

New Jersey Cemetery Board

Public Session Minutes

July 11, 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, July 11, 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	Absent
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

Judy Welshons, from the New Jersey Cemetery Association reminded the Board that at the May, 2002 Board meeting at the request of members of the Cemetery Industry the Board had agreed to put on the September Public Session meeting agenda a discussion for the clarification of Certificates of Indebtedness, Certificates of Interest and promissory notes as there appears to be much confusion in distinguishing one from the other. This matter will be included for discussion at the September 12, 2002 Board meeting.

III. APPROVAL OF PUBLIC SESSION MINUTES OF JUNE 13, 2002

A motion was made by June Nikola and seconded by Marion Brozowski to approve the Public Session Minutes of June 13, 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 advised the Board office that it is in the process of setting up its Maintenance & Preservation Trust Fund in a Custodial Account in a New Jersey Banking Institution. Once the Board receives written confirmation of same a Certificate of Authority will be issued to the cemetery. Once the C/A is issued the Board will review Denville Cemetery's previous request to take over an abandoned cemetery in Denville. This matter will be carried over.

B. Partially cremated remains

Re: Rosedale Cemetery, Orange (CA #42)

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

DAG John Hugelmeyer has prepared an Interim Consent Order for the recovery process of the cremated bone fragments that were discovered and were not fully processed at the crematory located at Rosedale Cemetery, Orange. The Interim Consent Order has been signed by both Charles Merrill, attorney for the cemetery and Cemetery Board Chairman Frank J. DeGeeter, Jr. The recovery process will begin shortly and will be under the supervision of Executive Director Susan H. Gartland and Board expert Alan Kroboth. The Board will reserve the decision as to whether or not any further disciplinary action will be taken against the cemetery pending the results of the recovery process. This matter will be carried over.

Peter H. Seckel, President of the Funeral Consumers Alliance of Essex, Inc. had the following questions for the Board relating to Rosedale Cemetery: Is the Consent Order a result of the recent meeting between Consumer Affairs, the State Department of Health and the Department of Environmental Protection? D.A.G. John Hugelmeyer advised that the particular meeting Mr. Seckel referenced was for the future oversight of crematories; the Consent Order is an agreement reached between Rosedale Cemetery and the New Jersey Cemetery Board outlining the procedures of the recovery process and is a separate issue; Mr. Seckel asked if he could have a copy of the Consent Order; Mr. Seckel will be provided with a copy of the Order; and Mr. Seckel asked if he and members of the Alliance could review the cemetery records as the Alliance had many of its members cremated at Rosedale Cemetery and perhaps some of the bone fragments that have been found could possibly be from their members; D.A.G. John Hugelmeyer advised Mr. Seckel that this is not for the Board to answer but rather he would have to contact the cemetery for permission to do this. Should the cemetery give Mr. Seckel a problem with his request he should let the Board know.

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

Re: Marlboro Memorial Inc. (CA #395)

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

This matter will be held over pending a response from James M. Burke, attorney for Marlboro Memorial Inc..

D. Application for enlargement of cemetery

Re: Ocean County Memorial Park (CA #224)

Ocean County Memorial Park previously applied to the Board for approval for the enlargement of the cemetery. The Board had some concerns with certain aspects of the original application. These concerns were addressed to William J. Murphy, Executive Director for Ocean County Memorial Park. Mr. Murphy has provided the Board with the information necessary to address the Board's concerns. A Committee of the Board (Frank J. DeGeeter, Jr., William Nichols, Executive Director Susan H. Gartland and D.A.G. John Hugelmeyer) will meet with Mr. Murphy to review all of the information provided, narrow it down and report its findings and recommendation to the Board at the August 15, 2002 Board meeting.

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. Would the Board approve the purchase of extra land?

Re: The Ewing Cemetery Association (CA #20)

This matter will be carried over pending receipt of additional information from Ewing Cemetery pertaining to the cemetery purchasing additional land for cemetery use.

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

Re: Cedar Grove Cemetery (CA #217)

Emery Bittman, President of Cedar Grove Cemetery has advised that the letter sent to PNC Bank from the Board had positive impact on the bank. PNC is now being very solicitous of Mr. Bittman's request and he has decided to keep the cemetery's Trust Fund account with PNC Bank as he is happy with the interest rate the account receives there.

H. Request to take over Old Quaker Cemetery

Re: Borough of Rumson

This matter will be held over pending a response from the cemetery as to whether or not the Borough will be applying for a Certificate of Authority.

I. What is the legal requirement for retaining cemetery records Re: The Tranquility Cemetery Association of New Jersey (CA #68)

This matter will be held over pending receipt of a response from Virginia A. Smith, Treasurer of the Tranquility Cemetery Association of New Jersey.

