



**Delaware Cemetery Board
Regular Meeting Minutes
Held at Edgehill Training Room, Dover, DE
August 17, 2016, 10:30 a.m.**

I. Call to Order

Meeting called to order at 10:31 a.m. by Mark Christian, Chair.

Members present:

Mark Christian, Chair (Owner/Operator Representative - Executive Director, Catholic Cemeteries, Inc., Wilmington)

Bruce Ennis (Owner/Operator Representative - Old Drawyers Cemetery, Odessa)

Ed Fielding (Public Member Representative)

Paul White (Owner/Operator Representative – Silverbrook Cemetery and Memorial Park, Wilmington)

Sarah (Sally) Williams (Public Member Representative)

Candace Casto, Chief Administrative Officer, Department of Health and Social Services (DHSS), Division of Public Health (DPH), Health Statistics Center (HSC)

Members absent: No

Quorum present? Yes

Guests:

Baynard, Rev. Veronica – Zion AME Church Cemetery, Camden

Brown, Jim and Sandy – Concerned Citizens, Sharon Hill Memorial Park, Dover

Chandler, Gilbert and Robin – Concerned Citizens, Sharon Hill Memorial Park, Dover

Chase, Randall – Associated Press

Cocker, Tedd – Riverview Cemetery, Wilmington

Dornberger, Len – Holy Cross Cemetery, Dover

Drew, Dr. Martin – Union Wesley United Methodist Church Cemetery, Clarksville

Droddy, Kenneth – Ellendale & New Market Cemeteries, Ellendale and Lincoln

Evans, Rev. Richard – St. John’s United Methodist Church Cemetery, Seaford

Evans, Valarie - Union Wesley United Methodist Church Cemetery, Clarksville

Frazier, James – Barratt’s Chapel, Dover

Harris, Sierrah - Union Wesley United Methodist Church Cemetery, Clarksville

Heller, Peter – Archelaus Hastings Family Cemetery, Delmar

Katie – Delaware Public Media

King, Vivian - Union Wesley United Methodist Church Cemetery, Clarksville

Kirby, Larence – DE Commission of Veterans Affairs

Krieger, Daniel – Grace Episcopal Cemetery, Wilmington

Malinasky, Vickie - Concerned Citizen, Sharon Hill Memorial Park, Dover

Melvin-Reed, Ethel – Sharon Hills Memorial Park, Dover

Merrill, Robert – St. Peter’s Cemetery, Smyrna

Ottaviano, Lewis - Sharon Hills Memorial Park, Dover



- Pippin, Larry – Pippin Funeral Home, Camden-Wyoming
- Quinn, Nancy – Christ Episcopal Church Cemetery, Dover
- Roland, Cindy – Downham Family Cemetery, Viola
- Umbreit, Linda – Mt. Salem Cemetery, Wilmington
- Westbrook, Bill – Ebenezer United Methodist Church Cemetery, Delaware City

II. Introductions – Board members, DPH staff, and public

After introductions, Mark Christian explained the Board’s three objectives according to the Delaware Code and gave an overview of the Distressed Cemetery Fund.

III. Review and Approval of June 22, 2016 Minutes

Regular Minutes:

Bruce Ennis requested under Section V., New Business, C., for Resolved section – to strike the word, “unanimously” since the Board Chair recused himself from voting.

Motion: Mark Christian requested a motion to approve the June 22, 2016 regular meeting minutes as amended. Bruce Ennis made the motion to approve the June 22, 2016 minutes as amended. Seconded by Ed Fielding.

Vote: Motion carried (5 in favor; 0 opposed).

Resolved: Regular minutes from the June 22, 2016 board meeting were approved unanimously as amended.

