

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**FEBRUARY 9, 2006**

Due to a lack of quorum, this meeting was held in Committee

A Committee meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, February 9, 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 Vice-Chairman Marion Brozowski 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:

Claribel Azcona-Barber Present  
Marion Brozowski Present  
Lawrence Colasurdo Present  
Frank J. DeGeeter, Jr. Absent  
Paul M. Desbiens Present  
Stephen F. Hehl Absent  
Waheed Khalid Present Left @ 2:10 PM  
June Nikola Present  
William Nichols Absent  
Karen Walsh Pappas Absent

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

## **II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JANUARY 12, 2005**

A motion was made by June Nikola and seconded by Larry Colasurdo to recommend to the full Board at its March 9, 2006 Board meeting approval of the Public Session Minutes of January 12, 2006 as corrected. A vote was taken and the motion was passed by a unanimous vote.

## **III. OLD BUSINESS**

A. Advisement that the County of Ocean is taking a portion of cemetery property  
Re: Greenwood Cemetery (CA #370)

Bernard F. Stoecklein, Friends of Rural Cemeteries, has advised the Board that discussions are currently going on regarding the amount of compensation Greenwood Cemetery will receive from the County of Ocean for taking a part of the cemetery's property. At this time the amount may be around \$120,000.00 in total. This matter will be carried over.

B. 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 will be held over pending receipt of the Resolution of Dissolution and the cemetery's original Certificate of Authority.

C. Cemetery and assets absorbed by new entity

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

Sheldon Gould has been subpoenaed to appear at the March 9, 2006 Board meeting to discuss matters pertaining to the takeover of the cemetery by the Fortitude Lodge. This matter will be carried 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. A call will be made to the attorney representing the cemetery advising him that the Board is still waiting for the appraisal. This matter will be carried over.

E. Should this cemetery have a Certificate of Authority

Re: Mahwah Cemetery

The Board has received the Application for a Certificate of Authority from Mahwah Cemetery. Upon review by the Committee, it was noted that in the cemetery's rules and regulations mention must be made to the holding of Annual Lot Owner Meetings, when it will be held, where it will be held, etc.. Also, the cemetery will be advised that the Maintenance & Preservation Trust Fund must be titled in the name of the cemetery. Board member Paul Desbiens who came across this cemetery quite by accident, advised the Committee that this cemetery is not on the grounds of the Ramapo Reformed Church but actually across the street from it and on the grounds of the Church is a very old cemetery where burials probably do not take place. DAG John Hugelmeyer will contact Geoffrey Gohlick, President of the cemetery to discuss the application with him and also to get a better understanding of the two cemeteries. This application will be open to inspection by the Public in the Board office until March 20, 2006, which will be the 60 day period from the date of receipt, as required by NJSA45:27-7(d). This matter will be carried over.

F. Cedar Heights Cemetery (CA #263)

Re: Withdrawal of \$4,786. From Trust Fund

The Board has not yet received confirmation of the name change of Cedar Heights Cemetery's Maintenance & Preservation Trust Fund. The cemetery will be reminded that the Board is waiting for confirmation of the name change. This matter will be carried over.

G. Requesting Board approval for sale of land

Re: The Fair Mount Cemetery (CA #176)

Frederick W. Engel, President, The Fair Mount Cemetery has provided the Board with a copy of the Closing Statement for the cemetery's recent land sale. Mr. Engel wrote to the Board advising that as the property sold was not dedicated cemetery property, he believes there is no basis for imposing on the cemetery the requirement to deposit a portion of the proceeds of the sale into the cemetery's Trust Fund. Upon discussion, a motion was made by June Nikola and seconded by Paul M. Desbiens to recommend to the full Board at its March 9, 2006 Board meeting that a deposit not be made to the cemetery's Trust Fund as the property was not dedicated as cemetery property. A vote was taken and the motion was passed by a unanimous vote.

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

Pennington African Cemetery (CA #382)

Executive Director Dianne L. Tamaroglio has written to Angela Witcher and Albert Witcher for any information than they can offer regarding Pennington African Cemetery. Irene Billings, the Deputy Clerk/Tax Collector for the Borough of Pennington, advised Ms. Tamaroglio that these two individuals are responsible for keeping the cemetery so well maintained. This matter will be carried over.

