

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
JANUARY 13, 2005

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 13, 2005. 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
Anthony F. DiLorenzo Present
Stephen F. Hehl Present
June Nikola Present
William Nichols Present
Marianne Panico Absent
Karen Walsh Pappas Present

Also in attendance were: Dianne L Tamaroglio, Executive Director for the New Jersey Cemetery Board; Deputy Attorney General John Hugelmeyer; and Jonathan Eisenmenger, Assistant to William Mandeville, Managing Executive Director, Division of Consumer Affairs.

II. ELECTION OF OFFICERS FOR NEW JERSEY CEMETERY BOARD FOR 2005

Executive Director Dianne L. Tamaroglio opened nominations for Chairman of the New Jersey Cemetery Board for 2005. Marion Brozowski nominated Frank J. DeGeeter, Jr. for Chairman of the Board. The nomination was seconded by June Nikola. With no further nominations being made, William Nichols made a motion to close nominations. Karen Walsh Pappas seconded the motion. A vote was taken and Frank J. DeGeeter, Jr. was voted Chairman of the Board for 2005 by acclamation.

As the newly elected Board Chairman, Frank J. DeGeeter, Jr. opened nominations for the Vice-Chairman of the New Jersey Cemetery Board for 2005. June Nikola nominated Marion Brozowski for Vice-Chairman of the Board. The nomination was seconded by Karen Walsh Pappas. With no further nominations being made Paul Desbiens made a motion to close nominations. William Nichols seconded the motion. A vote was taken and Marion Brozowski was voted Vice-Chairman of the Board for 2005 by acclamation.

III II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF DECEMBER 9, 2004

A motion was made by Marion Brozowski and seconded by June Nikola to approve the Public Session Meeting Minutes of December 9, 2004 as corrected. A vote was taken and the motion was passed by a unanimous vote.

IV. APPEARANCE OF CHARLES MANNING, REGULATORY ANALYST

Re: N.J.A.C. 13:44J-14.4 Reclamation of bulk sales

N.J.A.C. 13:44J-3.1 Charges and fees

The Board reviewed with Charles Manning, Regulatory Analyst, Division of Consumer Affairs, N.J.A.C. 13:44J-14.4, Reclamation of bulk sales. The Board had previously discussed this with Mr. Manning making suggested changes. Mr. Manning brought the revised regulation to the Board taking into consideration the Board's suggested changes. Upon review the Board voted to approve this regulation for publication in a future New Jersey Register.

Mr. Manning will now work on the prefatory language. In conjunction with this regulation, the Board also discussed with Mr. Manning the amount that should be put into the Board's Fee Schedule for review of the application for reclamation of bulk sales. The Board's decision was that \$300.00 per application should be listed in the fee schedule. The Board believes that the amount of time that will be allotted to the review of these applications as well as the manpower that will be used in the review process will warrant the \$300.00. If the Board realizes upon review of these applications, that \$300.00 is either too much or too little for what goes into the review, the Board will revise the fee.

The Board discussed with Mr. Manning the definition of "crematory" in the Board's regulations. A motion was made by Marion Brozowski and seconded by William Nichols to amend the definition of "crematory" in the definition section of the Board's regulations to be the same as the statutory definition. A vote was taken and the motion was carried by a unanimous vote.

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 carried over.

B. Request for approval of amended easement agreement
Re: Hillside Cemetery Company (CA #398)

Having heard nothing further on this matter from either the attorney for the Hillside Cemetery or the attorney for the Romano Estate, this matter will be removed from future Board meeting agendas.

C. Applications for a Certificate of Authority

Zion Cemetery Association

Having met all requirements for a Certificate of Authority, Zion Cemetery Association, Inc. was issued Certificate of Authority No. 405 today. This matter is now closed and removed from future Board meeting agendas.

Alpine Cemetery Services, Inc.

Having met all requirements for a Certificate of Authority, Alpine Cemetery Services, Inc. was issued Certificate of Authority No. 406 today. This matter is now closed and removed from future Board meeting agendas.

Greenwood Cemetery Services, Inc.

Having met all requirements for a Certificate of Authority, Greenwood Cemetery Services, Inc. was issued Certificate of Authority No. 407 today. This matter is now closed and removed from future Board meeting agendas.

Hollywood Cemetery Services, Inc.

Having met all requirements for a Certificate of Authority, Hollywood Cemetery Services, Inc. was issued Certificate of Authority No. 408 today. This matter is now closed and removed from future Board meeting agendas.

Laurel Grove Cemetery Services, Inc.

Having met all requirements for a Certificate of Authority, Laurel Grove Cemetery Services, Inc. was issued Certificate of Authority No. 409 today. This matter is now closed and removed from future Board meeting agendas.

Restland Cemetery Services, Inc.

Having met all requirements for a Certificate of Authority, Restland Cemetery Services, Inc. was issued Certificate of Authority No. 410 today. This matter is now closed and removed from future Board meeting agendas.

Stafford Township Historical Society, Inc., Stafford Township Historic Cemeteries

This matter will be carried over pending receipt of the Society's amended Incorporation papers and amended rules and regulations.

