

# **New Jersey Cemetery Board**

## **Public Session Minutes**

### **June 13, 2002**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J., on the sixth floor, on Thursday, June 13, 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	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**

No public comments were made today.

## **III. APPROVAL OF PUBLIC SESSION MINUTES OF MAY 9, 2002**

A motion was made by William Nichols and seconded by Marion Brozowski to approve the Public Session Minutes of May 9, 2002 as amended. A vote was taken and the motion was passed by a unanimous vote.

## **IV. OLD BUSINESS**

### **A. Application for a Certificate of Authority**

#### **Re: Denville Cemetery Association**

Denville Cemetery Association has supplied the Board with its amended By-Laws reflecting that all lot owners are allowed to vote at the cemetery's Annual Meetings. The cemetery has also agreed to the Board's proposal that \$282,750.00 be put into a Maintenance & Preservation Trust Fund and it is currently working at setting up the Fund. When the cemetery establishes its M&P Trust Fund the cemetery will have met all of the requirements for a Certificate of Authority. A motion was made by Marion Brozowski and seconded by Paul Desbiens to issue a Certificate of

Authority to Denville Cemetery Association pending confirmation of the establishment of the M&P Trust Fund. A vote was taken and the motion was passed by a unanimous vote. Denville Cemetery had also expressed to the Board its desire to take over an abandoned cemetery in Denville. Once the Board issues the Certificate of Authority to the cemetery the Board will review this matter.

**B. Request for approval for a credit to M&P Trust Fund for 2001**

**Re: Marlboro Memorial Inc. (CA #395)**

Marion Brozowski, Paul M. Desbiens, & Stephen F. Hehl were recused from this matter and moved away from the table.

Marlboro Memorial Inc. had previously requested permission from the Board to withdraw \$9,909.18 from its M&P Trust Fund due to an error in calculations. James M. Burke, attorney for the cemetery provided the Board with a Trust Fund Analysis with backup documentation showing the calculations. It appears from review of Marlboro Memorial's Annual Report and back up documentation that the cemetery has taken a credit in the amount of \$9,909.18 without Board approval. It also appears that the cemetery may have deposited money for pre-paid services into its M&P Fund. A letter will be forwarded to Mr. Burke including a copy of the sheet from the Annual Report that shows the credit, requesting an accounting of where the \$9,909.18 came from; was it from pre-paid services? If so, the Board will recommend that the money be put into a separate Trust Fund. Also, the Annual Report shows that there is \$40,000.00 in the Cemetery's building Trust Fund for the Chapel Mausoleum. A separate letter will be sent to Mr. Burke asking for the total cost of the construction of the mausoleum. This matter will be carried over.

**C. Application to purchase additional property for cemetery use**

**Re: Cedar Ridge Cemetery (CA #54)**

Paul M. Desbiens made a report to the Board of his on-site inspection of the property that Cedar Ridge Cemetery has requested Board permission to purchase. Mr. Desbiens' report recommended Board approval for this purchase. A motion was made by Stephen F. Hehl and seconded by William Nichols to approve the purchase of additional lands for cemetery use by Cedar Ridge Cemetery. A vote was taken and the motion was passed by a unanimous vote. This matter is closed.

**D. Application for enlargement of cemetery**

**Re: Ocean County Memorial Park (CA #224)**

William Murphy, Executive Director of Ocean County Memorial Park has advised the Board office that he should have all of the information previously requested by the Board pertaining to this matter to the Board office in time for the July Board meeting. This matter will be held over.

**E. Inquiry from Mount Prospect Cemetery (CA #128)**

**Re: What if all cemetery Trustees resign?**

Executive Director Susan H. Gartland will follow up on this matter. This matter will be carried over.

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

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

Ira Dunst, President of the Greater Middlesex Jewish Cemetery Management Corporation has advised the Board that this organization has taken over the responsibility of the maintenance and administrative duties of the Workmen's Circle Cemetery. The cemetery's file in the Board office will be noted to reflect this change. This matter is now closed and removed from future Board meeting agendas.

**G. Would the Board approve the purchase of extra land?**

**Re: The Ewing Cemetery Association (CA #20)**

Ewing Cemetery was asked if it was still contemplating the purchase of neighboring land for cemetery use. Alfred O. Bird, Vice-President of the cemetery has advised that the cemetery is still considering this purchase. To meet the requirements of N.J.A.C.13:44J-13.5, the property has to be sub-divided. The owner of the property is currently beginning that process. This matter will be carried over.