Garden of Rest Cemetery (CA #350)

Neither David Soulen, President, Fairmount Cemetery and Somerset Hills Cemetery nor James Burke, Attorney for the cemeteries has the original Certificate of Authority for Garden of Rest Cemetery. A notation that the CA is lost will be put into Garden of Rest's file in the Board office and the Board will consider this cemetery company to be dissolved. This matter is closed and removed from future Board meeting agendas.

Deckertown Union Memorial Park Cemetery (CA #155)

We will contact Allen Dunn, the new President for Deckertown Union Cemetery for the status of his taking over the operation of the cemetery. This matter will be carried over.

Perrineville Cemetery (CA #41)

The Board will contact Ruth Briggs, for the status of the filing of Perrineville Cemetery's Annual Reports. This matter will be carried over.

Salem Cemetery (CA #276)

This matter will be carried over pending future correspondence from Geraldine Patillo, her nephew James Johnson, or Russell H. Ahlquist, Accountant.

New Asbury Meeting House Cemetery (CA #349)

Judy Welshon, Executive Director of the New Jersey Cemetery Association will conduct an on-site inspection of this cemetery in the Spring on behalf of the Board.

Odd Fellows Cemetery (CA #330)

This matter will be held over pending receipt of the Annual Reports for Odd Fellows Cemetery from Doris Moore.

Hainsville Cemetery (CA #363)

Lola Lesslie, Board office staff person is working with Carol Ayers in preparing Hainsville Cemetery's Annual Reports for filing. This matter will be carried over.

I. Withdrawal of funds from M&P Trust Fund

Re: e:Stillwater Cemetery (CA #363)

George Booktor, Board Accountant met with Clinton Roy and Thomas Horsfield from Stillwater Cemetery to go over the cemetery's financial records and to assist the gentlemen with filing of the cemetery's Annual Reports. The two only recently took over the operations of the cemetery. Mr. Booktor reported that it appears that the cemetery has been putting all money into one account. George worked with them, showing them how to establish two separate accounts, operating and Trust Fund and explained that once the two accounts are established, the only money that can be withdrawn from the Trust Fund is the interest that is generated. The cemetery only has records dating from 1998. Mr. Horsefield will be sending to George the cemetery's financial records that he has in his possession; he will also try to get documentation from the bank for prior years. George will review all records once he receives them. This matter will be carried over.

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

Re: Barnegat Memorial Cemetery Association (CA \$139)

This matter will be held over pending notification of the consummation of the lease.

K. Requesting permission to narrow roads

Re: Fair Lawn Memorial Cemetery (CA #108)

Board member Paul M. Desbiens made a follow up visit to Fair Lawn Memorial Park regarding the cemetery's proposed narrowing of its roads. Mr. Desbiens expressed the Board's concerns regarding this project to the cemetery. Henry Vander Plaats, from the cemetery's Board of Director's has advised: all lot owners and visitors will have equal access to existing graves; to maintain equal access, the cemetery will install new parking spaces along the narrowed roads; existing road front lots do not have a right to maintain front road locations; these graves were not sold at a higher price or with any special privileges; signs have been posted and the public invited to a meeting on February 14, 2006, to discuss the road narrowing; letters have been sent out to lot owners in sections 7 and 13, advising them of the cemetery's plans and giving them the right to purchase additional grave space prior to it being offered to the public. Mr. Vander Platt has provided maps showing the revised curb lines, new parking areas, trees that will be removed and new plantings the cemetery will make. The Committee of the Board will request a copy of the minutes from the February 14, 2006 Lot Owners Meeting. This matter will be carried over.

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

Frank Milles, Vice President, Administration, Bethel Memorial Park has provided the Board with confirmation of the 15% deposit into the cemetery's M&P Trust Fund from the proceeds of the sale of a portion of the cemetery's property to the Township of Pennsauken. This sale was approved by the Board at its January 12, 2006 Board meeting subject to confirmation of the deposit to the Trust Fund. With receipt of this confirmation, this matter is now closed and removed from future Board meeting agendas.

