

**New Jersey Cemetery Board
Public Session Minutes
February 13, 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, February 13, 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	Absent
Stephen F. Hehl	Present
David Mallach	Present
June Nikola	Present
William Nichols	Absent
Marianne Panico	Present
Gwendolyn Solice	Absent

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

Louis N. Rainone, Esquire previously wrote to the board regarding Piscataway Town Historical Cemetery in the Township of Edison. It appears that it is not clear who owns or manages the cemetery. The cemetery surrounds St. James Episcopal Church and has been called St. James Cemetery and Old White Church Cemetery. Recently, people have been asking to be buried at the cemetery with their families. Many of these people have no paperwork to prove ownership of their plots. The Board advised Mr. Rainone that the Township of Edison should contact St. James Episcopal Church and ask the Church to search for the cemetery records and files for burial records. Attorney Anthony J. Arnone appeared before the Board today to discuss the matter further. D.A.G. John D. Hugelmeyer advised Mr. Arnone that the Township of Edison might want to do a Title Search of the property to establish who the owner of the property was and is owned by. Also, individuals who express a desire to be buried at the cemetery must certify ownership to the graves.

Garry Miller, Trustee for Crescent Memorial Park discussed with the Board what he believes to be irregularities in the Maintenance & Preservation Trust Funds for the cemetery. D.A.G. John D. Hugelmeyer advised Mr. Miller to supply as much detailed information as possible regarding the matter to the Board for its review.

III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF DECEMBER 12, 2002

A motion was made by Marion Brozowski and seconded by June Nikola to approve the Public Session Minutes of December 12, 2003 as amended. A vote was taken and the motion was passed by a unanimous vote.

IV. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JANUARY 9, 2003

A motion was made by David Mallach and seconded by Marion Brozowski to approve the Public Session Minutes of January 9, 2003 as presented. A vote was taken and the motion was passed by a unanimous vote.

V. OLD BUSINESS

A. Marlboro Memorial Inc. (CA #395)

Marion Brozowski was recused from this matter and moved away from the table.

James M. Burke, attorney for Marlboro Memorial Cemetery has advised the Board that the cemetery has issued Certificates of Interest in the form recently approved by the Board. Joseph Spalliero, President of the cemetery has responded to the Board's request for 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. Mr. Spalliero advises that the paperwork he had previously provided to the Board was the agreement that he received upon opening the new cemetery's Custodial Maintenance & Preservation Trust Fund Account as well as the agreement for the Custodial Building Trust Fund Account. He advises further that according to PNC Bank where the accounts are held, these agreements are the only paperwork the bank is authorized to provide. Mr. Burke will contact the Bank directly and review with them what additional paperwork is required. Any additional paperwork that will be required will be forthcoming from Mr. Burke's office for Board review.

B. 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.

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

Re: Greenwood Cemetery (CA #370)

The Board has received a notice of condemnation action, whereby the County of Ocean will be purchasing a portion of Greenwood Cemetery's property for \$37,300.00 for the purpose of widening the road. George Watson was to appear before the Board today for a discussion pertaining to the amount that should be deposited into the cemetery's Maintenance & Preservation Trust Fund from the proceeds of the sale. However, he is out of the country. He advises that nothing will be done with the proceeds until the Board discusses the matter with him and Leroy Bright, President of the cemetery. This matter will be carried over.

D. Request to become a Cemetery Company

Re: The Bloomingdale Cemetery Association

This matter will be held over pending receipt of any information from the Borough of Butler. If no information is forthcoming, another letter will be sent to the Borough.

E. Concern regarding a retaining wall
Re: Beth David Cemetery (CA #308)

This matter will be held over pending a response from Sanford Epstein.

F. Application for a Certificate of Authority
Re: Mount Hope Cemetery Association of Lambertville

Board member David Mallach conducted an on-site inspection of Mount Hope Cemetery Association of Lambertville. Mr. Mallach advises that this is a very old cemetery, with many monuments damaged or on their sides and is not being maintained very well. He further advises that there appears to be a considerable amount of land available for burials and sees no reason why the cemetery should not receive a Certificate of Authority. Raymond M. Kang, attorney representing the cemetery has provided responses to the Board's inquiries. A review of all of the documentation provided has brought about one matter of concern: in the cemetery's original Act of Incorporation it states that the cemetery shall not exceed five acres, however, the documentation provided states that the cemetery's grounds total 7 acres of land. It will be suggested to the cemetery that perhaps it should amend its Act of Incorporation. The Board will consider Mount Hope Cemetery Association's application for a Certificate of Authority at its March 26, 2003 Board meeting in Atlantic City.

