

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**JANUARY 12, 2006**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J. on the sixth floor, on Thursday January 12, 2006. 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 9:40 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Calribel Azcona-Barber Absent  
Marion Brozowski Present  
Lawrence Colasurdo Present  
Frank J. DeGeeter, Jr. Present  
Paul M. Desbiens Present Arrived 10:00 AM  
Stephen F. Hehl Present  
Waheed Khalid Present Arrived 10:00 AM  
June Nikola Present  
William Nichols Present  
Karen Walsh Pappas Absent

Also in attendance were: Dianne L. Tamaroglio, Executive Director for the New Jersey Cemetery Board; and Deputy Attorney General John Hugelmeyer.

Due to a lack of quorum the meeting began in Committee.

## **II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF NOVEMBER 10, 2005**

A motion was made by Lawrence Colasurdo and seconded by Marion Brozowski to recommend to the full Board that the Public Session Minutes of November 10, 2005 be approved as amended. With the arrival of Board members Paul M. Desbiens and Waheed Khalid the meeting went out of Committee and into the regular Board meeting. A motion was made by Marion Brozowski and seconded by Larry Colasurdo to accept the Committee recommendation to approve the Public Session Minutes of November 10, 2005 as amended. A vote was taken and the motion was passed by a unanimous vote.

## **III. APPROVAL OF PUBLIC SESSION MINUTES OF DECEMBER 8, 2005**

A motion was made by William Nichols and seconded by Marion Brozowski to recommend to the full Board that the Public Session Minutes of December 8, 2005 be approved as corrected. With the arrival of Board members Paul M. Desbiens and Waheed Khalid the meeting went out of Committee and into the regular Board meeting. A motion was made by Marion Brozowski and seconded by William Nichols to accept the Committee recommendation to approve the Public Session Minutes of December 8, 2005 as corrected. A vote was taken and the motion was passed by a unanimous vote.

## **IV. ELECTION OF OFFICERS FOR NEW JERSEY CEMETERY BOARD FOR 2006**

Executive Director Dianne L. Tamaroglio opened nominations for Chairman of the New Jersey Cemetery Board for 2006. William Nichols nominated Frank J. DeGeeter, Jr. For Chairman of the Board. The nomination was seconded by Marion Brozowski. With no further nominations being made, William Nichols made a motion to close nominations. Marion Brozowski seconded the motion. A vote was taken and Frank J. DeGeeter, Jr. was voted Chairman of the Board for 2006 by acclamation.

As the newly elected Board Chairman, Frank J. DeGeeter, Jr. opened the nominations for the Vice-Chairman of the New Jersey Cemetery Board for 2006. June Nikola nominated Marion Brozowski for Vice-Chairman of the Board. The nomination was seconded by Lawrence Colasurdo. With no further nominations being made, June Nikola made a motion to close nominations. Lawrence Colasurdo seconded the nomination. A vote was taken and Marion Brozowski was voted Vice-Chairman of the Board for 2006 by acclamation.

## **V. OLD BUSINESS**

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

Re: Greenwood Cemetery (CA #370)

This matter will be held over.

B. Surrender of Certificate of Authority and dissolution of cemetery

Re: Trinity Cemetery Association (CA #396)

