

New Jersey Cemetery Board

Public Session Minutes

November 14, 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, November 14, 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 9:45 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 left 11:45 AM
David Mallach	Absent
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

There were no public comments made today.

III. APPROVAL OF PUBLIC SESSION MINUTES OF SEPTEMBER 12, 2002

A motion was made by William Nichols and seconded by Marion Brozowski to approve the Public Session Minutes of September 12, 2002 as amended. A vote was taken and the motion was passed by a unanimous vote.

IV. APPROVAL OF PUBLIC SESSION MINUTES OF OCTOBER 10, 2002

A motion was made by Marion Brozowski and seconded by William Nichols to approve the Public Session Minutes of October 12, 2002 as amended. A vote was taken and the motion was passed by a unanimous vote.

V. OLD BUSINESS

A. Application for a Certificate of Authority **Re: Denville Cemetery Association**

The Board has received confirmation from Robert De Silver, Jr. Vice- President of Fulton Financial Advisors, which is

affiliated with Skylands Community Bank, that it is holding \$282,750.00 in a Maintenance & Preservation Trust Fund Custodial Account for Denville Cemetery Association. Certificate of Authority No. 402 was issued today to Denville Cemetery Association. This matter is now closed and removed from future Board meeting agendas.

B. Partially cremated remains

Re: Rosedale Cemetery, Orange (CA #42)

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

Alan J. Kroboth, the Board's expert in this matter has advised the Board that the recovery and clean up process has been completed according to plan at Rosedale Cemetery. Executive Director Susan H. Gartland advised the Board that all bones and ashes taken from the retorts have been buried at a central location at the cemetery. The cemetery will record the burial in its records. Charles R. Merrill, attorney for Rosdale has written thanking the Board for its many courtesies and assistance in this matter. This matter is now closed and removed from future Board meeting agendas.

C. Marlboro Memorial Inc. (CA #395)

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

James M. Burke, attorney for Marlboro Memorial Inc. appeared before the Board today along with Joseph Spalliero, President of the cemetery to discuss with the Board the Certificates of Indebtedness for the cemetery and the form for the certificates previously approved by the Board. Mr. Burke had previously advised the Board that he as well as the cemetery objected to the language and terms in the Board's approved form for the issuance of Certificates of Indebtedness. Mr. Burke advises that he believes that the Board cannot and should not insist upon retirement of Certificates over a specific period of time. Mr. Burke further advises that he believes that the Board's proposed mandatory deposit of 10% of each sale into a fund from which the Certificates must be paid down would hamstring the management of the cemetery and its ability to make financial decisions in the best interest of the cemetery and lot owners. Mr. Burke advised the Board today that the cemetery has \$25,000.00 in its operating fund and forcing the cemetery to put 10% of every sale into a separate fund would not be in the best interest of the lot owners. Mr. Burke is asking the Board to delete the 10% and the years for pay off of the Certificates. Interest on the Certificates will not accumulate over the years. If the interest is not taken within the year it is earned, then the interest is forgiven in that year according to Mr. Burke. The cemetery would rather give priority to the maintenance of the cemetery than to the re-payment of the certificates. Also, if a Certificate is transferred, the new holder cannot change the original agreement for the Certificate. A motion was made by June Nikola and seconded by William Nichols to move to Executive Session for the purpose of discussion with D.A.G. John Hugelmeyer on this matter. A vote was taken and the motion was passed by a unanimous vote. Marion Brozowski and Paul M. Desbiens were recused from the discussion in Executive Session and left the room. After a discussion on Certificates of Indebtedness and repayment of same in Executive Session, a motion was made by William Nichols and seconded by June Nikola to move back to Public Session for further discussion with Mr. Burke and Mr. Spalliero. A vote was taken and the motion was passed by a unanimous vote. A motion was made by Marianne Panico and seconded by June Nikola to approve the form for the Certificates of Indebtedness as presented by Mr. Burke and the cemetery noting that the interest on the Certificates shall be forfeited if not collected by April 1st of each year and with the removal of the pay off year for the Certificates. A vote was taken and the motion was approved by a unanimous vote.

Mr. Burke gave to the Board the signed certification for the Uniform Penalty Letter issued to the cemetery for failure to have its Maintenance & Preservation Trust Fund in a custodial account and also for not making deposits to the Trust Fund on a monthly basis. He also gave the Board a check in the amount of \$500.00 in payment for the 2 Civil Penalties of \$250.00 each for the cemetery's two violations.

D. Inquiry from Mount Prospect Cemetery (CA #128)

Re: What if all cemetery Trustees resign?

This matter will be held over at the request of Executive Director Susan H. Gartland.

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

Re: The Ewing Cemetery Association (CA #20)

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

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

Re: Greenwood Cemetery (CA #370)

The Board has been advised that George Watson is still trying to locate the document that he believes lifted the restriction of burials in the area to be taken by the State. The State appraiser contends that the restriction was never lifted. This matter will be carried over.

G. 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.

This matter will be held over at the request of Executive Director Susan H. Gartland. Mrs. Gartland will write to the Totowa Department of Health inquiring as to what it is that the town's burial inspector does. Also, Mrs. Gartland will contact the New Jersey State Department of Health advising that the Board has some concerns with this new ordinance. This matter will be carried over.

