

**New Jersey Cemetery Board
Public Session Meeting Minutes
April 10, 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, April 10, 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	Present
William Nichols	Present
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

No public comments were made today.

III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MARCH 26, 2003

A motion was made by David Mallach and seconded by June Nikola to approve the Public Session Minutes of March 26, 2003 as corrected. A vote was taken and the motion was passed by a unanimous vote.

IV. OLD BUSINESS

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

Re: The Ewing Cemetery Association (CA #20)

It has been some time since the Board heard from Ewing Cemetery regarding this matter. Therefore a letter will be forwarded to the cemetery asking the status of this matter. This matter will be carried over.

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

Re: Greenwood Cemetery (CA #370)

George Watson will be contacted to see what the status of this project is and if the cemetery has received payment yet from the County of Ocean for the condemnation of the property. This matter will be carried over.

C. Request to become a Cemetery Company

Re: The Bloomingdale Cemetery Association

An application for a Certificate of Authority will be sent to David Henry for the Bloomingdale Cemetery Association. Also, Mr. Henry will be asked what his intentions for burial will be at the cemetery. This matter will be carried over.

D. Concern regarding a retaining wall

Re: Beth David Cemetery (CA #308)

This matter will be held over pending notification from Sanford B. Epstein that the work on the sidewall in question at Beth David Cemetery has been completed.

E. Application for a Certificate of Authority

Re: Mount Hope Cemetery Association of Lambertville

Certificate of Authority #403 was signed by Board Chairman Frank J. DeGeeter, Jr. and Board Vice-Chairman David Mallach at today's Board meeting and issued in the name of Mount Hope Cemetery Association. The CA will be mailed to Raymond M. Kang, attorney representing the cemetery advising that the certificate must be displayed in a conspicuous area at the cemetery that would be visible to all who may visit. This matter is now closed and removed from future Board meeting agendas.

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

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

On January 8, 2003, Executive Director Susan H. Gartland forwarded a letter to James A. Brownlee, Director of the New Jersey Department of Health & Senior Services advising him of the Board's concerns with this new ordinance which is in effect at Laurel Grove Cemetery. Mrs. Gartland requested on behalf of the Cemetery Board that the Department of Health and Human Services review the necessity of the additional sealing mechanism that this new ordinance requires to determine if it is truly necessary, and whether it could cause a safety hazard for the cemetery's mausoleum and the cemetery in the future. Mr. Brownlee has responded to Mrs. Gartland's letter advising that while he appreciates the concerns of the Board, that neither he or his staff have the expertise to address these concerns and recommended that the Cemetery Board and the Department of Community Affairs address their concerns directly to the Borough of Totowa. A letter will be sent to the Borough of Totowa advising that with regard to this new ordinance the Board is developing information regarding the concerns of sealing caskets in mausoleums. The letter will also express the impact this bill will have on the consumer, noting the added expense for the consumers. Copies of Mrs. Gartland's letter to the NJ Department of Health and Senior Services as well as Mr. Brownlee's letter to Mrs. Gartland will be attached to the letter to Totowa. Also, the Board will ask the town for its reasoning behind the adoption of this ordinance. Kristen Corrado, attorney for the Borough of Totowa will be copied on this letter. The Board will contact Bob Felds from the ICFA regarding a survey that was done on excessive sealing of caskets placed in mausoleums.

G. Correspondence from Robert F. Gist, General Manager Re: Rosedale Cemetery, Orange (CA #42)

Robert F. Gist, General Manager of Rosedale Cemetery has advised the Board that the interment of the partially cremated remains and residue from the cremation unit were placed in a burial vault on Wednesday, October 23, 2002. Executive Director Susan H. Gartland advised the Board that she was present at the interment process. One of the provisions of the Interim Consent Order issued to Rosedale Cemetery was that it would reimburse the Cemetery Board for any and all reasonable costs incurred by Alan Kroboth, the Board's expert witness, including fees and out of pocket expenses. A letter will be forwarded to the cemetery asking it to comply with the Order in reimbursing the Board for these costs. An itemized bill will be enclosed with the letter. A motion was made by David Mallach and seconded by William Nichols to close this matter and remove it from future Board meeting agendas pending receipt of the reimbursement from Rosedale Cemetery . A vote was taken and the motion was passed by a unanimous vote.

H. Proposed Amendments: N.J.A.C. 13:44J-3.1, 7.1, 10.5, 13.1 through 13.7, 14.1, 14.2, 15.2 and 15.3

The comment period for the above mentioned Board's proposed amendments to its regulations has ended. The Board office received two comments to these amendments which it will review with Charles Manning, Regulatory Analyst of the Division of Consumer Affairs at its May 8, 2003 Board meeting.

V. NEW BUSINESS

A. Consumer Inquiry

Re: Is wording on contract for a Garden Crypt confusing?

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

Consumer Marc Rubin has asked the Board if it thinks specific wording on a contract for an outdoor garden crypt in a mausoleum at Beth Israel Cemetery Association appears to be confusing and misleading. The Board does not have sufficient information to give Mr. Rubin an answer. Mr. Rubin will be asked to provide the Board with more information pertaining to his inquiry or he may want to file a complaint with the Board. Should Mr. Rubin decide to file a complaint with the Board, the matter will be moved to Executive Session. This matter will be held over pending receipt of further information from Marc Rubin.

B. Proposed Amendments: N.J.A.C. 13:44J-5.3 and N.J.A.C. 13:44J-5.4

These proposed amendments to the Board's regulations should be published in the New Jersey Register in May for a 60 day public comment period.

C. Request for approval for Executive Director Susan H. Gartland to attend the North American Cemetery Regulators Association Conference on August 2, 2003 in New York, New York

A motion was made by June Nikola and seconded by William Nichols for Executive Director Susan H. Gartland to attend the North American Cemetery Regulators Association Conference on August 2, 2003 in New York City. A vote was taken and the motion was passed by a unanimous vote.

D. Payments not being made to Maintenance & Preservation Trust Fund on a monthly basis Re: Colestown Cemetery (CA #145)

This matter was previously discussed in Executive Session. A Uniform Penalty Letter was issued to Colestown Cemetery by the Board for violation of N.J.A.C. 13:44J-5.3(c) with a Civil Penalty of \$250.00. The Board has received the signed certification of wrongdoing by the cemetery and the cemetery has paid the Civil Penalty. This matter is now closed and removed from future Board meeting agendas.

VI. FOR YOUR INFORMATION

There was nothing for Board review under this section for today's meeting.

VII. ADJOURNMENT

A motion was made by Marion Brozowski and seconded by Paul M. Desbiens to adjourn Public Session and move into Executive Session at 10:20 AM. A vote was taken and the motion was passed by a unanimous vote. The Board moved into Executive Session at 10:30 AM to discuss the following matters involving investigations, violations, and/or the Board's regulations:

1. Seven (7) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.
2. Eighteen (18) 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