June Nikola has advised the Board that Trinity Cemetery Association, Inc. has fulfilled the plan for liquidating its interest in the six acre parcel in Wall Township by recision, and applying the proceeds of the sale to satisfy all financial and contractual obligations of the Association. The plan for the liquidation was for the land to be re-acquired by CIT, LLC ( the original grantor of the land intended to be used for Trinity's purposes) and for CIT, LLC to resell the land for residential development under approvals by the Township of Wall. The proceeds of the resale were to be divided equally between Trinity and CIT (unless a greater share was needed to satisfy the Trinity obligations). From its share, CIT was to invest \$550,000 in White Cedars Memorial Park. The resale of the land has been closed, yielding a net proceed after closing costs, of \$1,508,213.60, half of which, \$754,106.80 has been distributed to Trinity. All of Trinity's obligations to pre-construction purchases have been satisfied in full. The remaining purchasers have elected to accept interment space in Atlantic View Cemetery. Atlantic View has commenced construction on 852 new mausoleum crypts at a cost of \$649,642.00. With all of these arrangements in place, and with all of its pre-need purchasers provided for, and all other financial and contractual obligations provided for, Trinity Cemetery is prepared to surrender its Certificate of Authority and to dissolve, upon releasing the initial balance fund to Memorial Properties which funded it, and by transferring to Atlantic View Cemetery the following: \$821,803.07 current operating account (subject to continuing professional services and related wind-down costs) and \$69,103.88 M&P Funds realized from pre-need sales. Some remains have been in temporary storage over 4 years; the Board has advised the cemetery to apply to the Board for an extension due to the circumstances surrounding the temporary storage. The cemetery will be asked to provide a copy of the resolution of dissolution as outlined in NJAC 13:44J-13.2(b)3 and to return its original Certificate of Authority. This matter will be carried over.

C. Cemetery and assest absorbed by new entity

Re: Tri County Lodge #182 Knights of Pythias (CA #367)

The Board has not yet received the official name change for this cemetery nor the requirements necessary for the merger of the two cemeteries. Representatives for the cemetery will be subpoenaed to appear before the Board at its March 9, 2006 Board meeting. This matter will be held over.

D. Cemetery believes it has an exemption from paying \$75.00 Filing Fee for Annual Reports.

Re: Hayes Riverview Cemetery (CA # 265)

The Board has not yet received the land appraisal for the property previously sold by Hayes Riverview Cemetery without Board approval. The attorney representing the cemetery will be contacted advising that the Board is still awaiting the appraisal. This matter will be carried over.

E. Should this cemetery have a Certificate of Authority

Re: Mahwah Cemetery

Executive Director Dianne L. Tamaroglio advised the Board that Mahwah Cemetery has just about completed its

application for a Certificate of Authority and it should be received in the Board office shortly. This matter will be held over.

F. Cedar Heights Cemetery (CA #263)

Re: Withdrawal of \$4,786.00 from Trust Fund

The Board has not yet received confirmation of the name change of Cedar Height Cemetery Maintenance & Preservation Trust Fund. This matter will be held over.

G. Requesting Board approval for sale of land

Re: The Fair Mount Cemetery (CA #176)

The Board has not yet received a copy of the closing statement from Fair Mount Cemetery's recent land sale. Frederick Engel, President of the cemetery will be contacted again regarding this request. This matter will be held over.

H. Provisional Orders issued June, 1999 for non-filing of Annual Reports

Pennington African Cemetery (CA #382)

Irene Billings, the Deputy Clerk/Tax Collector, for the Borough of Pennington has advised Executive Director Dianne L. Tamaroglio that the two contact persons for Pennington Cemetery are Albert Witcher and his daughter Angela Witcher. Ms. Billings advises that these two individuals are very much involved and instrumental in the Cemetery being well maintained. Ms. Tamaroglio will contact both of these individuals. This matter will be carried over.

Elmwood Cemetery (CA #90)

A Final Order has been issued to Elmwood Cemetery to finalize the Provosional Order of 1999 that was issued to the cemetery for failure to file its Annual Reports, a violation of N.J.S.A. 45:27-15, previously, N.J.S.A. 8A:4-12. This matter now closed and removed from future Board meetings agendas.

Garden of Rest Cemetery (CA # 350)

A committee of the Board met with David Soulen, President, Fairmount Cemetery and Somerset Hills Cemetery to discuss this matter. At the Committee meeting, it was learned that Somerset Hills Cemetery did have Cemetery Board permission to purchase Garden of Rest Cemetery, the land of which is not conducive for burials. The Board will request that the original Certificate of Authority be provided to the Board. Upon receipt of same, the Board will dissolve the cemetery company. This matter will be held over.

