

**New Jersey Cemetery Board
Public Session Minutes
January 9, 2003**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J., on the sixth floor, on Thursday, January 14, 2003. The meeting was convened in accordance with the schedule filed with the Secretary of State and was conducted in accordance with the provisions of the Open Public Meeting Act, Chapter 321, P.L.. Notice of the meeting was prepared in the office of the Board and mailed out to the Secretary of State, the Attorney General, the Star Ledger, the Record, the Press of Atlantic City, the Asbury Park Press and the Trenton Times. Board Chairman Frank J. DeGeeter, Jr. called the meeting to order at 9:30 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski	Present
Frank J. DeGeeter, Jr.	Present
Paul M. Desbiens	Present
Stephen F. Hehl	Present
David Mallach	Present
June Nikola	Absent
William Nichols	Present
Marianne Panico	Absent
Gwendolyn Solice	Present

Also in attendance were: Susan H. Gartland, Executive Director for the New Jersey Cemetery Board; DAG John Hugelmeyer and Dianne L. Tamaroglio, Assistant to the Director.

II. PUBLIC COMMENT

Bernard Stoecklein, Chairman, CMS Mid-Atlantic, Inc. wished all those present a Happy New Year.

III. ELECTION OF OFFICERS FOR 2003 FOR THE NEW JERSEY CEMETERY BOARD

Executive Director Susan H. Gartland opened nominations for Chairman of the New Jersey Cemetery Board for 2003. Marion Brozowski nominated Frank J. DeGeeter, Jr. for Chairman of the Board. The nomination was seconded by David Mallach. With no further nominations being made Steven F. Hehl made a motion to close nominations. Paul M. Desbiens seconded the motion. A vote was taken and Frank J. DeGeeter, Jr. was voted Chairman of the Board for 2003 by acclamation.

As the newly elected Board Chairman, Frank J. DeGeeter, Jr opened nominations for Vice-Chairman of the New Jersey Cemetery Board for 2003. Paul M. Desbiens nominated David Mallach for Vice-

Chairman of the Board. The nomination was seconded by Marion Brozowski. With no further nominations being made Marion Brozowski made a motion to close nominations; Stephen F Hehl seconded the motion. A vote was taken and David Mallach was voted Vice-Chairman of the Board for 2003 by acclamation.

IV. OLD BUSINESS

A. Appearance of Charles Manning, Regulatory Analyst-10:00 AM

Re: Pre-construction regulation

The Board along with Charles Manning, Regulatory Analyst, Division of Consumer Affairs reviewed and discussed revisions to N.J.A.C. 13:44J-8.4, Temporary storage prior to final entombment or interment within a single cemetery and reviewed and discussed new regulation, N.J.A.C. 13:44J-14.3, Pre-construction sales of mausoleum space. The regulations were discussed thoroughly making some amendments to both. A motion was made by William Nichols and seconded by Marion Brozowski to approve the amended regulations for proposal in the New Jersey Register. A vote was taken and the motion was carried by a unanimous vote.

B. Marlboro Memorial Inc. (CA #395)

Marion Brozowski and Paul M. Desbiens were recused from this matter and moved away from the table.

The approved form for the Certificates of Interest was forwarded to James. M. Burke, attorney for Marlboro Memorial Inc. To date the Board has not received a response from Mr. Burke or the cemetery regarding the form for the Certificates of Interest or if the cemetery has issued any Certificates. As requested by the Board at its December 12, 2002 Board meeting, the cemetery will be asked to provide the Board with a copy of the trust agreement for the cemetery's Maintenance & Preservation Trust Fund as well as the trust agreement for the Mausoleum Building Trust Fund to be sure that the Trust Funds are set up on the trust side of the bank. This matter will be carried over.

C. Would the Board approve the purchase of extra land?

Re: The Ewing Cemetery Association (CA #20)

This matter will be held over pending receipt of additional information from Ewing Cemetery pertaining to the cemetery purchasing additional land for cemetery use.