Executive Session Minutes:

None

IV. Old Business

None

V. New Business

A. Report from Chief Administrative Officer

1. Registered cemeteries – 216 total
 - FY 2016 registration fees received (7/1/15 – 6/30/16) - \$460; 39 renewals and 7 new registrations)
 - FY2017 registration fees received from 7/1/16 - 7/31/16 – \$20 (2 renewals)
 - Expired registrations; sent reminders with forms to:
 - a. Mount Olive (Wilm.)
 - b. Mount Olive (Laurel)
 - c. Mt. Pisgah AME (Laurel)
 - d. New Zion Methodist (Laurel)
 - e. Providence United Methodist Church Cemetery (Georgetown)



2. FY2016 total awards - \$62,437.50 (Montgomery Cemetery, Little Creek Friends Burial Ground, Hartly United Methodist Church, Sailors Bethel United Methodist Church, Wilmington & Brandywine, Riverview, & Mt. Zion) and \$100 in room rentals.
3. FY2017 Spending Authority - \$100,000 (per FY2017 Budget Act; SB 285)
4. Telephone Calls/E-mails/Visits to office – 23 total (July – 16; Aug. – 7)
5. Annual draft newsletter was e-mailed to the Board for their review and approval at the August meeting. Sent to DPH Office of Health and Risk Communication for review/approval on 8/3/16; waiting for approval.
6. Next board meeting - October 19, 2016, 10:30 a.m. – location to be announced

Motion: Mark Christian requested a motion to accept the Chief Administrative Officer's report as presented. Sally Williams made the motion to accept the report as presented. Seconded by Bruce Ennis.

Vote: Motion carried (5 in favor; 0 opposed).

Resolved: The Chief Administrative Officer's report was approved unanimously as presented.

B. Discussion on Teleconferencing for Public Meetings

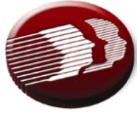
Ed Fielding believes he gains a better understanding of the situation when he talks with and observes an applicant in person so he is not in favor of using teleconferencing for the public meetings. Paul White is agreeable with either proposal. Sally agrees with Ed Fielding although she realizes we have technology available to use. Bruce Ennis agrees that interacting with applicants in person is important.

The discussion was tabled since Mark Christian asked the Board's Chief Administrative Officer, Candace Casto, to find out if other public boards are utilizing teleconferencing and how well it works. Candace Casto stated that if they used video teleconferencing, they would need to reserve three sites in each county (e.g., Delaware Technical & Community College has three campuses and there would be a cost which would come out of the Distressed Cemetery Fund.

Action Needed: Candace Casto will research to see if other public boards are utilizing teleconferencing and how well it works.

C. Delaware SPCA Cemetery

Mark Christian explained the DE SPCA Stanton researched and found a stone that had a dog and the owner's name on it so they acknowledged that human remains were buried in the pet cemetery. With this acknowledgement, they registered the cemetery with the Division of Public Health. Mark explained that since the article in The News Journal (August 2, 2016) quoted a man stating he remembers his parents scattering the ashes of the woman, then it wouldn't qualify as a burial and then the cemetery would not need to register with the Division. He is not sure if the Board should accept the registration. Bruce Ennis asked if the registration will cause problems, and if so, we may not want to accept the registration. Mark stated we are waiting for legal advice about this issue.



Mark asked if there were any questions relative to the Distressed Cemetery Funds. He asked that participants state their name and what cemetery or organization they represent.

1. Larry Pippin, Pippin Funeral Home

- a. He's concerned about an old cemetery, Coopers Cemetery, on Mud Mill Road (on old Higdon farm) where his family is buried. His sixth great grandfather granted one acre of land for the cemetery. It is not being maintained, is overgrown with trees and bushes, and tombstones have been knocked down. He stated it is historical in that it has Revolutionary War soldiers buried there.

Question: Can he give money to set up a trust even though Delaware law does not allow him, as a funeral director, to own a cemetery?

Answer: Mark Christian stated he, as a concerned citizen, could be a volunteer and register the cemetery, establish a board and a fund to maintain it. Then the board would assume the responsibility.

Sally Williams believes that even though he is a descendant of the people buried there, Delaware law permits a private owner to deny access to the cemetery. Larry thought if the cemetery was established, a person could have access to it. Larry believes the land went to a sheriff's sale and does not know who the owner is. Sally stated he needs to find the owner of the land the cemetery is on. Mark Christian recalled a similar situation in Sussex County where they had to contact the owner to get access to a cemetery.

- b. Question: Can a trust be transferred to the Cemetery Board to care for a cemetery in perpetuity?