Deckertown Union Memorial Park Cemetery (CA # 155)

Board Chairman Frank J. DeGeeter, Jr. has spoken with Allen Dunn, the new President for Deckertown Union Memorial Park. Mr. Dunn advises that a new phone number is going to be posted at the cemetery, therefore calls will no longer be answered by Peter Horvath. Mr. Dunn is also going to retrieve the cemetery records from Mr. Horvath. A copy of the Board's statute and its regulations have been forwarded to Mr. Dunn. Hopefully, under Mr. Dunn, the cemetery will become compliant.

Perrinville Cemetery (CA # 41)

Ruth Briggs appeared before the Board for the purpose of discussing Perrineville Cemetery's Maintenance & Preservation Trust Fund and to ascertain why Annual Reports have not been filed for the cemetery since 1991. Ms. Briggs brought with her recent financial records for the cemetery. It was apparent that Ms. Briggs needed assistance with the Annual Reports. Board Accountant George Booktor took Ms. Briggs back to the Board office where the two worked together trying to get things in order so that an Annual Report could be filed with the

Board office.

Cherryville Mountain View Cemetery (CA #65)

A Final Order has been issued to Cherryville Mountain View Cemetery to finalize the Provisional Order of 1999 that was issued to the cemetery for failure to file its Annual Reports, a violation of N.J.S.A. 45:27-15, previously, N.J.S.A. 8A:4-12. This matter is now closed and removed from future Board meeting agendas.

Salem Cemetery (CA #276)

Geraldine Patillo was to appear before the Board today to discuss the operations of the cemetery as well as the cemetery's Maintenance & Preservation Trust Fund. The Board has been advised by Russell H. Ahlquist, Accountant that Mrs. Patillo has been in a car accident which has resulted in a few broken bones, including both of her wrists as well as her collar bone. Mrs. Patillo was in the process of gathering information to get reports submitted to the Board. Mrs. Patillo's nephew, James Johnson is now taking care of the operation of the cemetery. This matter will be carried over.

New Asbury Meeting House Cemetery (CA #349)

This matter will be carried over to the Spring when Judy Welshons, Executive Director, New Jersey Cemetery Association will visit the cemetery and report her findings to the Board.

Odd Fellows Cemetery (CA #330)

Neither Daniel Moore nor his mother have supplied the Board with the Annual Reports for Odd Fellows Cemetery. The two will be contacted to see when the reports will be submitted or if they need assistance in completing the reports. This matter will be carried over.

Hainsville Cemetery (CA #262)

Carol Ayers has supplied the Board with the delinquent Annual Reports for Hainsville Cemetery. This matter will be held over pending the outcome of the audit of the reports.

I. Amended Right of Way Easement Agreement

Re: Hillside Cemetery Company (CA #398)

The Board is in receipt of the revised signed Amendment to the Right of Way Easement Agreement between Hillside Cemetery and the Estate of Susie Romano, et als. This matter is now closed and removed from future Board meeting agendas.

J. Withdrawal of funds from M&P Trust Fund.

Re: Stillwater Cemetery (CA # 363)

Clinton Roy, President and Thomas Horsfield, Treasurer, both new officers for Stillwater Cemetery have written to the Board advising that for the past forty years the cemetery was operated by a local family, the wife being the Treasurer and the husband being the caretaker. The Board of Trustees during that period believed they were acting in the best interest of the cemetery. The two advise that while no reports have been filed since 1990, they are both convinced and satisfied that sufficient funds have been deposited into the cemetery's Maintenance & Preservation Trust Fund. With new leadership at the cemetery, Mr. Roy and Mr. Horsfield anticipate that all records will be accurately kept and that all reports will be filed with the Board office in a timely manner. Board Accountant George Booktor will meet with the two new officers of the cemetery to audit the financial records of the cemetery focusing on the recent removal of \$12,000.00 from the cemetery's Trust Fund. This matter will be held over.