D. Advisement that the County of Ocean is taking a portion of cemetery property

Re: Greenwood Cemetery (CA #370)

George Watson has advised the Board office that he has not found the paperwork that he believes exists which lifted the restriction of burials in the area of Greenwood Cemetery to be taken by the County of Ocean. He has however, found maps of the cemetery that he believes may have some bearing on the lifting of the restriction. He has forwarded these maps to the attorney for the cemetery. Mr. Watson and Louis Wright, Sr., President of the cemetery have been asked to appear before the Board at its February 13, 2003 Board meeting for the purpose of discussing the proceeds from the sale of the property and how much should be placed into the cemetery's Maintenance & Preservation Trust Fund. Mr. Watson has been advised that there should be no disbursement of funds from the proceeds of the sale until the Board has had a chance to determine the amount that should be deposited into the cemetery's M&P Trust Fund. This matter will be carried over.

E. Passage of an Ordinance Regulating Burials, Interments and Disinterments within the Borough of Totowa

Re: Laurel Grove Cemetery (CA #30), CMS Mid-Atlantic, Inc.

Paul M. Desbiens was recused from this matter and moved away from the table.

The Board reviewed a letter prepared by Executive Director Susan H. Gartland regarding the Board's concerns with this ordinance which will be issued to James A. Brownlee, Director for the New Jersey Department of Consumer and Environmental Health Services. With a few changes being made to the letter, it will now be forwarded to Mr. Brownlee on behalf of the Board. This matter is now closed and removed from future Board meeting agendas.

F. Assembly, No. 2997

Re: The "Abandoned Cemetery Maintenance and Preservation Act"

The comments made to this Bill by the Board have been submitted to Reni Erdos, Director of the Division of Consumer Affairs.

G. Correspondence from Patrick Andriani

Re: Hudson County Burial Ground

Patrick Andriani has written to the Board expressing a strong desire that the Board should get involved in this matter and advising that he believes for the Board to say that since this is a County cemetery it does not come under its jurisdiction is wrong. Mr. Andriani will be advised that the Board will seek the advice and guidance of the Attorney General's office on how they should proceed with this matter.

H. Requesting Board approval for an agreement between Hoboken Cemetery and the New Jersey Turnpike Authority

Re: Sale of grave space by Hoboken Cemetery for the reinterment of remains from Hudson County Burial Ground

Jerome M. Katz, Esquire has submitted to the Board for its approval a letter of agreement between Hoboken Cemetery and the New Jersey Turnpike Authority for the sale of grave space in Hoboken Cemetery to be used for the reinterment of remains from the Hudson County Burial Ground. The cost for each grave space within the Initial Area or the Additional Area will be at the rate of \$1,000.00 per grave space; each grave space in the Initial Area and the Additional Area will be dug to triple level depth at a cost of \$995.00 per grave for opening and filling. The Authority will also be responsible in addition to the above, for the statutory payment into the Maintenance & Preservation Trust Fund of the cemetery, \$10.00 for each individual interment container to be interred. A motion was made by David Mallach and seconded by William Nichols to approve this agreement noting that 15% of the sale must also be deposited into the cemetery's Maintenance & Preservation Trust Fund. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

I. Senate Bill, 1992

The comments made to this Bill by the Board have been submitted to Reni Erdos, Director of the Division of Consumer Affairs.

J. Senate Bill, 1350

The position of the Board to this Bill has been memorialized and submitted to Reni Erdos, Director of the Division of Consumer Affairs.

V. NEW BUSINESS

**A. Application for Approval for Verizon-Lease
Re: Arlington Cemetery (CA #71)**

Jerome M. Katz, Esquire has presented to the Board for its approval, documentation for a lease between Arlington Cemetery and Verizon Wireless for the erection of a cell tower on the property of the cemetery. Upon review by the Board of the documentation provided, a motion was made by David Mallach and seconded by Paul M. Desbiens to approve the lease agreement. A vote was taken and the motion was passed by a unanimous vote.