J. Correspondence from Richard L. Berry, Receiver, Evergreen Cemetery

Re: Income/Expense Analysis

With regard to the possibility of the City of Camden taking over Evergreen Cemetery, Richard L. Berry, Receiver for the cemetery has prepared an Income/Expense Analysis of the cemetery for review and consideration by Norton N. Bonaparte, Jr., the City Business Administrator for the City of Camden. Camden County along with the Department of Corrections is trying to work together to attempt to get the conditions of the cemetery back in order. If Evergreen Cemetery should become a municipal cemetery it would no longer have to file Maintenance & Preservation Trust Fund Reports with the Board. In discussing municipal cemeteries the following question came up: Are municipal cemeteries exempt from making deposits into their respective Trust Funds? We will research the Senator Bennett bill regarding municipal cemeteries from 1995 or 1996 to see if there are any provisions for trust funds in the bill. This matter will be carried over.

K. Senate Bill, No. 1350

This bill which is sponsored by Byron M. Baer, revises various provisions of the law regulating cemetery companies. It was introduced March 18, 2002 but has not been adopted yet. A motion was made by David Mallach and seconded by William Nichols to support the bill with its revisions. A vote was taken with Marion Brozowski, June Nikola and Paul M. Desbiens abstaining from voting. The motion died as there was not a sufficient number of votes to carry it. Judy Welshons from the New Jersey Cemetery Association advised the Board members that she will make an effort to delete from the bill the bracketed areas (these areas are intended to be omitted in the law) and print the bill as it will ultimately read. The Board will review this edited bill at its August 15, 2002 Board meeting. This matter will be carried over.

L. Sub-division and sale of excess cemetery property

Re: George Washington Memorial Park (CA #26)

Frank J. DeGeeter, Jr. was recused from this matter and moved away from the table.

George Washington Memorial Park made an application to the Board on July 7, 2001 for the sale of 1.834 acres of

cemetery property to Mattco LLC for the sale price of \$540,000.00 which the Board approved at its September 13, 2001 Board meeting. Frank J. DeGeeter, Jr., President of the cemetery has advised the Board that the closing took place on June 27, 2002 and that \$81,000.00 (15% of the sale price) has been deposited into the cemetery's Maintenance & Preservation Trust Fund. This matter is now closed.

M. Request for bill analysis

Re: S 1704 The Abandoned Cemetery Maintenance and Preservation Act

This bill establishes the Abandoned Cemetery Maintenance and Preservation Fund to provide a revenue source for the repair, restoration and maintenance of abandoned cemeteries in the State. This bill sponsored by Senator Ronald Rice is a reintroduction of his Bill S324. Executive Director Susan H. Gartland will obtain from Judy Gleason, the Legislative Liaison for the Division of Consumer Affairs, the comments the Board originally made to S324. The comments will be provided to the Board members to see if any changes to the comments are necessary. This matter will be carried over to the August, 2002 Board meeting.

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

Re: Greenwood Cemetery (CA #370)

This matter was originally brought to the Board at its June 14, 2001 Board meeting. George Watson, President of Greenwood Cemetery has forwarded to the Board a letter that advises that the Ocean County Engineering Department has requested Integra Realty Resources to prepare an appraisal for the purpose of estimating the Just Compensation for taking a portion of the Greenwood Cemetery's property for road expansion. A Committee of the Board (Marion Brozowski and Paul M. Desbiens) will do an on-site inspection of the area to be purchased to be sure there are no burials in the area. The Committee will contact the appraisers to advise them that they will be doing an on-site inspection of the property to be sold. Mr. Watson will also be notified of the on-site inspection. This matter will be carried over.

V . NEW BUSINESS

A. 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 way from the table.

William C. Passodelis, Chief Operating officer for CMS Mid-Atlantic, Inc., has advised the Board of the recent passage of An Ordinance Regulating Burials, Interments and Disinterments Within the Borough of Totowa where Laurel Grove Cemetery is located. The ordinance itself makes specific requirements regarding the amount of fill or dirt over each grave. It also presents certain requirements regarding mausoleum burials. Mr. Passodelis advises that the ordinance will directly effect the operation of Laurel Grove Cemetery. He also advises that the cemetery will comply with the ordinance in the short term, but he would like the Cemetery Board to review and comment on it. It would appear that the parameters of this ordinance are not under the jurisdiction of the Cemetery Board but rather fall under the Department of Health. Mr. Passodelis will be so advised. Executive Director Susan H. Gartland will contact the Borough of Totowa to find out what prompted passage of this ordinance. This matter will be carried over.

