

**New Jersey Cemetery Board
Public Session Minutes
October 9, 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, October 9, 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	Absent
David Mallach	Present
June Nikola	Present
William Nichols	Present
Marianne Panico	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 MEETING MINUTES OF SEPTEMBER 13, 2003

A motion was made by June Nikola and seconded by William Nichols to approve the Public Session Minutes of September 11, 2003 as amended. A vote was taken and the motion was passed by a unanimous vote.

IV. OLD BUSINESS

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

Re: Greenwood Cemetery (CA #370)

Bernard Stoecklin, President, Friends of Rural Cemeteries, provided the Board with an update on the condemnation of a portion of Greenwood Cemetery's property by the County of Ocean. George Watson has provided the County of Ocean with the paperwork that he believes lifted the restriction of 100 feet of the cemetery's property being sold for future burials. This matter will be carried over.

B. Concern regarding a retaining wall

Re: Beth David Cemetery (CA #308)

The Board has been advised by Sanford B. Epstein that he has attempted to drop fill into the open spaces on the other side of the fence at Beth David Cemetery, but with the heavy rains this summer, the dirt just flowed away again. He will continue to try to take care of the problem and will keep the Board apprized of his progress. He further advised that he believes there is no danger to anyone since there is a light fence along the entire length of the cemetery. This matter will be carried over.

C. Requesting Board approval for the alteration of cemetery roads

Re: Evergreen Cemetery and Crematory (CA #92)

Joseph A. Manfredi, Executive Director, Evergreen Cemetery and Crematory has provided the Board with revised drawings for the cemetery's proposal for the alteration of roads to provide more interment spaces for non-titled graves. Mr. Manfredi believes the revised plan maintains the identity of the existing roadway and keeps it wide enough for the passage of a motor vehicle. Board member William Nichols will conduct an on-site inspection at the cemetery of the area in question and report his findings to the Board at its November 13, 2003 Board meeting. This matter will be carried over.

D. Transferring ownership and management of a cemetery

Re: Manahawkin Methodist Cemetery Association (not a CA cemetery)

Previously, an application for a Certificate of Authority was forwarded to George M. Cafarelli, attorney for Manahawkin Methodist Cemetery Association as he had advised that the cemetery buried both those of the Methodist faith and those that were not of the faith. As there has been no response from Mr. Cafarelli, a follow up letter will be sent to him regarding this matter. This matter will be held over.

E. Discussion with Charles Manning, Regulatory Analyst

Re: N.J.A.C.13:44J-7.2

The Board reviewed and discussed with Charles Manning, Regulatory Analyst, Division of Consumer Affairs revisions to N.J.A.C. 13:44J-7.2. A motion was made by David Mallach and seconded by William Nichols to approve the draft regulation with the revisions. A vote was taken and the motion was passed by a unanimous vote. Mr. Manning will prepare the regulation for publication in the New Jersey Register for the 60 day comment period. This matter is closed and removed from future Board meeting agendas.

F. Requesting approval for credit taken on Maintenance & Preservation Trust Fund

Re: Heavenly Rest Memorial Park (CA #304)

This matter will be held over pending confirmation of the name change for the cemetery's Maintenance & Preservation Trust Fund.

G. Hoboken Cemetery (CA #183)

Re: Reimbursement of operating fund

George T. Dougherty, attorney for Hoboken Cemetery has written to the Board advising that the cemetery needs to reimburse its operating account for the portion of the \$150,000.00 refunded to the Turnpike Authority which represents the deposit made to the M&P Trust Fund brought about by the sale of interment space to them. Mr. Dougherty is requesting permission from the Board to withdraw the deposit of \$5400.00 from the principle of the cemetery's Maintenance & Preservation Trust Fund and deposit it into the cemetery's general operating fund as reimbursement to the cemetery for the return of funds to the Turnpike Authority. A motion was made by William Nichols and seconded by Marion Brozowski to give approval to the cemetery to make an application to the Court for the removal of the \$5400.00 from the principle of the Trust to reimburse its operating account. A vote was taken and the motion was passed by a unanimous vote.

The New Jersey Turnpike Authority has reached an agreement with Maple Grove Park Cemetery, Hackensack, NJ, for the acquisition of interment space in the cemetery for the reinterment of the remains from the Former Burial Ground at Laurel Hill in Secaucus. This agreement is contingent upon and not in effect until the New Jersey Cemetery Board approves same and upon the Turnpike Authority obtaining an order of the Court in the Action authorizing the Authority to reinter remains at the cemetery. The Authority shall pay to the cemetery the following amounts for the grave space: \$500.00 for tree pruning in the grave area; \$180,000.00 for a 3,000 square foot area, which will be the initial area for burials; \$1,800.00 for each grave or any portion thereof actually used within an additional area being reserved for the Authority; \$10.00 for each interment to be deposited into the cemetery's M&P Trust Fund; and \$1.00 per square inch for a concrete foundation to accommodate a memorial to be erected by the Turnpike Authority. Francis X. Journick, Jr., attorney representing the Turnpike Authority has written to the Board requesting its approval for the agreement between the Turnpike Authority and Maple Grove Park Cemetery. A motion was made by William Nichols and seconded by Marion Brozowski to approve the agreement of the purchase of bulk graves from Maple Grove Park Cemetery to the New Jersey Turnpike Authority for the purpose of the reinterment of remains from the Former Burial Ground at Laurel Hill in Secaucus. A vote was taken and the motion was approved by a unanimous vote.

