

New Jersey Cemetery Board

Public Session Minutes

February 14, 2002

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street on the sixth floor, on Thursday, February 14, 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	Absent
Marianne Panico	Present
Gwendolyn Solice	Absent

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

A motion was made by June Nikola and seconded by David Mallach to move into Executive Session at 12:00 P.M. to discuss the following matters involving investigations, violations and/or the Board regulations:

1. Ten (10) new matters or complaints filed with the Board which requires review and recommendations in regard to investigation and/or actions.
2. Fifteen (15) 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 matters if permitted by law.

II. PUBLIC COMMENT

Leonard Auerbach, a member of the Cemetery Industry, expressed to the Board that he believes that when a cemetery sells a portion of its property the entire amount of the sale should be put into the cemetery's Maintenance & Preservation Trust Fund as he believes this would help boost the financial status of many cemeteries.

III. APPROVAL OF PUBLIC SESSION MINUTES OF JANUARY 10, 2002

A motion was made by David Mallach and seconded by Marion Brozowski to approve the Public Session minutes of January 10, 2002 as amended. A vote was taken and the motion was passed by a unanimous vote.

IV. OLD BUSINESS

A. Woodland Cemetery (CA #49)-Update

Executive Director Susan H. Gartland advised the Board that she attended Woodland Cemetery's Annual Meeting on January 30, 2002 at which time a new slate of officers was voted upon. At the meeting Sanford Epstein provided pictures of the cemetery to show the progress that has been made of the conditions of the cemetery. This matter will now be removed from future Public Board meeting agendas.

B. Is there a market for cemetery stock?

Re: Colonial Memorial Park Cemetery (CA #16)

June Nikola was recused from this matter and moved away from the table.

This matter will be moved to Executive Session.

C. Application to sell a portion of cemetery property

Re: Flower Hill Cemetery Association (CA #148)

Flower Hill Cemetery Association has not yet provided the Board with its requested information pertaining to the sale of a portion of its property. A letter will be sent to the cemetery advising that the Board is taking this matter off of future Board meeting agendas pending receipt of the requested information.

D. Application for a Certificate of Authority

Re: Denville Cemetery Association

The Board had previously requested additional information from Denville Cemetery pertaining to the cemetery's application for a Certificate of Authority. To date the Board has not received the information. A follow up letter will be forwarded to the cemetery. This matter will be carried over.

E. 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 to Executive Session and tied in with the Investigative Inquiry of Marlboro Memorial Park which will take place at 2:00 P.M. today.

F. Application to purchase additional property for cemetery use

Re: Cedar Ridge Cemetery (CA #54)

Cedar Ridge Cemetery previously made an application to the Board for approval to purchase additional property for cemetery use. Upon review of the application, the Board had some concerns and questions regarding the purchase which it asked the cemetery to address. To date the Board has not received a response. A follow up letter will be forwarded to the cemetery. This matter will be carried over.

G. Application for enlargement of cemetery

Re: Ocean County Memorial Park (CA #224)

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

H. Request for approval of easement

Re: Mt. Pleasant Cemetery (CA #14)

Executive Director Susan H. Gartland will do a site inspection of the area at Mount Pleasant Cemetery that the cemetery has requested approval for the granting of an easement to the City of Newark.

I. Final Orders

Mount Prospect Cemetery (CA #128)

The Board previously issued a Provisional Order to Mount Prospect Cemetery for failure to file its Annual Reports for the period January 1, 1992 to December 31, 1997. The Provisional Order carried a \$500.00 Civil Penalty. The cemetery has since filed its delinquent Annual Reports along with its subsequent reports and has paid the appropriate filing fees. A Final Order was issued to the cemetery on January 10, 2002 with a reduction in the Civil Penalty to \$100.00 which the cemetery has paid. This matter is now closed.

Pointville Methodist Cemetery (CA #202)

The Board previously issued a Provisional Order to Pointville Methodist Cemetery for failure to file its Annual Reports for the period June 1, 1995 to December 31, 1997. The Provisional Order carried a \$500.00 Civil Penalty. The cemetery has since filed its delinquent Annual Reports along with its subsequent reports and has paid the appropriate filing fees. A Final Order was issued to the cemetery on January 10, 2002 with a reduction in the Civil Penalty to \$100.00 which the cemetery has paid. This matter is now closed.

Rosehill Cemetery Association (CA #267)

The Board previously issued a Provisional Order to Rosehill Cemetery Association for failure to file its Annual Reports for the period January 1, 1991 to December 31, 1997. The Provisional Order carried a \$500.00 Civil Penalty. The cemetery has since filed its delinquent Annual Reports along with its subsequent reports and has paid the appropriate filing fees. A Final Order was issued to the cemetery on January 10, 2002 with a reduction in the Civil penalty to \$100.00 which the cemetery has paid. This matter is now closed.

Glendola Cemetery Association (CA #125)

The Board previously issued a Provisional Order to Glendola Cemetery Association for failure to file its Annual Reports for the period January 1, 1994 to December 31, 1997 along with not providing proof of deposits for all statutorily required payments into the Fund for that period. The Provisional Order carried a \$500.00 Civil Penalty. The cemetery has since filed its delinquent Annual Reports along with its subsequent reports and has provided proof of all deposits. A Final Order was issued to the cemetery on January 10, 2002 with a reduction in the Civil Penalty to \$100.00 which the cemetery has paid. This matter is now closed.