K. Application for the approval of lease of non-dedicated cemetery property

Re: Barnegat Memorial Cemetery Association (CA #139)

It was noted in the December 8, 2005 Public Session Minutes that there was no reason why this lease should not be approved. Upon further discussion at that meeting, it was noted that the cemetery has not filed Annual Reports since 1999. The Board at that time advised the cemetery that approval of the lease would be held over, subject to the cemetery filing its Annual Reports. Following the December meeting, Executive Director Dianne L. Tamaroglio realized that it was not Barnegat Memorial Cemetery who did not file its Annual Reports, but rather Barnegat Hill Cemetery. Upon the Board's advisement of this, a motion was made by William Nichols and seconded by Marion Brozowski to approve the lease of a portion of Barnegat Memorial Cemetery's land to Sprint Spectrum, L.P. for the purpose of the establishment of a cell tower with 15% of each lease payment being deposited into the cemetery's M&P Trust Fund. A vote was taken and the motion was passed by a unanimous vote. The cemetery will be asked to notify the Board when the lease is consummated and to please note on future Annual Reports the deposit for the lease payment. This matter will be carried over pending notification of consummation of the lease.

L. Consumer requesting refund of M&P deposit for purchase of graves

Somerset Hills Cemetery has advised that it has offered to refund to Mr. & Mrs. John Sperry a partial refund for graves they previously purchased at the cemetery but will not refund the deposit that was made to the M&P Trust Fund. This matter is now closed and removed from future Board meeting agendas.

M. Requesting permission to narrow roads  
Re: Fair Law Memorial Cemetery (CA #108)

Fair Lawn Memorial Park previously applied to the Board for permission to narrow its road from 16' to 11' which would enable the cemetery to increase its available grave space. An on-site inspection of the cemetery was conducted by Board Chairman Frank J. DeGeeter, Jr. and Board member Paul M. Desbiens. The two reported that in the areas to be narrowed there is a 3 foot buffer between the graves and the road. The plan is to utilize this 3 foot buffer, add 5 feet of existing roadway and create a new row of 3'x8' graves, with the total new graves to be created, 463. The remaining roadway would be reduced to a One Way. The Committee's reports resulted in much discussion by the Board members. With the road being turned into a one way street, the existing road being narrowed, and only one car being able to pass at a time, there is much concern regarding parking for visitors to the cemetery; visitors may have to park quite a distance from their loved ones graves which could be a hardship for some. Paul M. Desbiens will make another visit to the cemetery to inspect the area in question again and to find amongst other things, how the cemetery is going to maintain access to existing graves if they go ahead with the street narrowing project. This matter will be carried over.

N. Application for sale of a portion of cemetery property  
Re: Bethel Memorial Park (CA #100)

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

Alan Schneider, attorney representing Bethel Memorial Park has provided the Board with a fully executed Agreement of Sale for the sale of a portion of Bethel Cemetery's property to the Township of Pennsauken; has advised that the development plans of the Township includes sufficient landscape screening; and has advised that the cemetery will confirm the deposit of at least 15% of the gross sales price into the cemetery's M&P Trust Fund. Board Chairman Frank J. DeGeeter, Jr. and Board member William Nichols conducted an on-site inspection of the area of the cemetery to be sold. The Committee saw no reason for the Board not to approve this sale. A motion was made by William Nichols and seconded by Stephen F. Hehl to approve this sale subject to the confirmation of the deposit of 15% of the proceeds of the sale of the land into Bethel Memorial Park's M&P Trust Fund.

