

**New Jersey Cemetery Board
Public Session Minutes
May 8, 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, May 8, 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	Present

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

Bernard Stoecklein, President, CMS Mid-Atlantic, Inc., has advised the Board that the funeral directors in New York are selling I.D. bracelets for the purpose of identification of persons being cremated. However, there is the concern as to whether or not the information on the bracelet is correct and who will be verifying the information. There must be verification that the remains and the bracelet are one and the same. Mr. Stoecklein also advised of something new in the death care industry. It is called "Life Gem". Life Gems is a process where cremains are turned into diamonds. The cremation process is interrupted, the retort is opened and body tissue is removed from the remains and then turned into diamonds.

III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF APRIL 10, 2003

A motion was made by William Nichols and seconded by June Nikola to approve the Public Session Minutes of April 10, 2003 as amended. A vote was taken and the motion was passed by a unanimous vote.

IV. APPEARANCE of CHARLES MANNING, REGULATORY ANALYST, DIVISION

OF CONSUMER AFFAIRS

Re: Discussion of comments to the New Jersey Cemetery Board amended regulations

Regulatory Analyst Charles Manning met with the Board for the purpose of reviewing the comments to the Board's recently published amendments to its regulations, The Boards Proposed amendments to N.J.C.A. 13:44J-3.1,7.1, 10.5, 13.1, 13.3, 13.4, 13.5, 13.6, 13.7, 14.1, 14.2, 15.2 1nd 15.3 were published in the February 3, 2003 New Jersey Register. The Board received two comments to the proposed amendments both of which were directed to N.J.A.C. 13:44J-7.1 which regards bases for bronze memorials. There were no comments to the Board's proposed fee changes. DAG John Hugelmeyer asked that the Board hold the adoption of N.J.A.C. 13:44J-7.1 and refer same to a Committee of the Board for reconsideration and rewriting. A motion was made by Marion Brozowski and seconded by William Nichols to approve the proposed amendments holding N.J.A.C. 13:44J-7.1 for reconsideration at a later time. A vote was taken and the motion was passed by a unanimous vote.

V. OLD HISTORIC GREEN CEMETERY (CA #323)

Re: Appearance of Herbert & Phyllis Budd

Herbert and Phyllis Budd have not yet provided the requested information to D.A. G. John Hugelmeyer nor to the Board. They did not appear before the Board today. This matter will be removed from future Board meeting agendas until we are notified that they will be appearing.

VI. OLD BUSINESS

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

Re: The Ewing Cemetery Association (CA #20)

Alfred O. Bird, Vice-President of the Ewing Cemetery Association has advised the Board that the owner of the land that the cemetery had previously expressed an interest in purchasing has decided not to sell any part of at this time. Mr. Bird further advises that if in the future the owner changes her mind about selling, he will contact the Board. This matter shall be removed from future Board meeting agendas.

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

Re: Greenwood Cemetery (CA #370)

Answer to Complaint and Civil Case Information Statement

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

C. Request to become a Cemetery Company

Re: The Bloomingdale Cemetery Association

There has been no response from David Henry to this matter. We will hold this matter over for another month pending a response from Mr. Henry.

D. Concern regarding a retaining wall

Re: Beth David Cemetery (CA #308)

The Board has not yet heard from Sanford Epstein as to whether or not he has completed the work at Beth David Cemetery in the area near this retaining wall. A follow up letter will be sent to Mr. Epstein. This matter will be carried over.

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

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

Paul M. Desbiens was recused from this matter and moved away from the table.

Executive Director Susan H. Gartland contacted the ICFA as suggested by the Board for a survey that had been done regarding mausoleum crypts exploding. The ICFA referred Mrs. Gartland to someone else who in turn referred her to someone else. In the end no one could offer Mrs. Gartland the information the Board was looking for. A few more suggestions were made by Board members for contact. Mrs. Gartland will contact Harvey Lapin an attorney very well versed in cemetery matters regarding any studies or surveys that were conducted on this matter. Bernard Stoecklein, President, CMS Mid-Atlantic, Inc., will contact on behalf of the Board, Jack Gaybor, from Savannah Hills Memorial Park in Pennsylvania who may have some information regarding this matter. This matter will be carried over.

F. 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.

Having received nothing further on this matter from the consumer, the matter will be removed from future Board meeting agendas.

G. Correspondence from, Louis N. Rainone, Esquire

Re: Piscataway Town Historical Cemetery

Louis N. Rainone, Esquire previously wrote to the Board asking for New Jersey Cemetery Board permission to allow burial to occur at Piscataway Town Historical Cemetery and to allow the Township to obtain affidavits from individuals seeking to be buried or who have relatives buried at the cemetery who can not produce deeds. The Board wrote back to Mr. Rainone advising that it is up to the discretion of the Township to accept affidavits for burial. In response to the Board's letter of April 3, 2003, Mr. Rainone has written to the Board advising that the Township of Edison understands that the New Jersey Cemetery Board is permitting the Township to bury individuals, who show ownership to a particular plot through the use of an affidavit, and that no other permits or approval of the Board is necessary. A motion was made by Marion Brozowski and seconded by William Nichols to advise Mr. Rainone that the Board has not granted permission for such burials to the Township of Edison. It will reiterate its decision from the April 10, 2003 Board meeting that it is up to the discretion of the Township to accept affidavits for burial. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