**H. Request to take over Mt. Zion Cemetery (CA #206) by the Center for Community Arts, Inc.**

The Center for Community Arts, Inc., in Cape May, NJ had previously written to the Board advising that the organization is considering taking over ownership and management of Mt. Zion Cemetery in Barnsboro, N.J. and possibly classifying it as an Historical Cemetery. DAG John Hugelmeyer spoke with a representative of the organization advising that if in fact they were to take over the cemetery, they would have to become Trustees of the cemetery. Also, he advised them to contact the Historical Preservation Society of the Department of Environmental Protection Agency for assistance in classifying the cemetery as Historical. This matter is now closed and removed from future Board meeting agendas.

**I. Partially cremated remains**

**Re: Rosedale Cemetery, Orange (CA #42)**

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

Alan Kroboth associated with the Cremation Association of North America was brought in by the Board to inspect the crematory and the cremation process at Rosedale Cemetery. Executive Director Susan H. Gartland, DAG John Hugelmeyer & Board member Paul M. Desbiens and Board Chairman Frank J. DeGeeter, Jr. met on May 30, 2002 at Rosedale Cemetery for an inspection and to meet with the attorney for the cemetery and the President of the Board of Directors. Charles Merrill, attorney for Rosedale Cemetery appeared before the Board at today's meeting to review this matter with the Board and to offer a proposal for recovery procedures. The Board discussed this proposal with Mr. Merrill in depth making some recommendations to the cemetery's proposal. The Board members asked Mr. Merrill if the Board firmly decides that the retorts should be removed would the cemetery go along with this. Mr. Merrill answered in the affirmative. A motion was made by William Nichols and seconded by Paul M. Desbiens to approve the recommendations submitted by the cemetery along with the Board's recommendations. A vote was taken and the motion was passed by a unanimous vote. D.A.G. John Hugelmeyer will memorialize the recommendations into a Consent Order to be signed by the cemetery and the Board Chairman. Alan Kroboth submitted to the Board his proposal for his scope of work and for his fees as an expert witness for services in conjunction with this matter. A motion was made by Paul Desbiens and David Mallach to approve Mr. Kroboth's proposal eliminating items in the proposal that do not pertain to this matter (letter C under Compensation and changing the wording in letter E under compensation). A vote was taken and the motion was passed by a unanimous vote. The fees charged by Mr. Kroboth will become part of the Consent Order which will be issued by the Board. The recovery process should begin once the Order is in place and signed by the Board Chairman.

Peter H. Seckel, President of the Funeral Consumers Alliance of Essex, Inc. had some questions for the Board: What is the role of the State Board of Health with regard to this matter? Mr. Seckel was advised that the Department of Health, the Cemetery Board and the Department of Environmental Protection are working together in this matter; Would the remains be cremated again. Mr. Seckel was advised that the remains will be buried and not cremated; Has the Board ever taken a license away from a cemetery? The Board believes that it is important for cemeteries to continue to operate and would rather put a receiver in place at a cemetery if needed; and could his organization be a part of the recovery process at the cemetery? This is not for the Board to determine but rather the cemetery itself. Another concern of Mr. Seckel's was that on the Board's May 9, 2002 Board meeting agenda this matter was listed as the 16th matter to be discussed which he believes showed a total indifference to the incident. It was explained to Mr. Seckel that matters are placed on the agenda in the order in which they are received and that there are some matters that have been carried over from past meetings.

**J. PNC Bank's refusal to allow this cemetery to move its M&P Trust Funds**

**Re: Cedar Grove Cemetery (CA #217)**

A letter was forwarded to PNC Bank advising that it cannot refuse to allow a cemetery to move its M&P Funds to another banking institution. The Bank was asked to assist Mr. Bittman, President of Cedar Grove Cemetery with his request to move the cemetery's Trust Fund. The Bank was also asked for an explanation as to why it was not allowing the cemetery to move its Trust Fund. A copy of the letter was forwarded to the State Department of Banking and Insurance. To date the Board has not received a response from PNC Bank. D.A.G. John Hugelmeyer will follow up on this matter. This matter will be carried over.

**K. Application for the purchase of additional property for cemetery use**

**Re: The Fair Mount Cemetery (CA #176)**

As requested by the Board, Frederick W. Engel, attorney for The Fair Mount Cemetery has provided the Board with a certified copy of the Resolution of the Township Committee of the Township of Chatham, supporting the enlargement of the cemetery. With the Board having approved the purchase of the additional property at its May 9, 2002 Board meeting, this matter is now concluded and removed from future Board meeting agendas.

**V . NEW BUSINESS**

**A. Request to take over Old Quaker Cemetery**

**Re: Borough of Rumson**

Martin M. Barger, attorney representing the Borough of Rumson, advises that the Borough wishes to obtain title to and maintain the Old Quaker Cemetery (does not have a C/A). He asks what applications must be filed with the Board to request approval. Mr. Barger will be advised that if the Borough intends to do burials at the cemetery then it would have to apply for a Certificate of Authority from the Board. A copy of N.J.A.C.13:44J-13.1, Application for Certificate of Authority, will be forwarded to Mr. Barger. If the cemetery is inactive with no future burials, then a Certificate of Authority is not needed and no Board approval would be necessary.