G. Correspondence from PNC Advisors to Emery J. Bittman, President,
Cedar Grove Cemetery Association (CA #217)
Re: Maintenance & Preservation Trust Fund

Emery J. Bittman, President of Cedar Grove Cemetery Association has forwarded to the Board a letter he has received from PNC Advisors , (the bank that holds the cemetery's M&P Trust Fund). The letter advises of a new fee arrangement for funds held by PNC. Mr. Bittman had previously written to the Board advising that he wanted to move the cemetery's Trust Fund out of PNC or at least convert the Funds to CD's with PNC but the Bank would not allow him to move the Trust Fund. A letter was sent to PNC from the Cemetery Board at that time. The Bank then became very solicitous to Mr. Bittman's request and Mr. Bittman decided to keep the Trust Fund in PNC. The Board will advise Mr. Bittman that while he was previously happy with the Bank's decision to work with him, because of the change in the fee structure, he may want to consider removing the fund from PNC Advisors for the financial well-being of the cemetery.

VI. NEW BUSINESS

A. Draft of new application form for a Certificate of Authority,
prepared by Board member Marion Brozowski
Re: Board review

The Board reviewed a draft of a new application form for a Certificate of Authority prepared by Board member Marion Brozowski. Members of the Board made suggestions for additional information the Board may want to capture on the application. Ms. Brozowski will take into account the additional changes and make the changes to the application. If the application is ready in time, the Board would like to introduce the new form to the members of the New Jersey Cemetery Association for input at its annual conference in Atlantic City, New Jersey where the Board will hold its March Board meeting on March 26, 2003.

B. Cemetery has no rules or regulation
Re: Ocean View Cemetery Company (CA #325)

When John T. Turner III of Ocean County Cemetery Company filed the cemetery's Annual Report for 2002 he advised the Board that the cemetery does not have a list of rules for the cemetery as the cemetery has not actively been trying to sell plots or anything else. Mr. Turner will be advised that the cemetery is required to have a list of rules and regulations which would cover such things as monumentation, flowers on the graves, animals in the cemetery, etc. Mr. Turner will be advised to contact the New Jersey Cemetery Association for assistance in putting together a list of rules and regulations.

**C. St. Joseph's Cemetery & Mausoleum &
St. Gabriel's Cemetery & Mausoleum**

This matter has been reported out of Executive Session. St. Joseph's Cemetery & Mausoleum and St. Gabriel's Cemetery & Mausoleum, both religious cemeteries neither having a Certificate of Authority issued by this Board have been found to be in violation of N.J.S.A.8A:3-2 & N.J.S.A.8A:1-2. The Board offered both cemeteries the opportunity to settle this matter and avoid initiation of formal disciplinary proceedings, by consenting to cease and desist from such conduct and to reimburse the Board for the costs of its investigation. The cost for the investigation for Saint Joseph's Cemetery & Mausoleum was \$1660.00 and the cost for the investigation for Saint Gabriel's Cemetery & Mausoleum was \$2,261.00. Both cemeteries have reimbursed the New Jersey Cemetery Board for the costs of the investigations and have signed certifications acknowledging wrongdoing. This matter is now closed.

D. Advisement of Annual Reports not being made from 1992 through 1999
Re: Princeton Memorial Park (CA #134)

This matter has been reported out in Executive Session. Princeton Memorial Park has been fined by the Board for failure to file its Maintenance and Preservation Trust Fund Annual Reports for the years 1992 through 2001 as per N.J.S.A.8A:4-5 and failure to make deposits to the Maintenance & Preservation Trust Fund for the same period as per N.J.S.A.8A:4- 12. The cemetery was issued a Uniform Penalty Letter by the Board which contained a fine of \$45,000.00 and was assessed \$7,350.00 for investigative costs. The cemetery has paid the fine and reimbursed the Board the investigative costs. The cemetery has also deposited \$382,514.60 into its Maintenance & Preservation Trust Fund pursuant to the Board's directive.

VII. FOR YOUR INFORMATION

A. Newspaper Articles

Girgenti bill on desecration signed into law-A 2378

Memorial held at potter's field

Turnpike agency holds mass disinterment rite

These matters were considered informational for the Board deeming no discussion or decision making.

B. Memo from Anthonig Miragliotta, Deputy Director to Lawrence O'Reilly, Assistant Attorney General

Re: Requesting approval for New Jersey Cemetery Board Officers for 2003-2004

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

**C. George Washington Memorial Park Cemetery Association v Bergen Community College, et al
Docket No. BER-C-390-02**

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

**D. Proposed amendments published in New Jersey Register
Re:N.J.A.C.13:44J-3.1, 7.1, 10.5, 13.1, 13.3 through 13.7, 14.1, 14.2, 15.2 and 15.3**

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

E. New Jersey State Board of Mortuary Science

Open Session Meeting Agenda-February 4, 2003

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

VIII. ADJOURNMENT

A motion was made by David Mallach and seconded by Marion Brozowski to adjourn Public Session and move into Executive Session at 10:55 AM. 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. One (1) new matter or complaint filed with the Board which requires review and recommendations in regard to investigation and/or actions.
2. Twenty-two (22) 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 Director