Answer: Mark Christian stated no. He told Larry that Riverview Cemetery in Wilmington works with the Delaware Community Foundation and he could research that option.

- c. Question: Larry asked if a cemetery can receive Distressed Cemetery Funds (that are State funds) if they discriminate on who is buried in the cemetery?

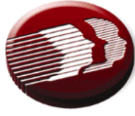
Answer: Mark Christian stated that the Board does not get involved in the management of a cemetery. Candace Casto stated we could get legal advice on that.

Action Needed: Candace Casto will get legal advice on this issue.

2. Lewis Ottaviano, Sharon Hills/Odd Fellows Cemeteries

Lewis wanted to comment on the DE SPCA registration issue. He stated that when the Distressed Cemetery Fund was established, it was only for human remains and if they were buried in an urn.

3. Dr. Martin Drew, Union Wesley United Methodist Church Cemetery



Their cemetery is the oldest African American cemetery in Delaware and dates back to the 1700s. The cemetery has not been maintained and needs cleanup and they need to find where bodies are buried because they were probably slaves and did not have markers. There are condos being built near the cemetery in Clarksville and they have had contractors cross the cemetery boundary and have caused damage. The old Blackwater School was declared a historic site and he would like to preserve this cemetery before it is taken over by all the building around it.

Question: How can he preserve the cemetery?

Answer: Mark Christian stated the owner or a volunteer group can apply for funds and the Board will consider it. Paul White asked who owns the church and Rev. Drew replied the Union Wesley United Methodist Church owns the cemetery. It was also suggested to erect a fence but ground penetrating radar (GPR) will first need to be used to locate bodies so they'll know where to put a fence.

Candace Casto wanted everyone to know there is a matching requirement of real dollars and/or volunteer hours listed by project.

Lewis Ottaviano shared that they collaborated with Penn State University in using GPR. He could contact a local university for help w/GPR.

VI. Other Topics/Discussion

Next meeting – October 19, 2016, 10:30 a.m. – location to be determined

VII. Executive Session - Financial assistance applications

There were no financial assistance applications submitted.

VIII. Public Comment

Public Comment:

Gilbert and Robin Chandler both shared their concerns about Sharon Hills Memorial Park. They have deeds to plots and have family and friends buried there and feel that the cemetery is not being maintained properly. Management has not been responsive about their concerns on regular mowing and not trimming around markers. Mr. Chandler stated the roads were previously paved but have not been maintained and they now have potholes. Lewis Ottaviano responded the grass is cut every seven days. Mr. Ottaviano asked for the plot number(s) so he could research this. Robin Chandler asked for an appointment to meet with both Lewis and Ethel Melvin-Reed, the General Manager and they agreed.

Gilbert asked if the plot is his property. Mark Christian responded that when someone buys a plot, they have a right of burial and perpetual care but they don't own the land.

Vickie Malinasky also shared her concerns about the property maintenance at Sharon Hills Memorial Park. She stated she called three consecutive days and visited in person because she could not get anyone to talk with her about the property maintenance. She stated there are big



potholes and the grass is not trimmed around the markers and it makes it hard for a disabled person to walk to the gravesites.

Jim Brown agrees with the comments made about Sharon Hills Memorial Park and stated people need to contact their legislators about laws relative to cemetery management.

Mark Christian urged the concerned citizens to file a formal complaint with the Department of Justice's Consumer Protection Unit if they feel cemetery management is not caring for a cemetery properly or if the company is not responsive to their telephone calls or questions.

Peter Heller, represents Perdue Agribusiness, and they are in the planning stages of restoring the Archelaus Hastings Family Cemetery in Delmar. The cemetery was found on the property that Perdue bought to build a headquarters building. The company will begin building in the spring of 2017. He has a concern about possible burials outside the fenced area. Mark Christian told him to use GPR to see where bodies were buried. Mark stated the GPR company will go out 30 feet from the fence and if bodies are found, they'll go out 30 more feet. Peter asked if he could use any tree company and Mark stated yes.

IX. Adjourn

With no further business, Mark Christian adjourned the meeting at 11:37 a.m.

Submitted by: Candace Casto, Chief Administrative Officer, Delaware Cemetery Board, DHSS, DPH, HSC