

Village of Skaneateles  
Cemetery Board of Lakeview Cemetery  
Regular Meeting – October 18, 2012

Present: Robert Gray, President  
Patricia Blackler, Commissioner  
Gary Trenti, Commissioner

Mike Byrne, Village Attorney  
Roben Shappell, Assistant Village Clerk

Dennis Dundon, Clerk to the Boards

President Gray called the meeting to order at 9:00.

**1. Comments from Roben Shappell**

A. In Section 10, Lot 308 there is some question as to whether Edward Shepard (1991 burial) is buried in the correct grave. The Village records suggest that his remains are in 3<sup>rd</sup> North. DMO Lotkowicz has said that he believes the remains are in 2<sup>nd</sup> North, adjacent to his wife (Frieda) who is in 1<sup>st</sup> North. There may be a Norman Shepard buried in 3<sup>rd</sup> North. The DMO is to conduct some probing to try to ascertain the actual locations. At the same time, Pres. Gray indicated that there should be stones with names at the site; but he will check to see if his records correspond to the Village's. The issue has arisen because Norman Shepard believes that there is still one vacant grave in this family's plot.

B. Mrs. Shappell informed the Board of a monument request from the Hydon family who would like to erect a large monument with the names of three undeceased persons.

**2. Investments** – Pres. Gray remarked that as a municipal cemetery, we are not subject to the NYS Dept. of Health governance. He surmised that there is an audit requirement. Atty. Byrne confirmed that municipalities are subject to audit by the Office of State Comptroller (OSC). Discussion ensued about what law governs a municipal cemetery. Pres. Gray said that he believes that the NYS Dept. of Health concerns itself only with not-for-profits, not municipals. Our interest on perpetual care funds has dropped from \$14,000 annually in 2008 to \$800 in 2011. This shortfall cannot be made up by raising prices, because we do not have a sufficient number of burials (est. 25 per year) or grave sales (also est. 25 per year) during the course of the year.

The issue is whether the \$160,000 principal amount in perpetual care funds can be invaded to cover the shortfall until interest rates rise again, or whether it can be invested in some other FDIC-insured fund that would earn a higher yield. Comm. Trenti described a market-linked CD that is FDIC insured, has a maturity of 5 to 7 years, and the income may be taken annually or allowed to compound. It uses a basket of 10 stocks to model the performance; in the most recent period the floor is 0.35% return and the ceiling is 6.00% return. Atty. Byrne questioned if there

is principal risk. Comm. Trenti believes that is offset by the FDIC guarantee, if held to maturity. Atty. Byrne asked how this vehicle can yield in excess of bank rates of less than 1 percent. Comm. Trenti said that the stocks form the index that determines the performance of the vehicle. Atty. Byrne said that he would be surprised if the cemetery fund were treated any differently from the Village's General Fund. He does not believe that the general fund could be invested in that market-linked CD. The defined benefit pension plan for the firefighters is permitted by state law to be in equity securities, an exception to the rule.

Comm. Trenti said that he would get details of this product to Atty. Byrne, who offered to draft a letter to the OSC representative that describes the dilemma and the proposed vehicle in order to get an opinion. Pres. Gray suggested that one alternative may be to ask the Village to subsidize a portion of cemetery operations. Atty. Byrne thought that would have to be part of the budget process in January.

**3. Potential Reburial Fee** – Pres. Gray mentioned that many cemeteries are instituting a “re-use fee” because of the increasing use of cremation. In these cases, the remains are being buried in with other family members. Oakwood Cemetery (a not-for-profit) has just applied to the State Cemetery Board for permission to charge such a fee – equivalent to half the current cost of the grave, in addition to the grave opening fee. Atty. Byrne said, “So what you want to know is whether you have the ability to establish or vary a reburial fee.” He went on to say that he believes the Board does have that ability, since it does not have to get approval for lot sales or pricing today.

Pres. Gray stated the consideration that some people who have bought graves in the past under the expectation that multiple burials were permitted. The Village used to allow 3, but recently limited each grave to 2 burials – one casket plus one cremation or two cremations. Pres. Gray said that Oakwood believes that it can successfully charge ½ the price of the grave, even if the grave had been purchased many years ago. In our case that would be approximately \$400. Atty. Byrne said he would research the answer.

#### **4. Transactions –**

Section 6, Lot 101, 1 North grave, monumented  
Deed 236, Book 8  
Trust Deed 3247

Marvin & Sandra Decker  
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**5. Potential Cemetery Services Clerk.** Comm. Blackler reported that this issue is still under active review and discussion by the Trustees.

**Next Meeting** – The next regularly scheduled meeting will be held on November 15, 2012 at 9:00 am.

The meeting was adjourned by acclamation at 9:27 am.