H. Request for approval of amended easement agreement

Re: Hillside Cemetery Company (CA #398)

Michael Manieri, the attorney representing the Estate of Susie Romano, et als and D.F. Moore Craig, the attorney representing Hillside Cemetery Company appeared before the Board to discuss the amended easement agreement which has been entered into to propose by the Romano Estate and Hillside Cemetery Company and to request Board approval for the amended easement. The proposed amended easement as to area, term, and use are all exactly as they were in the original easement. The differences are that the Romano's are no longer required to provide any maintenance (other than snow plowing), and the water tap and water charge obligation is removed. As part of the settlement, Hillside Cemetery will receive from the Romano's the sum of ten thousand dollars (\$10,000.00). In this agreement the cemetery is responsible for paving of the road going through the cemetery and maintaining of same. The Board has concerns with this agreement such as: how will the cemetery keep up the paving of the road in years to come; what is meant by maintenance of the road. There is also a concern that the total easement may encompass graves; the measurement for the easement in the agreement is 22 ' feet, however the roadway is only 10 feet. The Board believes that the agreement needs modification. A motion was made by Marion Brozowski and seconded by June Nikola to table this matter and defer a vote until the November 13, 2003 Board meeting. A vote was taken and the motion was passed by a unanimous vote. Mr. Moore and Mr. Manieri will address the concerns of the Board and provide the Board with a revised agreement for the easement. This matter will be carried over.

I. Advertisement for sale of 825 graves

Re: Floral Park Cemetery (CA #170)

Executive Director Susan H. Gartland advised the Board that she has spoken to Leonard Auerbach, Director, Floral Park Cemetery regarding this advertisement. Mr. Auerbach was not aware of this ad. He advised that the area for sale in this ad is owned by a burial society. The cemetery has approached the society to purchase back this area of the cemetery from them but the society wants to try to sell the area on its own. If the society sells these graves to another society, the transaction will become a bulk sale and will have to have the approval of the Executive Director with the appropriate amount being deposited into the cemetery's Maintenance & Preservation Trust Fund. If the society does not sell the graves, the cemetery may purchase the graves back for future burials. Mr. Auerbach will keep the Board updated on this matter. This matter is closed and removed from future Board meeting agendas pending receipt of any further information from Mr. Auerbach.

J. Requesting Board approval for sale of property

Re: Flower Hill Cemetery Association (CA #148)

This matter will be held over pending receipt of the Board's requested documentation from Flower Hill Cemetery Association.

V. NEW BUSINESS

A. Approval of Bulk Sale

Triangle Benevolent Association , Piscataway, NJ to Congregation Beth Israel, Beth Israel Cemetery Association (CA #1), Woodbridge, NJ

Executive Director Susan H. Gartland approved the bulk sale of 23 graves for \$2300.00 (\$100.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

B. Request for waiver of \$75.00 Filing Fee for Annual Report

Re: Mt. Laurel Cemetery (CA #331)

Susan D. Weaver, Treasurer/Trustee, Mt. Laurel Cemetery has requested that the \$75.00 Filing Fee for the cemetery's Annual Report for Fiscal Year 2003 be waived due to the financial conditions of the cemetery. The cemetery has very little activity and ways of gaining funds for current upkeep. A motion was made by June Nikola and seconded by William Nichols to waive the filing fee for the 2003 Annual Report for Mt. Laurel Cemetery. 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. Inquiry regarding offer of free burial space to Veteran's

Re: Cemetery Development Company

John O. Davies, Director of Marketing for The Cemetery Development Company has asked for the Board's assistance in the preparation of an ad appealing to Veterans for an offer of free burial space. Mr. Davies will be advised that the ad must make it very clear what they are getting for free; that being a free right to burial. All other costs must be included in the ad, such as the opening and closing fees. The location of the grave must also be designated. Also, Mr. Davies will be advised that the cemetery is responsible for depositing into its M&P Trust Fund \$25.00 or 15% of the current price of graves in the area of the cemetery where the free graves are being offered, whichever is greater. This matter is closed and removed from future Board meeting agendas.

VI. FOR YOUR INFORMATION

A. Advisement of motions hearing

**Re: Primer Templo Espiritualista de Nueva York v
Rosemount Memorial Park Association (CA #160)
Docket No. C-399-02**

B. Confirmation of Oral Argument Date

**Re: Primer Templo Espiritualista de Nueva York v
Rosemount Memorial Park Association (CA #160)
Docket Number ESX-C-399-02**

C. Correspondence from Warren J. Kaps, Esquire to Honorable Judge Cohen

**Re: Primer Templo Espiritualista de Nueva York v
Rosemount Memorial Park Association (CA #160)
Docket Number ESX-C-399-02**

June Nikola was recused from the above three matters and moved away from the table.

DAG John Hugelmeyer has advised the Board that the hearing in this matter has taken place. Judge R. Benjamin Cohen, J.S.C. has denied summary judgement motions to both parties. He has urged both parties to attempt to

resolve the matter between themselves.

D. Notification of Complaint for Declaratory Judgment

No. GD 03-18313

Re: CMS Mid-Atlantic, Inc., et al. V

General Electric Capital Corp., et al.

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

This was notification for the Board that the case has been dropped.

E. Newspaper articles

Grandma's remains to find peace at last

Proposed change in cemetery rule draw criticism

Turnpike to bury remains in Hackensack

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

F. Proposed Amendment

Re: N.J.A.C. 13:59-1.3

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

G. New Jersey State Board of Mortuary Science

1. Open Session Meeting Agenda-October 7, 2003

This was 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 at 12:35 PM and move into Executive Session at 1:00 PM. 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 investigations, violations, and/or the Board's regulations:

1. Nine (9) 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 official action is taken on these matters, if permitted by law.

Respectfully Submitted,

Susan H. Gartland

Executive Director