M. Ewing Cemetery (CA #121)

Craig Ribsam, Superintendent, Ewing Cemetery has written to the Board

The Board previously advised Robert B. Casey, Esquire that Ewing Cemetery company is a religious cemetery under Title 16 and that as per that statute, money derived from the sales of lots or plots for the burial of deceased persons cannot be used for any other purposes other than cemetery purposes. Mr. Casey has written to the Board advising that he does not believe that Title 16 applies in this case and explained why. A motion was made by June Nikola and seconded by Larry Colasurdo to recommend to the full Board at its March 9, 2006 Board meeting that the Board is not making a determination to the applicability of Title 16 to the church and cemetery; the Board was merely bringing it to Mr. Casey's attention. A vote was taken and the motion was passed by a unanimous vote.

N. Stafford Township Historical Society, Inc. Last on agenda, Sept 8, 2005  
Re: Application for a Certificate of Authority

Timothy G. Hart, Esquire, has provided the Board with revised Articles of Incorporation as a part of the application for a Certificate of Authority for Stafford Township Historic Cemeteries. The revised Articles appear to be in order. Mr. Hart also provided rules and regulations for the cemeteries. The rules and regulations are too general and need to be more specific. The points that need more specificity are:

Article XIV, Section 1, states that memorial dealers shall abide by all the rules and regulations of the Stafford Township Historical Society...these specific rules and regulations must be listed.

Article XIV, Section 2, states that all memorials are subject to the approval of the Stafford Township Historical...what are the standards for approval that must be met?; the specifics need to be listed;

Article XVIII, Annual Meeting, the specifics of the Annual Meeting need to be listed, where to be held, time, purpose of the meeting, (election of officers and trustees by lot owners);

Article XIII, the word Society was left off of the end of Stafford Township Historical....

The hours that the cemetery will be open must be listed.

Also, Mr. Hart will be advised that a price list of fees charged must be provided to the Board office and the

Maintenance & Preservation Trust Fund must be labeled as the Stafford Township Historic Cemeteries M&P Trust Fund. This matter will be carried over.

#### **IV. NEW BUSINESS**

##### **A. Application for lease of a portion of cemetery property**

Re: :Bound Brook Cemetery (CA #8)

The Board is in receipt of an application for the approval of the lease of a portion of Bound Brook Cemetery's property to the Casa de Esperanza. Joyce Antila Phibbs, the attorney representing the Casa de Esperanza addressed the Committee of the Board regarding this lease and answered any questions any Committee members had. Casa de Esperanza is an outreach program that offers social services to immigrants in the surrounding areas. The property to be leased which includes a house, will not be plotted for burial lots or otherwise used by the cemetery for the next two years. The lease will commence on February 1, 2006 and continue to run for a term of one year, terminating on January 31, 2007; Casa de Esperanza will pay to the cemetery the sum of \$300.00 per month. A motion was made by June Nikola and seconded by Larry Colasurdo to approve the lease. A vote of those present was taken and the motion was approved by all. A phone call was made to absentee Board member Stephen F. Hehl for his vote; Mr. Hehl voted in the affirmative. With seven votes in the affirmative, the motion was approved. Casa de Esperanza will provide the Board with confirmation of the deposit of 15% of the proceeds of the lease into the cemetery's M&P Trust Fund. This matter is closed and removed from future Board meeting agendas.

##### **B. Delinquent in filing Annual Reports since 1998**

Re: Mount Zion Cemetery (CA #206)