D. Surrender of Certificate of Authority and dissolution of cemetery Re: Trinity Cemetery Association (CA #396)

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

This matter is pending and will be carried over.

E. Titusville Methodist Church Cemetery (CA #259)

Re: Exemption from New Jersey Cemetery Law

This matter will be held over pending receipt of the required dissolution documentation from Jerome M. Katz, Esquire.

F. Correspondence from Rev. June D. Sievers

Re: Pleasant Grove Cemetery

A second subpoena for the cemetery records with Terri Sliker's name on was delivered to the home of Mrs. Sliker by Investigator Joseph Trogani of the Enforcement Bureau of the Division of Consumer Affairs. Mrs. Sliker has accepted the subpoena for the cemetery records advising that she has 2 boxes of records in her possession. Mr. Trogani will pick up the cemetery records which the Board staff will inventory before turning them over to Pleasant Grove Presbyterian Church.

G. Non-approval of Annual Reports

Re: Eglington Cemetery (CA #98)

Gates of Heaven (CA #96)

Hillcrest Memorial Park (CA #127)

Woodbury Memorial Park (CA #097)

Docket L-991-04

This matter will be held over.

H. Evergreen Cemetery (CA #72)

The Board has received a copy of the Court Order appointing Louis Cicalese as Receiver for Evergreen Cemetery effective November 19, 2004. The Order also approves the payment of fees to the Estate of Richard L. Berry for receivership services and expenses for the period September 15, 2001 through February 28, 2004 in the amount of \$6,371.15. This matter is now closed and removed from future Board meeting agendas.

I. Cemetery and assets absorbed by new entity

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

A follow up letter will be sent to George Schutzbank requesting the status of this matter.

J. Correspondence from Thomas E. Stover, Esquire

Re: Mt. Hermon Cemetery Association a/k/a Green's Chapel Cemetery Association

DAG John Hugelmeyer will write to Mr. Stover for an update on the status of this matter.

K. Condemnation of cemetery property without Board approval
Re: Malaga Cemetery Association (CA #196)

The Board has not yet received confirmation from Malaga Cemetery that the deposit of \$690.00 has been made to its M&P Trust Fund. A certified follow up letter will be forwarded to the cemetery. This matter will be held over.

L. Purchase of property adjacent to cemetery without Board approval Re: Bayview-New York Bay Cemetery (CA #7)

This matter will be held over pending a response from the cemetery which is due by February 11, 2005.

M. Cemetery believes it has an exemption from paying \$75.00 Filing Fee for Annual Reports
Re: Hayes Riverview Cemetery (CA #265)

The Board has yet to receive a response from Hayes Riverview Cemetery regarding the sale of a portion of cemetery property that took place without Cemetery Board approval. A follow up letter will be forwarded to the cemetery.

N. Withdrawal of \$9,000.00 from M&P Trust Fund
Re: Marksboro Cemetery Association (CA #254)

Marksboro Cemetery Association has not yet responded to the Board regarding the removal of \$9000.00 from the corpus of the cemetery's Trust Fund. DAG John Hugelmeyer will prepare a subpoena for the appearance of Rita Jones, Secretary, Marksboro Cemetery at the March 10, 2005 Board meeting for the purpose of discussing the matter.

O. State Board of Mortuary Science
Re: Proposed Regulations in New Jersey Register–October 18, 2004

Judy Welshons, Executive Director, New Jersey Cemetery Association provided the Board with a copy of the Association's comments to proposed regulations for the State Board of Mortuary Science. This was considered to be informational for the Board.

P. Correspondence from Emery J. Bittman
Re: Cedar Grove Cemetery (CA #217)

Bernard F. Stoecklein, President, Friends of Rural Cemeteries on behalf of the Cedar Grove Cemetery has met with the bank representatives where the cemetery's Trust is held. Mr. Stoecklein has advised the Board that the cemetery's Trust Fund isn't in as bad of condition as Emery Bittman had thought. It appears that Mr. Bittman is not recognizing all of the income that's being generated. Mr. Stoecklein is working with the cemetery on different investment avenues for the Fund. Also, Mr. Stoecklein has advised that he has about 9 names of individuals who may be working with Mr. Bittman at the cemetery, taking some of the responsibilities off of his shoulders. This matter is now closed and removed from future Board meeting agendas.

Q. Correspondence from Yolanda Romero
Re: Mt. Peace Cemetery Association (CA #315)

The Board will request that Mt. Peace Cemetery provide the Board with confirmation that the cemetery will not be removing any money in excess of \$100,000.00 from the cemetery's Trust Fund. This matter will be carried over.

R. Correspondence regarding New Jersey Cemetery Act, 2003

Judy Welshons, Executive Director, New Jersey Cemetery Association, has written to the Board on behalf of the Association to express appreciation of the Board's deliberative process it is undertaking in order to best interpret

the provision of the Board's statute that would require "management companies" to operate as not-for-profit organizations.

Wilson H. Beebe, Jr., Executive Director, New Jersey State Funeral Directors Association, has written to the Board advising that the Association has been paying close attention to the Cemetery Board's discussions with respect to "management companies". Mr. Beebe advises that the Association is opposed to any amendments to the Board's current statute until the Attorney General's Opinion regarding "management companies" is issued.