**B. Request to become a Cemetery Company
Re: The Bloomingdale Cemetery Association**

Bloomingdale Cemetery Association was established circa 1867. The Minute Books of the cemetery are in the possession of the Butler Boro Hall, however they have very little information in them regarding burials. In the 1970's or 1980's, the cemetery records were turned over to the Boro, however, the Boro is not the owner, nor does it want to be the owner and it does a minimal job in maintaining the cemetery. The Boro of Butler will not take the responsibility for this cemetery. David A Henry, is writing to the Board to obtain the authority to establish the Bloomingdale Cemetery Association as an Association and incorporate under non-profit status. Mr. David advises he wants to have the authority to maintain the Cemetery to avoid the destruction and to put the Cemetery back to the condition that it once was; there would be no future burials. Mr. Henry's letter will be forwarded to the Boro of Butler asking if there is any information regarding the cemetery that it can share with the Board. It is the belief that this cemetery also known as Manning Avenue Cemetery has had recent burials. The Boro will be asked if it signs burial permits. Mr. Henry will be advised that if he wishes to form an association he would need to form that prior to applying for a Certificate of Authority from the Board. This matter will be carried over pending a response from the Boro of Butler.

**C. Is there a risk of cemetery grounds collapsing
Re: Beth David Cemetery (CA #308)**

Brian Weeks, an employee for the DEP has contacted the Board to advise of a possible issue of concern with Beth David Cemetery in Kenilworth, N.J.. Mr. Weeks was on a site inspection recently investigating whether a stream that runs through a culvert under Beth David Cemetery and onto the grounds of the Galloping Hill Golf Course, is a natural stream or a manmade ditch. The stream appears to be subject to significant periodic stormwater-related erosion. Above the point where the stream exits the culvert and enters the golf course grounds there is a nearly vertical wall (over 10 feet high) of loose soil and rocks, part of which is shored up with what appears to be stacked firewood. At the top of the earthen wall is a chain link fence around the boundary of the cemetery. Within a few feet inside the fence are headstones which would indicate the probability of graves. That would place the graves within a very few feet of the vertical earthen wall that does not appear to have significant structural support. The DEP staff has expressed concern whether there is a risk of the cemetery grounds collapsing into the stream. The Board will contact Sanford Epstein who manages the cemetery about this situation and ask him if he knows or can determine who is responsible for this wall. This matter will be carried over.

**D. Correspondence from Louis N. Rainone, Esquire
Re: Piscataway Town Historical Cemetery**

Louis N. Rainone, Esquire has written to the Board asking if he could meet with the Board to discuss Piscataway Town Historical Cemetery. This cemetery surrounds St. James Episcopal Church in Edison and has also been called St. James Cemetery and Old White Church Cemetery. From limited past records, it appears that the Piscataway Historical Cemetery Association operated this cemetery until

January 16, 1961 when it turned over its entire treasury to Reverend Martin of St. James Episcopal Church. From that point on it is not clear who was the owner/operator of the cemetery. The Township of Edison has been maintaining the cemetery; however, it has never received any revenue nor sold plots at the cemetery; the Township does not possess records regarding the owners of plots and has recently been receiving inquiries from people that are requesting to be buried at the cemetery with their families. Many of these people have no paperwork to prove ownership of their plots. The Township of Edison does not want to own a cemetery. It would like to "close" the cemetery to future burials once those entitled to be buried at the cemetery are established. The Board will advise Mr. Rainone to contact St. James Episcopal Church and ask the Church to search for the cemetery records and files for burial records.

E. Application for a Certificate of Authority

Re: Mount Hope Cemetery Association of Lambertville

The Board has received an application for a Certificate of Authority from Mount Hope Cemetery Association of Lambertville, NJ. The application will be on review to the Public for a period of 60 days in the Board office as required by Title 8A. The cemetery has paid the \$500.00 application fee; has supplied the Board with its Amended and Restated Ordinary Bylaws, adopted December 10, 2002; its rules and regulations; its fee schedule and parts of its incorporation papers. There appears to be a conflict between the cemetery's Bylaws and its Act of Incorporation. The cemetery will be asked to clarify for the Board its incorporation status; is it a stock cemetery or a lot owners cemetery? Is the stockholders corporation still in tact or has it been dissolved? Also, on the cemetery's information sheet it states that the total acreage of the cemetery is 7 acres with 1 acre developed and 5 acres sold. The cemetery will be asked for an explanation of its acreage. This matter will be carried over.