Jersey City & Harsimus Cemetery (CA #220)

The Board previously issued a Provisional Order to Jersey City & Harsimus Cemetery for failure to file its Annual Reports for the period October 1, 1991 to September 30, 1998. The Provisional Order carried a \$500.00 Civil Penalty. The cemetery has since filed its delinquent reports along with its subsequent reports, and has paid the appropriate filing fees. A Final Order was issued to the cemetery on January 10, 2002 with a reduction in the Civil Penalty to \$100.00 which the cemetery has paid. This matter is now closed.

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

Re: The Riverview Cemetery (CA #44)

Riverview Cemetery had previously made an application to the Board for approval to sell a portion of the cemetery property to the New Jersey Department of Transportation for \$100,000. The Board had requested additional information from the cemetery which it reviewed and discussed today. A motion was made by David Mallach and seconded by June Nikola to approve the sale of the contract price of \$100,000 contingent upon the following: 1) Immediately upon closing, 15% of the gross proceeds of the sale (\$15,000) shall be deposited into the cemetery's Maintenance and Preservation Trust Fund. Proof of deposit shall be forwarded to the Board within 30 days of the deposit and 2) Prior to expenditure of any of the remaining 85% of the gross proceeds (\$85,000), the Board of Directors of Riverview Cemetery shall submit to the Cemetery Board for its review and approval, a statement advising the Board of the intended use of the proceeds. Such statement, required as part of the approval process (N.J.A.C.

13:44J-13.4(b)5) should be submitted to the Board within two weeks of receipt of this letter. Also, the cemetery will be asked to forward a copy of the closing statement to the Board following the closing. In connection with this approval, the Board notes that Riverview Cemetery is a stockholder cemetery. Further, the Board notes that the principal appraiser of the property, Janet C. Sharpe, a licensed real estate appraiser, is an employee of the State Department of Transportation and that in connection with the appraisal, has attested to the fact that she has no present or prospective interest in the property being conveyed and no personal interest or bias with respect to the parties involved.

V. NEW BUSINESS

A. Request for waiver of \$75.00 filing fee for Annual Report

Re: Workmen's Circle Branch #95 (CA #320)

The Greater Middlesex Jewish Cemetery Management Corporation has provided the Board with the Workmen's Circle Branch #95's Annual Report for the calendar year ending December 31, 2001. The cemetery has no balance in its M&P Trust Fund and has asked that the Board abate the annual \$75.00 Filing Fee for the M&P Report. A motion was made by June Nikola and seconded by Marianne Panico to waive the Filing Fee for the Annual Report for the Workmen's Circle Branch #95. A vote was taken and the motion was passed by a unanimous vote.

It is apparent that the Greater Middlesex Jewish Cemetery Management Corporation has taken over responsibility for the Workmen's Circle Branch #95. The Management Corporation will be asked to provide the Board with an explanation of who they are and how they became responsible for this cemetery. Also, the Board would like to know if they manage any other cemeteries and if so to please provide the cemeteries names. This matter will be carried over.

B. Inquiry from Mount Prospect Cemetery (CA #128)

Re: What if all cemetery Trustees resign?

David Jacobs, Treasurer of Mount Prospect Cemetery has asked the Board if there is a procedure that would be used by the Board if the cemetery's Board of Trustees resigned their respective positions. Executive Director Susan H. Gartland will make a telephone call to Mr. Jacobs and discuss the matter with him.

C. Inquiry from consumer

Re: Requesting permission for a special entombment

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

Consumer Paula A. Cammarata has written to the Board for the purpose of requesting special permission to have her Service Animal, a dog, entombed in an above-ground crypt that she and her husband own at Rosedale Cemetery. The Board will advise Mrs. Cammarata that the Board is constrained under the provisions of the New Jersey Cemetery Act from granting such permission. The provisions of the Cemetery Act only pertain to human remains and has no provisions for either the burial or entombment of animal remains. Mrs. Cammarata will also be advised that there are other states, such as Pennsylvania where the law is different and possibly her request could be honored. This matter is closed.

D. Request from David A, Schrader, Esquire

Re: Beth Abraham Cemetery (CA #333)

David A. Schrader, Esquire has asked for copies of any documentation pertaining to any transfer or proposed transfer of any portion of the cemetery owned by the Beth Abraham Cemetery Association from 1980 to the present. D.A.G. Nancy Costello Miller will contact Mr. Schrader and supply him with the information that is deemed public.

VI. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

Open Session Meeting Agenda-January 22, 2002

Open Session Meeting Agenda-February 5, 2002

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

B. Newspaper Article

Towns now have say on crematoriums

Neglected cemetery spruced up

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

C. Notification of Court granting the Motion to Quash

Re: J. Roberts & Co., et al v Garden State Cemetery Co., et al

Docket No. CAM-L-002012-1

The Board will request that Jesse R. Pebley, President of Garden State Cemetery keep the Board apprized of the status of this matter.

D. 2002 Compensation Schedule for Members of the Board

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

VII. ADJOURNMENT

A motion was made by June Nikola and seconded by David Mallach to adjourn Public Session. A vote was taken and the Public Session of the February 14, 2002 Board meeting was adjourned at 11:45 A.M.

Respectfully Submitted,

Susan H. Gartland
Executive Director