**B. What is the legal requirement for retaining cemetery records**

**Re: The Tranquility Cemetery Association of New Jersey (CA #68)**

Virginia A. Smith, Treasurer of the Tranquility Cemetery Association of New Jersey has asked the Board what the legal requirement for retaining records is as she is planning to retire and would like to get rid of some of the paper. Ms. Smith will be advised that Title 8A does not address this; burial records & deeds must be kept forever. She will be asked what type of records she is looking to destroy. Also, if Ms. Smith is planning to retire, what provisions are in place for the cemetery and who will be maintaining the cemetery and taking care of the records for the cemetery? This matter will be carried over.

**C. Consumer Inquiry**

**Re: Can I be buried with my family?**

Consumer Michele Marie Dibrango has asked the Board about the right to burial in a plot purchased by her deceased father, who re-married when her mother passed away. Ms. Dibrango will be advised that this matter is outside of the Board's jurisdiction and that she should contact the cemetery to see how the deed reads or she may want to seek legal advise. This matter is closed and removed from future Board meeting agendas.

**D. Inquiry regarding right to burial**

**Re: Beth Israel Cemetery Association (CA #01)**

Beth Israel Cemetery Association has asked the Board for advise regarding right to burial for a specific case. The cemetery will be advised that this is a legal question and the Board cannot give legal advice. The cemetery will have to contact its own counsel for an interpretation of the law. This matter is now closed and removed from future Board meeting agendas.

**E. Establishment of a Columbarian**

## **Re: Church of Saint Uriel the Archangel**

Elsye Eckler, Memorial Garden Committee Head for the Church of Saint Uriel the Archangel, advises that the cemetery wishes to establish a columbarium on the church property and asks if Cemetery Board approval is necessary. Ms. Eckler will be advised that Cemetery Board approval is not necessary. The church may want to defer to the local Department of Health on matters pertaining to cremated remains and the disposition of. This matter is now closed and removed from future Board meeting agendas.

## **F. Correspondence from Richard L. Berry, Receiver, Evergreen Cemetery**

Richard L. Berry, Receiver for Evergreen Cemetery, has advised the Board that he has been in communication with the City of Camden regarding the possibility of the city taking over the cemetery. Executive Director Susan H. Gartland attended a meeting on June 12, 2002 in Camden where a discussion was held regarding the possibility of a take-over of the cemetery by the City. It has been brought to the attention of the Board that the cemetery is once again in poor condition. Executive Director Susan H. Gartland will forward a letter to Mr. Berry asking for an update on the condition of the cemetery. This matter will be carried over.

## **G. Removal of dirt from cemeteries**

There appears to be a concern over the removal of dirt from cemeteries. A Committee of the Board (Marion Brozowski and Paul M. Desbiens) will meet with Regulatory Analyst Chuck Manning to discuss the possibility of writing a regulation pertaining to this concern.

## **H. Application for a Cemetery Salesperson's License**

**Re: Michael R. Brennan**

**Restland Memorial Park (CA #117)**

Paul M. Desbiens was recused from his matter.

Michael R. Brennan's application for a Cemetery Salesperson's License for Restland Memorial Park was reviewed in Executive Session. A motion was made by June Nikola and William Nichols to approve Michael Brennan for a Cemetery Salesperson's License for Restland Memorial Park. A vote was taken and the motion was approved by a unanimous vote.

## **VI . FOR YOUR INFORMATION**

### **A. New Jersey State Board of Mortuary Science**

1. Open Session Meeting Agenda-May 14, 2002
2. Open Session Meeting agenda-June 4, 2002

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

### **B. Notification of Complaint**

**Re: Estate of Stella B. Stafflinger v Marlboro Memorial Inc.**

**Docket No. MON C 96 02**

This was notification of a complaint against Marlboro Memorial Cemetery provided by James M. Burke, attorney for the cemetery. The Board will not intervene in this matter.

### **C. Newspaper Articles**

1. A resting place worth remembering

2. Totowa monument honors fallen WTC rescue workers
3. Bones found in Little Ferry park appear to be human
4. Gravedigger rescued after side wall cave-in
5. Source of human bones tough to trace, police say
6. Human remains found in fill

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

## **VII. ADJOURNMENT**

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

1. Seventeen (17) new matters or complaints filed with the Board which requires review and recommendations in regard to investigation and/or actions.
2. Forty-three (43) 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.

Respectfully Submitted,

Susan H. Gartland  
Executive Director