H. Assistance from Friends of Rural Cemeteries

Re: Cedar Grove Cemetery Association (CA #217)

The Friends of Rural Cemeteries through the efforts of Bernard Stoecklein, President, CMS Mid-Atlantic Inc. have reached out to Emery Bittman, President of Cedar Grove Cemetery to provide the following assistance to the cemetery: PNC Bank and Mr. Bittman has authorized an appropriate investment policy for the Maintenance & Preservation Trust Fund that will provide for both income and growth; Friends of Rural Cemeteries has agreed to pay the annual fees of PNC Bank with respect to managing the investments for three consecutive years which will maximize Cedar Groves' opportunity for growth in the Fund; Friends of Rural Cemeteries has provided a grant of \$4,000.00 to Cedar Grove Cemetery for the purpose of obtaining equipment and improvements at the Cemetery at Mr. Bittman's discretion in the

best interest of the Cemetery and its lot owners; and Friends of Rural Cemeteries will provide Mr. Bittman, assistance and guidance with his plans for the development of a new veteran's garden and signage at the cemetery. Mr. Bittman has telephoned the Board office to express his delight and his gratitude for the assistance he is receiving from the Friends of Rural Cemeteries.

I. Compliance with Court Order
Re: Rosedale Cemetery (CA #42)

The Board is in receipt of the reimbursement check from Rosedale Cemetery for costs incurred including fees and out of pocket expenses charged by Alan Kroboth, the Board's hired expert for the crematory matter. This reimbursement was a provision of the Interim Consent Order issued by the Board to Rosedale Cemetery. Rosedale Cemetery is now in compliance with the Order; the matter is closed and removed from future Board meeting agendas.

VII. NEW BUSINESS

A. Supervision of Temporary Cemetery Salespersons

The subject of whether or not Temporary Cemetery Salesperson Licensees should be supervised while selling until receiving his or her permanent license was brought to the Board for discussion. As there are no provisions for this in either the Board's statutes or its regulations, the members of the Board agreed that this was not necessary. If an applicant for licensure states on his/her application that he/she has been convicted of a crime, issuance of the temporary license would be held back and the application brought to the Board for review. This matter is closed and removed from future Board meeting agendas.

B. Request for extension in filing of Annual Report
Re: Woodlawn Cemetery Association (CA #234)

Gerwin Bauer, CPA who prepares the Annual Reports for Woodlawn Cemetery has requested a 60 day extension for the filing of the cemetery's 2002 Annual Report. A motion was made by Marion Brozowski and seconded by William Nichols to grant the 60 day extension. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

C. Final Order
Re: Friendship Cemetery (CA #177)

This matter was discussed in Executive Session. A Final Order was issued to Friendship Cemetery by the Board for violation of N.J.S.A. 8A:4-12 with a Civil Penalty of \$500.00, \$400.00 of which is stayed for a period of two years. The Cemetery has paid a Civil Penalty of \$100.00. This matter is now closed and removed from future Board meeting agendas.

D. Request to transfer M&P Trust Account without fiduciary powers
Re: Fleet National Bank and Jacobstown Cemetery Association
(CA #150)

Joan B. Ghanem, Vice President of Fleet National Bank has advised the Board that Jacobstown Cemetery Association has requested to terminate its relationship with the Bank and transfer its Maintenance & Preservation Trust Fund to another financial institution to purchase certificates of deposit. Ms. Ghanem is asking the Board to confirm in writing that the request to transfer the account to another financial institution without fiduciary powers is an allowable transaction under the New Jersey Cemetery Act. Ms. Ghanem will be advised that this transfer without fiduciary powers is permissible as per N.J.S.A. 8A:4-3(c), if the trust funds of the cemetery company do not exceed \$150,000.00 the

cemetery company need not establish a custodial trust fund. Ms. Ghanem also questioned how the account should be titled by the successor financial institution. The account should be held in the name of Jacobstown Cemetery Association's Maintenance & Preservation Trust Fund. This matter is now closed and removed from future Board meeting agendas.

VIII. FOR YOUR INFORMATION

A. Newspaper article

Solemn task

B. New Jersey State Board of Mortuary Science

1. Open Session Meeting Agenda-May 6, 2003
2. Adopted Amendments: N.J.A.C. 13:36-9.5, 9.6, 9.7 & 9.9
Adopted New Rule: N.J.A.C. 13:36-5.21

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

C. Resignation of New Jersey Cemetery Board member Gwendolyn Solice, Esquire

Board member Gwendolyn Solice has submitted to the Board her resignation as the Department of Health and Senior Services' ex officio member of the New Jersey Cemetery Board.

IX. ADJOURNMENT

A motion was made by William Nichols and seconded by Marion Brozowski to adjourn Public Session and move into Executive Session at 10:50 AM. A vote was taken and the motion was passed by a unanimous vote. The Board moved into Executive Session at 11:10 AM to discuss the following matters involving investigations, violations, and/or the Board's regulations:

1. Three (3) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.
2. Nineteen (19) 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