

**New Jersey Cemetery Board
Public Session Minutes
March 26, 2003**

A regular meeting of the New Jersey Cemetery Board was held at Atlantic City Hilton, Atlantic City, New Jersey on Wednesday, March 26, 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 2:30 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	Absent
David Mallach	Present
June Nikola	Present
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; Dianne L. Tamaroglio, Assistant to the Director and Lola C. Lesslie, Assistant to the Director.

I. WELCOME

BOARD CHAIRMAN FRANK J. DEGEETER, JR.

Board Chairman Frank J. DeGeeter, Jr. advised the members of the New Jersey Cemetery Association that the New Jersey Cemetery Board was pleased to be holding its March 26, 2003 Public Session Meeting in conjunction with the Cemetery Association's 71st Annual Conference and that this was an opportunity to show the Cemetery industry members how the Board conducts its business. Mr. DeGeeter pointed out to the Association that the law in New Jersey has provided the Board with the power and authority to administer the Cemetery Act and that the law expects the Board to use that power and authority to serve the public health, safety and welfare. As the Cemetery Board seeks to promote and preserve healthy cemetery companies in the State, the cemetery companies must realize that the Board does not exist to represent their interests but rather it must protect the consumers of cemetery services from predatory practices, or poor treatment, with the same vigor that it employs to aid struggling cemeteries. Mr. DeGeeter further explained that the Board must use the tools it has been given to see to it that those who operate cemetery companies are not permitted to profit unjustly at the expense of consumers, now or in the future.

II. PUBLIC COMMENT

There were no public comments made today.

III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF FEBRUARY 13, 2003

A motion was made by Marion Brozowski and seconded by June Nikola to approve the Public Session Minutes of the February 13, 2003 Board meeting with one amendment. A vote was taken and the motion was passed by a unanimous vote.

IV. BOARD ACTIVITIES FOR 2002-2003 EXECUTIVE DIRECTOR SUSAN H. GARTLAND

Executive Director Susan H. Gartland gave a brief summary regarding the Board's activities for 2002-2003. Mrs. Gartland advised the members of the Association that the Board received 100 consumer complaints for the year 2000. Of these complaints, the majority were for non-fulfillment of contract agreements for the construction of a mausoleum followed by care of individuals graves and cemetery property in general. Mrs. Gartland advised that in the past year there was a crematory issue regarding cremains not being fully cremated at one of the cemeteries under the jurisdiction of the Board. The Board had hired an expert in the field to review the problem and give direction to the cemetery. The cemetery complied in every way and the matter has been completely resolved. Executive Director Gartland also advised the members of the Association that the Board has taken disciplinary action against various cemeteries for the following violations of Title 8A: M&P Trust Funds not being held in Custodial Accounts; the sale of monuments from cemetery property; and deposits not being made to the M&P Trust Fund on a monthly basis. One cemetery under the jurisdiction of the Board was fined \$45,000.00 for not filing its Annual Reports with the Board office for the years 1992-2001 excluding 1996 and for not making deposits to the Trust Fund for the same period. The cemetery also reimbursed the Board \$7350.00 for the cost of its investigation and has deposited \$382,514.60 into its M&P Trust Fund. Also, Mrs. Gartland advised that through an investigation by the Board it was found that two (2) religious cemeteries, not under the jurisdiction of the Board were burying outside of their respective religious faith. Both cemeteries have vowed to not do this again and reimbursed the Board for the cost of the investigations. One of the reimbursements was for \$1660.00 and the other was for \$2,261.00. The Board had a very active year.

Executive Director Gartland also advised the Association that with regard to Cemetery Salesperson's there will shortly be a change in the manner in which applicants for licensure are fingerprinted for the Criminal History Background Check. The fingerprint cards will no longer be forwarded to the Board office as a part of the application packet. Around April 15, 2003 Sagem Morpho, Inc. will be providing the Live-Scan Fingerprinting Service for all applicants. A letter will be generated for the applicants from the Board office advising them to contact Sagem Morpho to schedule an appointment. The place for the fingerprinting session will be no farther than 20 miles from the applicant's home or place of employment. The results of the Criminal History Background Check will then be forwarded to the Criminal History Review Unit of the Division of Consumer Affairs and then a summary of the results will be forwarded to the Board office. The fee for this process will be \$49.00.

V. OLD BUSINESS

A. 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.

**B. Advisement that the County of Ocean is taking a portion of cemetery property
Re: Greenwood Cemetery (CA #370)**

The Board is waiting for notification of the closing of the Greenwood Cemetery property thru condemnation by the County of Ocean. Upon the closing, George Watson and Leroy Bright, President of the cemetery will appear before the Board to discuss the disbursement of the proceeds from the sale for the best financial interest of the cemetery. This matter will be carried over.

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

The Board has received a response from Carol M. Ashley, Municipal Clerk for the Borough of Butler advising that minutes books of the meetings of The Bloomingdale Cemetery Association are kept in her office as well as a blue print of the plots in the cemetery. Ms. Ashley also provided the Board with a copy of a burial permit for a 1999 burial that took place in the cemetery. Ms. Ashley's signature is on the burial permit. The Board will write to David Henry, who originally brought this matter to the Board's attention and ask him what his plans for burial are at the cemetery. Also, an application for a Certificate of Authority will be forwarded to Mr. Henry along with copies of the Board's statutes and regulations which will outline the requirement for the establishment of a Maintenance & Preservation Trust Fund for the cemetery. This matter will be carried over.