F. Approval of Bulk Sales

Beth Israel Cemetery Association, (CA #1), Woodbridge, NJ to Congregation Ohev Shalom, Marlboro Jewish Center

Executive Director Susan H. Gartland approved the bulk sale of up to 120 graves for \$66,000.00 (\$550.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

Jersey State Memorial Park, Inc. (CA #291), Millstone, NJ to Parkchester Jame Masjid, Inc.

Executive Director Susan H. Gartland approved the bulk sale of 172 graves for \$51,600.00 (\$300.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Jersey State Memorial Park, Inc.

Jersey State Memorial Park, Inc. (CA #291), Millstone, NJ to Baitue Aman Islamic Center, Inc.

Executive Director Susan H. Gartland approved the bulk sale of 100 graves for \$30,000.00 (\$300.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Jersey State Memorial Park, Inc.

Laurel Grove Cemetery (CA #30), Totowa, NJ to Islamic Center of Passaic County

Executive Director Susan H. Gartland approved the bulk sale of 500 graves for \$375,000.00 (\$750.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

G. Marlboro Memorial Cemetery Complaints (CA #395)

Docket #02-010 - #02-041

Marion Brozowski and Paul M Desbiens were recused from this matter and moved away from the table.

Executive Director Susan H. Gartland advised the Board that the Board office received from the Asbury Park Press an OPRA (Open Public Records Act) request for the transcript of when the principals of Marlboro Memorial Inc. along with the Mayor of Marlboro, NJ appeared before the Board for an Investigative Inquiry. The transcript was provided. The Board complaints regarding the construction of the mausoleum in the Mt. Sinai section of Marlboro Memorial Cemetery will be held until the Board is satisfied that they are resolved.

H. St. Joseph's Cemetery & Mausoleum

This matter was discussed and concluded in Executive Session. An Offer of Settlement was issued to St. Joseph's Cemetery & Mausoleum for violation of N.J.S.A.8A:3-2 & N.J.S.A.8A:1-2. The Board offered St. Joseph's the opportunity to settle this matter , and thereby avoid the initiation of formal disciplinary proceedings, should the cemetery consent to cease and desist from such conduct and to reimburse the Board for the costs of its investigation into this matter. The cost for this investigation was \$1660.00. The Board has received St. Joseph's signed acknowledgment of wrongdoing along with its check for the reimbursement of investigative costs. This matter is now closed and removed from further Board meeting agendas.

VI. FOR YOUR INFORMATION

A. Order to Show Cause

Re: George Washington Memorial Park Cemetery Association, Inc., plaintiff v Bergen Community College, the County of Bergen, The New Jersey Cemetery Board, and the Attorney General's Office of the State of New Jersey, Defendants
Docket No: C-390-02E

This matter was considered informational for the Board deeming no discussion or decision making.

B. Order to Show Cause & Verified Complaint

Re: George Washington Memorial Park Association v Bergen Community College, et al
Docket No.: BERG-C-390-02

This matter was considered informational for the Board deeming no discussion or decision making.

C. Cemetery Consumer Service Council Releases 2001 Activity Survey Data

This matter was considered informational for the Board deeming no discussion or decision making.

D. New Jersey State Board of Mortuary Science

Open Session Meeting Agenda-January 7, 2003

This matter was considered informational for the Board deeming no discussion or decision making.

VII. ADJOURNMENT

A motion was made by David Mallach and seconded by Paul M. Desbiens to adjourn Public Session

and move into Executive Session at 12:30 PM. A vote was taken and the motion was passed by a unanimous vote. The Board moved into Executive Session to discuss the following matters involving investigations, violations, and/or the Board's regulations:

1. Four (4) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.
2. Nineteen (19) matters where additional information has been submitted to the Board pending investigations.

The substance of these investigations shall remain confidential until disclosure is permitted by law. Board action arising from such discussions will be made public at such time as official action is taken on these matters, if permitted by law.

Respectfully Submitted,

Susan H. Gartland
Executive Gartland