B. Correspondence from consumer Carol-Anne Boyce Heinisch

Re: Evergreen Cemetery (CA #72)

Carol-Anne Boyce Heinisch has written to the Board advising of what she believes to be deplorable conditions at Evergreen Cemetery. Ms. Heinisch will be advised that the cemetery is in receivership and that the receiver Richard Berry was Court appointed and has held that position for a few years now. Also, Ms. Heinisch will be advised that the cemetery has very limited funds available for the upkeep of the cemetery and that Mr. Berry and the New Jersey Cemetery Board are currently working with the City of Camden and the Department of Corrections for the clean up and future care of the cemetery. Ms. Heinisch's letter will be forwarded to Mr. Berry for a response. This matter will be carried over.

C. Proposed New Rules: N.J.A.C.13:1E-2 & 3

Re: Public Access to Government Records

Executive Director Susan H. Gartland and D.A.G. John Hugelmeyer gave the Board an update of Proposed New Rule N.J.A.C.13:1E-2 & 3, Public Access to Government Records . The rule expands the public's right of access to government records and facilitates the way in which that access is provided by the custodian of those records. By the issuance of an Executive Order by Governor McGreevey, the rule went into effect on July 7, 2002 and will remain in effect until such time as comments can be evaluated and the language of the rule can be determined. The 60 day comment period ends August 30, 2002.

D. Request to change the date of the August Board meeting

Executive Susan H. Gartland requested that the Board change its August Board meeting from August 8, 2002 to August 15, 2002 as she will be attending the North American Cemetery Regulators Conference in Florida, representing the Board on the originally scheduled meeting date. A motion was made by June Nikola and seconded by David Mallach to change the August Board meeting date to August 15, 2002. A vote was taken and the motion was passed by a unanimous vote.

E. Request for a 31 day extension to file 2001 Annual Report

Re: Lakewood Hope Cemetery Association Inc. (CA #310)

Robert D. Elliott, CPA has requested an extension of 31 days for the filing of the 2001 Annual Report for Lakewood Hope Cemetery Association, Inc.. A motion was made by William Nichols and seconded by Marion Brozowski to grant an extension for filing of the 2001 Annual Report to August 1, 2002. A vote was taken and the motion was passed by a unanimous vote. This matter is closed.

F. Consumer inquiry

Re: Are there any laws that prohibit the burial of a deceased person without a casket?

Avruhum Rabinowitz has asked the Board if there are any laws in the State of New Jersey that prohibits the burial of a deceased person without a casket. New Jersey Cemetery Law is silent on this matter. Board member Gwendolyn Solice will research the State Department of Health's statute and regulations to see if there is a requirement of a casket for burial in their laws. Mr. Rabinowitz will be advised that the Board is continuing its investigation of this matter. This matter will be brought back to the August 15, 2002 Board meeting

G. Approval of bulk sales

1. Wishkover Benevolent Society, Beth Israel Cemetery Association (CA #1), Woodbridge, NJ to the Congregation Ohr Torah, Inc.

Executive Director Susan H. Gartland approved the bulk sale of 91 graves for \$9,100.00 (\$100.00 per grave). The required amount will be deposited into the Maintenance and Preservation Trust Fund of Beth Israel Cemetery Association

2. The Eternal Benevolent Society, Inc., Fidelity Cemetery Association, (CA #23), Westwood, NJ to the Congregation Ohr Torah, Inc.

Executive Director Susan H. Gartland approved the bulk sale of 126 graves for \$11,300.00 (\$89.69 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Fidelity Cemetery Association.

H. Application for a Cemetery Salesperson's License

1. Robert Marcano

Hollywood Memorial Park (CA #101)

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

Robert Marcano's response to the Board's denial of licensure for a Cemetery Salesperson's License for Hollywood Memorial Park was reviewed in Executive Session. A motion was made by Marion Brozowski and seconded by David Mallach to grant Mr. Marcano a 30 day extension from July 14, 2002 for his attorney to file the appeal with the Board office. A vote was taken and the motion was passed by a unanimous vote.

2. Helyne Vales

Restland Memorial Park (CA #117)

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

Helyne Vales' application for a Cemetery Salesperson's License for Restland Memorial Park was discussed in Executive Session. A motion was made by June Nikola and seconded by Marion Brozowski to approve Helyne Vales for a Cemetery Salesperson's License for Restland Memorial Park. A vote was taken and the motion was passed by a unanimous vote.

VI . FOR YOUR INFORMATION

A. Newspaper Articles

1. Efforts to Ensure a Catholic Burial

2. Cemetery Dispute'

B. New Jersey State Board of Mortuary Science

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The above 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 June Nikola to adjourn Public Session and move into Executive Session at 11:20 A.M.. A vote was taken and the motion was passed by a unanimous vote. The Board moved into Executive Session to discuss the following matters involving investigation, violation and/or the Board regulations:

1. Five (5) new matters or complaints filed with the Board which requires review and recommendations in regard to investigation and /or actions.
2. Forty-nine (49) 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 of permitted by law.

Respectfully Submitted,

Susan H. Gartland
Executive Director