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

Sanford B. Epstein has responded to the Board regarding the retaining wall in question at Beth David Memorial Park. Mr. Epstein advises that he does not believe there is a threat to any grave in the cemetery on the area in question. There is approximately five to six feet of open, unused land from the last grave to the fence and no interments would take place in this open space. In a few weeks Mr. Epstein will try to build up the sidewall and fill it in with dirt so that the ground is level for the fence to rest upon, on the cemetery side. Mr. Epstein will advise the Board when this work has been completed. This matter will be carried over.

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

The Board had concerns that Mount Hope Cemetery Association's Act of Incorporation limited the cemetery grounds to five (5) acres while the cemetery grounds total seven (7) acres. Raymond M. Kang, attorney for the Mount Hope Cemetery Association has provided the Board with a copy of an amendment to the cemetery's Act of incorporation that would allow the cemetery to purchase and hold any quantity of land not exceeding fifteen acres. With this final piece of documentation it appears that the cemetery has met all of the Board's requirements for a Certificate of Authority. A motion was made by William Nichols and seconded by David Mallach to grant a Certificate of Authority to Mount Hope Cemetery Association. A vote was taken and the motion was approved by a unanimous vote. The cemetery will hold CA No. 403. The Certificate of Authority will be issued at the Board's April 10, 2003 Public Board meeting.

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

The Board reviewed the revised application form for a Certificate of Authority prepared by Board member Marion Brozowski. The application encompasses statutory requirements. Upon review with a few minor corrections being made, a motion was made by June Nikola and seconded by David Mallach to approve the new form for the application for a Certificate of Authority. A vote was taken and the motion was passed by a unanimous vote. Besides supplying all applicants with copies of the New Jersey Cemetery Board statutes and regulations, we will also provide copies of the New Jersey Department of Health and Senior Services statutes as well as copies of the Department of Environmental Protection's laws. This matter is now closed and removed from future Board meeting agendas.

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

Louis N. Rainone, Esquire has written to the board advising that he has received numerous requests from individuals asking for permission to allow burials to occur at Piscataway Town Historical Cemetery. These individuals claim to own the plots but cannot provide deeds for the plots. The Township of Edison wants to resolve the issue of who can be rightfully buried at the cemetery and is seeking permission from the Board to allow burial to occur at the cemetery and to allow the Township to obtain affidavits from individuals seeking to be buried or who have relatives buried at Piscataway Town Historical Cemetery who can not produce deeds. Mr. Rainone will be advised that it is up to the desecration of the Township to accept affidavits for burial. The Township may want to hire a consultant who is familiar with the laws regarding burial. Mr. Rainone will be provided with a copy of **N.J.S.A. 8A:7-2**, which regards heirs at law. The Board will also reiterate to Mr. Rainone that the Township of Edison may want to have a Title Search of the cemetery property conducted to establish ownership of the cemetery property. The Board will advise Mr. Rainone that it is pleased that the Township is willing to take care of the cemetery and would hope it would continue to do so.

VI. NEW BUSINESS

There was no new business to discuss at today's meeting.

VII. FOR YOUR INFORMATION

**A. Office of the Attorney General
Adopted New Rules: N.J.A.C. 13:1E-4
Re: Rulemaking**

Executive Director Susan H. Gartland explained to the members of the Association the process whereby proposed rules and regulations are published in the New Jersey Register. This matter was considered informational for the Board deeming no discussion or decision making.

**B. Board of Trustees of Bergen Community College v
George Washington Memorial Park Cemetery Association
Docket No.: BER-L-9153-02**

**George Washington Memorial Park Cemetery Association v
Bergen Community College, et. al.
Docket No. BER-C-390-02
Our File: 110581**

C. George Washington Memorial Park Association v

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George Washington Memorial Park Cemetery Association, Inc. v
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Frank J. DeGeeter, Jr. was recused from matters B-D and moved away from the table.

D.A.G. John D. Hugelmeyer gave a brief summary of this matter to the members of the Association and advised that the condemnation act preempts cemetery law. This matter was considered informational for the Board deeming no discussion or decision making.

E. Notification of Verified Complaint
Re: Freehold Soil Conservation District vs
Marlboro Memorial Cemetery, et al
Docket No.: MON-L-6025-02

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

F. New Jersey State Board of Mortuary Science

Notification of Executive Session Meeting-February 18, 2003

Open Session Meeting Agenda-March 4, 2003

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

G. Newspaper Articles

An unceremonious upheaval of what should be eternal rest

This article regards the acquisition of the burial ground known as Snake Hill in Secaucus, New Jersey by the New Jersey Turnpike Authority. D.A.G. John D. Hugelmeyer gave the members of the Association an update on this legal matter and Sanford B. Epstein gave an update on the reinterment of the remains from Snake Hill to Hoboken Cemetery. This matter was considered informational for the Board deeming no discussion or decision making.

Carlstadt is site of an unusual land rush

This article is regarding Berry Lawn Charlestown Cemetery, (CA #204) in Carlstadt, New Jersey. According to this article, the hottest pieces of real estate in Carlstadt are burial plots in Berry Lawn. The cemetery as many other cemeteries throughout the state has been hit hard by a souring economy and

thus came up with the idea of plot-selling. The cemetery tore down a shed and narrowed a walkway creating space for more graves. Also, digging through old deeds that were returned to the cemetery years ago revealed additional plots that were bought but never used. It would appear from this article, the cemetery may be reclaiming graves and narrowing paths for burial lots. The Board will send a copy of the Board's statutes and regulations pointing out the provisions regarding reclaiming graves and pathways.

H. 2003 Compensation Schedule for Members of the Board

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 William Nichols to adjourn Public Session. A vote was taken and the Public Session of the March 26, 2003 Board meeting was adjourned at 4:40 P.M.

Respectfully Submitted,

Susan H. Gartland
Executive Director