Mount Zion Cemetery has not filed with the Board office Annual Reports since 1998. Executive Director Dianne L. Tamaroglio sent a letter to the cemetery regarding the Annual Reports and to get an understanding of what is going on with the cemetery and to find out why the reports have not been filed. The Committee of the Board reviewed correspondence from Dennis Clowney who explained what is going on at the cemetery. Mr. Clowney has been involved with the cemetery for a few years. The cemetery sits behind the Mount Zion United Methodist Church and has two sections, an older section with burials from the 1800's through the 1900's and the newer section which has burials from the 1900's to the present time. Mr. Clowney took over the care of the cemetery when the old caretaker moved out of state. Mr. Clowney advises that there are no real records for the cemetery. There are two small index card boxes, one for the old section and one for the newer section, which have the names of those who bought lots and in some cases, the names of those interred there. The only money the cemetery has is approximately \$9,000.00 in a checking account which is used only for the upkeep of the cemetery. Sometimes, Mr. Clowney buys items for the cemetery out of his own money. Mr. Clowney believes he is doing the right thing by helping out at the cemetery however, with a family of his own, a home to take care of work obligations he can't get to the cemetery as often as he would like to. Mr. Clowney advises that he asked the pastor of the Mount Zion Methodist Church why the church does not take care of the cemetery anymore and he was advised that the cemetery became a burden on the church. Executive Director Dianne L. Tamaroglio will request that the Enforcement Bureau of the Division of Consumer Affairs check for Incorporation Papers for the cemetery and forward same to the Board. Also, Mr. Clowney will be asked if there are rules and regulations for the cemetery and if so, to please forward a copy to the Board office. This matter will be carried over.

##### **C. Bulk Sale Approvals**

1. The Cemetery Department of Workmen's Circle, Inc., Beth-El Cemetery (CA #13), Washington, NJ to Congregation of Zarua, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 352 graves for \$73,920.00(\$210.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth El Cemetery.

2. Beth Israel Cemetery Association (CA #1), Woodbridge, NJ to Congregation Ohev Shalom-Marlboro Jewish Center, Marlboro, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 222 graves for \$135,420.00(\$610.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

3. Osage Cemetery Association d/b/a Frost Woods Memorial Park, (CA#381), East Brunswick, NJ to American Association of Buddhist Education, Inc., Monmouth Junction, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 108 graves for \$97,200.00(\$900.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Osage Cemetery Association d/b/a Frost Woods Memorial Park.

D. Requests for comments

Re: Senate, No. 1112

The Committee of the Board reviewed Senate, No. 1112, which would make the theft of human remains for unauthorized use a crime of the first degree. The Committee of the Board recommends support of this bill.

E. Approval to change date for the April Public Board

Executive Director Dianne L. Tamaroglio asked for approval to change the April 13, 2006 Public Board meeting to April 26, 2006. The meeting would be held in conjunction with the New Jersey Cemetery Association's Annual Convention in Atlantic City, NJ. A motion was made by June Nikola and seconded by Paul M. Desbiens to recommend the approval of the change of the meeting date. A vote of those present was taken and the motion was approved by all. Due to a lack of quorum, absentee Board Chairman Frank J. DeGeeter, Jr. was called for his vote; Mr. DeGeeter voted in the affirmative. With seven votes in the affirmative, the motion to change the meeting April Public meeting date was approved.

## **V. PUBLIC COMMENT**

Leonard Auerbach, General Manager, Floral Park Cemetery, Washington Cemetery Management Corporation, & Oaklawn Memorial Park Cemetery Corporation discussed the language in the Board's proposed regulations, specifically, NJAC13:44J-14.1, Bulk Sales. Mr. Auerbach was advised that he should put any comments to the Proposed Regulations in writing.

## **VI. FOR YOUR INFORMATION**

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes–November 3, 2005

Open Session Meeting Minutes–October 11, 2005

2006 Meeting Dates

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

B. Fourth Quarter Legislation Report for 2005

This report provided by Legislative Affairs, of the Division of Consumer Affairs, shows the bills that have been pre-filed for re-introduction into the 212th Legislature session. One of these bills, A242, The "Abandoned Cemetery Maintenance & Preservation Act", has been reviewed previously by the Board. The Committee of the Board would like to add to any comments previously filed, that there should be included a charge on all burial permits and transit permits. This additional comment will be sent to Charles Manning, Regulatory Analyst.

C. Magazine Article

The Forum, February, 2006

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

## **VII. ADJOURNMENT**

**A motion was made by Claribel A. Azcona-Barber and seconded by Paul M. Desbiens to adjourn Public Session at 12:20 PM and move into Executive Session at 1:00 PM. A vote was taken and the motion was passed by a unanimous vote. The Committee 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. Twelve (12) 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**