## **VI. NEW BUSINESS**

A. Requesting waiver of \$75.00 Annual Report Filing Fee  
Re: New Lower Amwell Cemetery Association (CA #281)

Paul Kurzenberger, Treasurer, New Lower Amwell Cemetery Association has written to the Board requesting a waiver of the \$75.00 Filing Fee for the cemetery's 2005 Annual Report based upon the poor financial condition of the cemetery. A motion was made by Marion Brozowski and seconded by William Nichols to grant the requested waiver. A vote was taken and the motion passed by a unanimous vote.

#### B. Ewing Cemetery (CA #121)

The Board has received correspondence from Samuel A. Spurlock, Chairperson, Ewing Presbyterian Church of Ewing Cemetery Committee. Mr. Spurlock writes to the Board concerned about plans being currently considered by the Ewing Presbyterian Church's governing organizations with regard to the cemetery and the use of its available and future funds. Mr. Spurlock believes that the church's plans may be in conflict with the intent of New Jersey Cemetery Law and the Board's regulations. The Board has also received correspondence from Robert P. Casey, the attorney representing Ewing Presbyterian Church. Mr. Casey advises that the church has absolutely no intention to ever invade the corpus of the cemetery's Trust Fund. Further, Mr. Casey advised that were it not for Ewing Church, there would be no cemetery. The cemetery is an integral part of the church. The church sells interment rights in its land and after a percentage of the revenue is set in the M&P Trust Fund and a portion is used for hand-on costs, the church would like to make the remainder available to support its continued existence. Mr. Casey states that it makes no practical sense for all of the church land to be used for cemetery purposes with the excess revenues from sales and operations to be held in a non-statutory M&P type fund which will have unlimited growth while the church withers and eventually disappears. Mr. Casey will be advised that the Ewing Cemetery company is a religious cemetery under Title 16. Title 16 stipulates that under certain circumstances, money derived from the sales of lots or plots for burial of deceased persons cannot be used for any other purposes other than cemetery purposes. A copy of the letter to Mr. Casey will be sent to Mr. Spurlock.

#### C. Application for a Cemetery Salesperson's License

Re: Jacqueline Stahl

Harleigh Cemetery (CA #61)

The Board discussed Jacqueline Stahl's application of a Cemetery Salesperson's License during Executive Session. The matter was brought to Public Session to take a vote as to whether or not a Cemetery Salesperson's License should be issued to Ms. Stahl. A motion was made by William Nichols and seconded by Lawrence Colasurdo to issue a Cemetery Salesperson's License to Jacqueline Stahl for Harleigh 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.

### **VII. PUBLIC COMMENT**

Leonard Auerbach, General Manager, Floral Park Cemetery, Washington Cemetery Management Corporation, & Oaklawn Memorial Park Cemetery Corporation wanted to make a comment to the Board's proposed regulations, specifically to NJAC13:44J-5.3F. Mr. Auerbach was advised that drastic changes are not made to regulations during Sunsetting; perhaps down the road he could offer his suggestion.

### **VIII. FOR YOUR INFORMATION**

A Notice of Proposal in New Jersey Register, December 19, 2005

Proposed Readoption with Amendments NJAC 13:44J

Proposed New Rules NJAC 13:44J-11.3, 15.1 & 15.3

Proposed Repeals NJAC 13:44J-13.7, 15.1, 15.2

This is the notice of the Board's proposed regulations for Sunsetting published in the December 19, 2005 New Jersey Register. The Comment period ends on February 17, 2006.

#### B. Newspaper article

Greed, go-go girls and graft

C. State Board of Mortuary Science

Public Session Meeting Agenda-January 10, 2006

D. Magazine Article

The Forum-January, 2006 These matters were considered informational for the Board deeming no discussion or decision making.

**IX. ADJOURNMENT** A motion was made by William Nichols and seconded by Waheed Khalid to adjourn Public Session at 12:00 PM and move into Executive Session at 12:40 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 and/or violations of the Board's regulations:

1. Three (3) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions.
2. Ten (10) 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,

Dianne L. Tamaroglio  
Executive Director