VI. NEW BUSINESS

A. Request of waiver for Annual Report Filing Fee Unionville Cemetery Association, (CA #321)

Alvin J. Darvin, President, Unionville Cemetery Association has written to the Board requesting a waiver of the \$75.00 filing fee for the cemetery's 2003 Annual Report due to the financial condition of the cemetery's Maintenance & Preservation Trust Fund. A motion was made by Marion Brozowski and seconded by William Nichols to grant the waiver of the filing fee for the 2003 Annual Report for Unionville Cemetery Association. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

B. Request extension to file Annual Report Laurel Memorial Park (CA #360)

Nicholas A. Droboniku, CPA who prepares the Annual Reports for Laurel Memorial Park has written to the Board requesting an extension until January 15, 2005 for filing of the cemetery's 2003 Annual Report due to the passing of Mrs. Keates as extra time is necessary to gather the information for the report. A motion was made by June Nikola and seconded by Stephen F. Hehl to grant the extension. 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. Request to have a portion of private property designated as cemetery property

Consumer Nancy Harges has written to the Board requesting to have a small part of her one hundred and twenty six acre property designated as a cemetery as Ms. Harges desires to be buried there. Upon her death, the land will become the property of the Nature Conservancy. Therefore there will be no cause for the single burial site or any of the surrounding property to be put to any use other than as a nature preserve. Ms. Harges will be advised that for this portion of her property to be designated as cemetery property she would have to apply to the Cemetery Board for a Certificate of Authority; obtain municipality approval; and obtain local Board of Health approval. Ms. Harges will be advised to seek the advice of an attorney who is well versed in cemetery law in the State of New Jersey. This matter is closed and removed from future Board meeting agendas.

D. Requesting Cemetery Board consent to promote particular cemetery to funeral directors Re: Mount Moriah Cemetery (CA #36)

Michael B. Kates, Attorney for Mount Moriah Cemetery has written to the Board advising that the cemetery is contemplating the establishment of a link page on the cemetery's website that would cross reference funeral directors in New York by name, address, telephone number and other identifying data which would discreetly serve to promote the cemetery to these funeral directors. Mr. Kates is requesting on behalf of the cemetery the Board's consent for this link page. Mr. Kates will be advised that this matter does not come under the purview of the Cemetery Board. Also, Mrs. Kates will be advised that State Board of Mortuary Science has very stringent advertising laws and the cemetery could not have any advertising that would violate these regulations. This matter is closed and removed from future Board meeting agendas.

VII. PUBLIC COMMENT

Leonard Auerbach, General Manager, Washington Cemetery Management, Corp., Floral Park Cemetery, &

Oaklawn Memorial Park Cemetery Corp. addressed the Board regarding the confidentiality of the Board's Executive Session meetings and the attendance of the Managing Executive Director of the Board and/or his Assistant during the Board's Executive Session. In this particular situation, the Managing Executive Director is also the Executive Director of the State Board of Mortuary Science and Mr. Auerbach believes his attendance creates a conflict of interest. Mr. Auerbach asked that DAG John Hugelmeyer through the Attorney General's Office look into this matter to see if in fact a conflict exists. DAG John Hugelmeyer suggested to Mr. Auerbach that he address his concerns in writing to the Director of the Division of Consumer Affairs.

VIII. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes–October 5, 2004

Open Session Meeting Minutes–October 26, 2004

Open Session Meeting Agenda–January 11, 2005

B. Notification of complaint filed in Civil Court against Hollywood Memorial Park (CA #101)

C. Notification of Health Code changes relating to disposal of amputated parts, cremations, and disinterments City of New York

D. E-mail article

Busted Burials

E. Newspaper article

No Rest

F. Legislative Report–October 1, 2004 through December 31, 2004

This was an update on the status of various pending bills that the Board has reviewed at recent Board meetings.

All of the above matters were considered informational for the Board deeming no discussion or decision making.

G. Notification of Civil Action

Re: State of New Jersey, by the Commissioner of Transportation, Plaintiff vs Roumanian Greek Orthodox Congregation of St. Archangels Michael and Gabriel, a defunct Non-Profit Corporation; New Jersey Cemetery Board, Division of Consumer Affairs, Department of Law and Public Safety; Peter C. Harvey, Attorney General of New Jersey; Township of Mansfield, in the County of Burlington, a Municipal Corporation of New Jersey, Defendants Docket No. L-002912 04

The New Jersey Cemetery Board is named as a defendant in this Civil Action which is a condemnation matter. DAG John Hugelmeyer has advised DAG Nonee Lee Wagner who filed the Civil Action that as this matter regards a religious cemetery that does not come under the jurisdiction of this Board, the Cemetery Board does not have to be named as a defendant. DAG Wagner will advise the Court the Board will not respond to this matter. This matter is now closed and removed from future Board meeting agendas.

IX. ADJOURNMENT

A motion was made by William Nichols and seconded by Karen Walsh Pappas to adjourn Public Session at 11:15 AM and move into Executive Session at 12:00 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. Six (6) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.
2. Thirteen (13) 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