Peter H. Seckel, President of the Funeral Consumers Alliance of Essex, Inc. has written to the Board regarding this new ordinance in Totowa. Mr. Seckel goes on to advise that the Board of the Alliance supports the new ordinance for the \$2.00 fee per burial to cover the costs of inspection and investigation by the cemetery inspector and would like to recommend that this fee be made statewide to fund statewide inspections and investigations by the New Jersey Cemetery Board. The Alliance believes this fee should accompany the Annual Reports for the Maintenance & Preservation Trust Fund filed in the Board office along with a certified statement and accompanied by the financial reports of the cemeteries which may be required under revised Senate Bill 1350 if it is passed. Mr. Seckel will be advised that the Board already collects \$4.00 per burial and \$1.00 per cremation from all cemeteries under its jurisdiction. These fees are for the financial support of the Board as required by State law. When needed, the Board sends inspectors from the Enforcement Bureau of the Division of Consumer Affairs out to a cemetery for inspections. Mr. Seckel will be thanked for his suggestion and advised that the Board will take the suggestion into consideration.

H. Correspondence from Patrick Andriani to Judge Thomas P. Olivieri, J.S.C.

**Re: New Jersey Turnpike Authority v Any Living, Lineal Descendant et al
Docket No. HUD-C-115-02**

D.A.G. John D. Hugelmeyer has advised the Board that Judge Thomas P. Olivieri, J.S.C. has not yet made a decision as to whether or not the New Jersey Turnpike Authority will be going ahead with the disinterments. The Judge has asked the New Jersey Turnpike Authority for a detailed description of exactly what they are intending to do which would give the Judge a better understanding of the situation. Patrick Andriani, whose grandfather is buried in the Hudson County Burial Ground in question, has written to Judge Olivieri requesting modifications to the plan set forth by the Turnpike of Authority. One of Mr. Olivieri's request is that he be present during the disinterment proceedings. D.A.G. John D. Hugelmeyer will keep the Board updated on this matter.

VI. NEW BUSINESS

A. Request for 60 day extension for filing of Annual Report

Re: Maple Grove Cemetery Association (CA #168)

Herman Birnbaum, accountant for Maple Grove Cemetery has requested a 60 day extension for filing of the cemetery's 2002 Annual Report as Barbara Kirby, President of the cemetery and its only employee is ill and will be out of work for a few weeks. A motion was made by June Nikola and seconded by William Nichols to grant the cemetery a 60 day

extension for the filing of its 2002 Annual Report. A vote was taken and the motion was passed by a unanimous vote.

B. Abraham Sachs Family Circle, Inc., to Orangetown Jewish Center, New Cedar Park Cemetery, New Cedar Park Cemetery, (CA #37), Paramus, NJ

Executive Director Susan H. Gartland approved the bulk sale of 120 graves for \$30,000.00 (\$250.00 per grave). The required amount will be deposited into the Maintenance and Preservation Trust Fund of New Cedar Park Cemetery

C. Sale of a portion of Cemetery property

Re: Beth Israel Cemetery Association (CA #1)

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

The Board has received an application from Beth Israel Cemetery Association for the conveyance of a portion of cemetery property to the State of New Jersey, by the Commissioner of Transportation for the selling price of \$107,000.00. The conveyance will be by deed in lieu of condemnation. The Board has been provided with all of the required documentation for the sale. However, the Statements and Resolution are not signed. Beth Israel Cemetery Association will be advised that these must be signed. As one of the requirements of the Board for the sale of cemetery property is that there be an on-site inspection of the property in question, Board member Marion Brozowski will do the inspection of the property at Beth Israel Cemetery. This matter will be carried over.

D. Senate, Bill No. 1992

Re: Enacts "New Jersey Cemetery Act, 2002"

This bill represents the revision of the current New Jersey Cemetery Act by the New Jersey Law Revision Commission. A Committee of the Board (Frank J. DeGeeter, Jr., Marion Brozowski, June Nikola, Paul M. Desbiens, and Executive Director Susan H. Gartland), will meet on Tuesday, November 19, 2002 at Rosedale & Rosehill Cemetery Association to discuss this Bill and to formulate comments to the Bill to be forwarded to the Regulatory Unit of the Division of Consumer Affairs.

E. Approval of New Jersey Cemetery Board meeting dates for 2003

A motion was made by June Nikola and seconded by Steven F. Hehl to approve the Cemetery Board meeting dates for 2003. A vote was taken and the motion was passed by a unanimous vote.

F. Advisement of Annual Reports not being made from 1992 through 1999

Re: Princeton Memorial Park (CA #76)

The Board discussed this matter in Executive Session and moved to Public Session for a vote. A motion was made by William Nichols and seconded by Marion Brozowski that the amount of Civil Penalties for the violations of N.J.S.A. 8A:4-5 and N.J.S.A. 8A:4-12 should be reduced from \$60,000.00 to \$45,000.00 and that no penalties will be assessed for violations of N.J.S.A. 8A:3-14(c). A vote was taken and the motion was passed by a unanimous vote.

G. Application for a Cemetery Salesperson's License

Re: Robert Marcano

Hollywood Memorial Park (CA #101)

Paul M. Desbiens was recused from this matter and left the room.

The Board discussed this matter in Executive Session and moved to Public Session to vote as to whether or not a Cemetery Salesperson's License should be issued to Robert Marcano for Hollywood Memorial Park. A motion was made by Marianne Panico and seconded by Marion Brozowski to approve a Cemetery Salesperson's License for Robert Marcano. A vote was taken and the motion was passed by a unanimous vote. This matter is now closed and removed from future Board meeting agendas.

VII. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

1. Open Session Meeting Agenda-October 29, 2002

B. Newspaper Articles

2 in Newark Accused of Robbing Graves for Rituals

Raid of sect temple yields three more skulls

Turnpike hires experts to unearth remains from potter's field

Judge wants Turnpike to explain graveyard plan

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

VIII. ADJOURNMENT

A motion was made by June Nikola and seconded by Marianne Panico to adjourn Public Session and move into Executive Session at 11:40 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's regulations:

1. Six (6) new matters or complaints filed with the Board which requires review and recommendations in regard to investigation and/or actions.
2. Fifty (50) 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