

New Jersey Cemetery Board

Public Session Minutes

January 10, 2002

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street on the sixth floor, on Thursday, January 10, 2002. 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	Present
William Nichols	Present
Marianne Panico	Present
Gwendolyn Solice	Present

Also in attendance were:

Susan H. Gartland, Executive Director for the New Jersey Cemetery Board; Nancy Costello Miller, DAG for the New Jersey Cemetery Board; and Dianne L. Tamaroglio, Assistant to the Director.

A motion was made by June Nikola and seconded by Paul M. Desbiens to move into Executive Session at 12:30 P.M. to discuss the following matters involving investigations, violations and/or the Board regulations:

1. One (1) new matter or complaint filed with the Board which requires review and recommendations in regard to investigation and/or actions.
2. Sixteen (16) 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 from such discussions will be made public at such time as official action is taken on these matter if permitted by law.

II. ELECTION OF OFFICERS FOR 2002 FOR THE NEW JERSEY CEMETERY BOARD

Susan H. Gartland, Executive Director opened nominations for Chairman of the New Jersey Cemetery Board. David Mallach nominated Frank J. DeGeeter, Jr. for 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: Paul Desbiens seconded the motion. A vote was taken and Frank J. DeGeeter, Jr. was voted chairman of the Board by acclamation.

As the newly elected Board Chairman, Frank J. DeGeeter, Jr. opened nominations for Vice-Chairman of the New Jersey Cemetery Board. William Nichols nominated David Mallach as Vice-Chairman of the Board. The nomination was seconded by Paul M. Desbiens. 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 by acclamation.

III. PUBLIC COMMENT

Leonard Auerbach, a member of the Cemetery Industry, expressed to the Board that he would wish that the new Administration of the Division of Consumer Affairs would take the Board's suggestions and comments more seriously than in the past. He would like to see the Board's ideas and comments be brought to the Legislature as he believes the consideration of those ideas and comments regarding newly proposed bills would ultimately benefit the public.

IV. APPROVAL OF PUBLIC SESSION MINUTES OF DECEMBER 13, 2001

A motion was made by Marion Brozowski and seconded by William Nichols to approve the Public Session minutes of December 13, 2001 as corrected. A vote was taken and motion was passed by a unanimous vote.

V. APPEARANCE OF CHUCK MANNING, REGULATORY ANALYST-10:30 P.M.

Re: N.J.A.C. 13:44J-5.2;5.6;5.9

Charles Manning, Regulatory Analyst, Division of Consumer Affairs did not appear before the Board today. This matter will be carried over.

VI. OLD BUSINESS

A. Woodland Cemetery (CA #49)-Update

Executive Director Susan H. Gartland advised the Board that Woodland Cemetery's Annual Meeting is scheduled for Wednesday, January 30, 2002 at Pal's Cabin in West Orange, New Jersey. Executive Director Gartland will attend the meeting as an observer. Sanford Epstein has advised that Woodland's burial records are still being worked on and entered into the computer; there are 150 years of records and this will take time to accomplish.

B. Is there a market for cemetery stock?

Re: Colonial Memorial Park Cemetery (CA #16)

June Nikola was recused from this matter.

D.A.G. Nancy Costello Miller advised the Board that she has not yet received a response from James Burke, Attorney for Colonial Memorial Park. D.A.G. Costello Miller will follow up on this matter.

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

Re: Greenwood Cemetery (CA #370)

Greenwood Cemetery will be advised that when it proceeds with the project of selling a portion of its property to the Ocean County Department of Transportation it must make an application to the Board for approval. Also, if in the interim time the cemetery should receive any additional information from the Department of Transportation regarding the sale, it must forward same to the Board. This matter will be removed from future Board meeting agendas, until such time when we receive any additional information.

D. Application to sell a portion of cemetery property

Re: Flower Hill Cemetery Association (CA #148)

This matter will be held over pending receipt of the requested information from the cemetery.

E. Application for a Certificate of Authority

Re: Denville Cemetery Association

William J. Lovas, Attorney representing Denville Cemetery Association provided the Board with the requested information pertaining to Denville Cemetery's application for a Certificate of Authority. Upon review of the information the Board had the following questions/concerns which Mr. Lovas will be asked to address:

1. Number 9 of the cemetery's By-Laws states any person or heirs holding title to a grave or plot may attend meetings, make suggestions and otherwise take part except they will not be allowed to vote. Does this mean that lot owners cannot vote at the cemetery's Annual Meetings?;
2. Number 1 of the cemetery's rules and regulations states that one must be a resident or former resident of Denville to purchase a grave site in the Denville Cemetery; does this still hold true?
3. In the financial statement of the cemetery provided to the Board, which accounts if any are trust accounts and what bank are they trusted in?; and
4. According to Title 8A all cemeteries must set up an irrevocable Maintenance & Preservation Trust Fund for the purpose of maintenance and preservation of the cemetery. This Fund must be held in a Custodial Account in a banking institution authorized by law to maintain trust accounts and having and maintaining a principal place of business within this State. The cemetery must establish a M&P account and a separate operating account. It must be determined what money goes into the M&P.

F. Request for approval for a credit to M&P Trust Fund for 2001

Re: Marlboro Memorial Cemetery (CA #395)

This matter will be held over pending receipt of a response from the cemetery.

G. Application to purchase additional property for cemetery use

Re: Cedar Ridge Cemetery (CA #54)

This matter will be held over pending receipt of additional information pertaining to the matter requested by the Board.

H. Application for enlargement of cemetery

Re: Ocean County Memorial Park (CA #224)

A letter was received from William J. Murphy, Executive Director for Ocean County Memorial Park advising the Board that he is in the process of gathering the information requested by the Board concerning the cemetery's application for approval of the purchase of additional lands for cemetery purposes. This matter will be carried over.

I. Request for approval of easement

Re: Mt. Pleasant Cemetery (CA #14)

Mt. Pleasant Cemetery previously requested Board approval for the granting of an easement on a portion of the cemetery's property to the City of Newark. Before the Board can reach a decision in this matter, Board Member David Mallach will do a site inspection of the area in question. He will report his findings to the Board at its February 14, 2002 Board meeting.

VII. NEW BUSINESS

A. Requesting Board approval to sell a portion of cemetery property

Re: The Riverview Cemetery (CA #44)

Riverview Cemetery has made an application to the Board for the approval of the sale of a portion of Riverview Cemetery's property to the New Jersey Department of Transportation. Before the Board can reach a decision in this matter it will ask that Riverview Cemetery provide the following:

1. Please provide to the Board a certified appraisal of the property in question;

2. Please provide a copy of the contract of sale; and

3. Please provide any documentation you may have pertaining to condemnation of any cemetery property owned by Riverview Cemetery by the Department of Transportation.

This matter will be held over pending receipt of the requested information from the cemetery.

VIII. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes-August 7, 2001

Open Session Meeting Minutes-September 6, 2001

Open Session Meeting Minutes-October 2, 2001

Notification of rescheduling of January Board meeting

B. Newspaper Article

Cemetery Cleanup Reveals Old Headstones

C. Internet article

Florida Jewish Community Incensed as News of Cemetery Scandal Breaks

D. Notification of passing of Senate, No. 1408

All of the above matters were considered informational for the Board deeming no discussion or decision making.

VIX. ADJOURNMENT

A motion was made by June Nikola and seconded by Paul M. Desbiens to adjourn Public Session. A vote was taken and the Public Session of the January 10, 2002 Board meeting was adjourned at 10:50 A.M.

Respectfully Submitted,

Susan H. Gartland
Executive Director