussion of this application can be found in the video recording of this meeting at 38:56-43:51.

25-03-G-26 – 38-024 Orwell Evergreen Cemetery (Oswego) – Determination of Abandonment

The Division has prepared and issued a determination that this cemetery is abandoned because it no longer has a board or the necessary funds to maintain the cemetery. The existing board members resigned as of September 2024 and the cemetery lacks sufficient funds to continue operating on a long-term maintenance-only basis.

Chairman Pattison asked if any representatives of Orwell Evergreen Cemetery or the Town of Orwell had additional input; no one responded.

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

The discussion of this application can be found in the video recording of this meeting at 43:52-48:20.

Public Comment

David Fleming welcomed David Gonzalez to his role with the Division and thanked the Division for allowing stakeholder comment on upcoming regulations.

The next Cemetery Board meeting is scheduled for April 8, 2025, at 10:30 a.m.

The meeting adjourned at 11:21 a.m.