

***NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
MARCH 8, 2007**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, March 8, 2007. 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 Chairperson Marion Brozowski called the meeting to order at 9:35 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski Present
Lawrence Colasurdo Present Left at 2:00 PM
Frank J. DeGeeter, Jr. Present
Paul M. Desbiens Present
Waheed Khalid Present Left at 12:00 PM
June Nikola Present
William Nichols Present
Genevieve Raganelli Present

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

II. APPROVAL OF PUBLIC SESSION MINUTES OF FEBRUARY 8, 2007

A motion was made by William Nichols and seconded by Paul M. Desbiens to approve the Public Session Meeting minutes of February 8, 2007 as amended. A vote was taken and the motion was passed by a unanimous vote.

III. OLD BUSINESS

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

Deckertown Union Memorial Park Cemetery (CA #155)

Executive Director Dianne L. Tamaroglio has advised the Board that to date she has not received a response from Ed Vanderberg, President, Deckertown Union Memorial Park to her letter inquiry about the status of the cemetery. Ms. Tamaroglio will attempt to reach Mr. Vanderberg by telephone. This matter will be carried over.

Perrineville Cemetery (CA #41)

Ruth Briggs, Perrineville Cemetery continues to work on the cemetery's Annual Reports. This matter will be carried over.

Salem Evergreen Cemetery (CA #276)

Geraldine Patillo has advised the Board that she has forwarded all of the cemetery's documentation for its delinquent Annual Reports to Russell Ahlquist, Accountant for the cemetery for his preparation of the reports. This matter will be carried over.

New Asbury Meeting House Cemetery (CA #349)

This matter will be held over at the request of DAG Ginger Provost.

Odd Fellows Cemetery (CA #330)

This matter will be held over at the request of DAG Ginger R. Provost.

B. Delinquent in filing Annual Reports since 1998

Re: Mount Zion Cemetery (CA #206)

Robert DeSevo, Investigator, Enforcement Bureau has advised the Board office that he has completed his investigation and is in the process of finalizing his report. This matter will be carried over.

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

Re: Mount Hebron Cemetery Association d/b/a Liberty Grove Memorial Gardens (CA #312)

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

This matter will be held over pending receipt of the documentation for this lease.

D. Cemetery has never filed Annual Reports

Re: Barber Burying Ground Association (CA #285)

This matter will be held over at the request of Executive Director Tamaroglio.

E. Application for sale of land

Re: Eglington Cemetery (CA #98) to Michael J. Butcher, an individual

On behalf of the New Jersey Cemetery Board, Judith Welshons, Executive Director, New Jersey Cemetery Association conducted an on-site inspection of the parcel of land that Eglington Cemetery desires to sell to Michael J. Butcher. Ms. Welshons reported her findings to the Board and provided the Board with pictures of the area. Ms. Welshons advised that the area in question is not useful for cemetery purposes and the sale of same would not create a negative impact on the cemetery. Upon discussion, a motion was made by William Nichols and seconded by Lawrence Colasurdo to approve the sale of 2500 square feet for the monetary consideration of \$4,600.00 (\$4000.00 for the purchase & \$600.00 for the M&P contribution). A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

F. Old Tennent Cemetery (CA #201)

The Board has been advised that Judge Vincent J. Grasso, P.J.Ch. has appointed a Special Master, Peter Van Dyke, Esquire to meet with all parties in this matter to mediate the case, define the legal issues, try to settle this case and report to the Court. A motion was made by Frank J. DeGeeter, Jr. and seconded by William Nichols to authorize DAG Ginger Provost to write to the Special Master, copying the Court and all parties that Old Tennent Cemetery is a Certificate of Authority Cemetery and as such must follow the Cemetery Statute and the Board's regulations. Also, Mr. Van Dyke will be advised that the New Jersey Cemetery Board must be kept apprized of what transpires. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

G. Should this cemetery have a Certificate of Authority?

Re: Musconetcong Cemetery

The Rev. F. Irvin Angstadt, Pastor, Musconetcong Valley Presbyterian Church has written to the Board advising that the Musconetcong Valley Presbyterian Church Cemetery surrounds the church and is governed by a Cemetery Board made up of Elders of the Church. Also, Rev. Angstadt advises that the cemetery has served the needs of the Presbyterian community since the church was constructed. However, Rev. Angstadt doesn't address if the cemetery only buries those of the Presbyterian faith. To ascertain if this existing cemetery should have a

Certificate of Authority, a letter will be sent to the pastor asking if the cemetery buries only those of the Presbyterian faith or is burial open to all. This matter will be carried over.

H. Cemetery has no money and no activity
Re: Wantage Cemetery (CA #161)

A letter has been sent to Fairview Cemetery located in Sussex asking if they can offer any information about the operations of Wantage Cemetery that would benefit the Board. To date, the Board has not received a response. A letter will be sent to the County of Sussex asking if it can offer any information perhaps from the tax records. This matter will be carried over.

I. Hillside Cemetery (CA #398)

Executive Director Dianne L. Tamaroglio has spoken with Hillside Cemetery President George Pierce. Mr. Pierce has advised that due to some work that had to be done at the cemetery, curbing & tree removal, the paving was put on hold but will take place hopefully this Spring. Mr. Pierce advised that the cemetery has not received the money for the paving from the Romano Estate but he doesn't foresee a problem in receiving same. Mr. Pierce will keep the Board apprized of the situation. This matter will be kept on future Board meeting agendas until we are advised that the paving has taken place and the cemetery has received the money from the Romano Estate.

J. Diocese of Metuchen May 18, 2004 agenda
Re: Establishment of crematorium

Deacon Russell B. Demkovitz, Director, Office of Cemeteries, Diocese of Metuchen has advised Executive Director Tamaroglio that he is in the process of compiling the required documentation to submit to the Board with its application for a Certificate of Authority for the crematory that the Diocese will be establishing on the grounds of Holy Cross Burial Park. Mr. Demkovitz further advises that ground has not yet been broken for the crematory. This matter will be carried over.

K. Reconstitution of Board
Re: Mercer Cemetery (CA #266)

DAG Ginger Provost will continue to pursue the reconstitution of Mercer Cemetery's Board of Trustees. This matter will be held over.

L. Amended and Restated Certificate of Incorporation
Re: Rosedale Cemetery (CA #42)

This matter will be held over pending receipt of explanations to the Board's concerns regarding the Amended and Restated Certificate of Incorporation for the Proprietors of Rosedale Cemetery as well as a draft of the revised Amended and Restated Certificate of Incorporation taking into account the Board's suggested changes. This matter will be carried over.

M. Establishment of a Memorial Garden
Re: Packanack Community Church of Wayne

Robert L. Nebeling, Chairman, Church Council, Packanack Community Church of Wayne has advised the Board that the Church is a single denomination Church and it is registered as a religious corporation under Title 16. Mr. Nebeling will be advised that as the church is a religious cooperation and will only be accepting cremains of those who were of the faith, the Church does not have to apply to the Board for a Certificate of Authority to operate as a "cemetery company" and therefore does not have to follow the Board's statute or regulations. However, should the Church decide to accept cremains of those outside of the Church's faith, then the Church would have to apply to the Board for a Certificate of Authority. This matter is closed and removed from future Board meeting agendas.

IV. NEW BUSINESS

A. Correspondence from William C. Passodelis, CMS Mid-Atlantic, Inc.

Re: Sale of graves

William C. Passodelis, CMS Mid-Atlantic, Inc. has written to the Board regarding the sale of 100 graves at Laurel Grove Cemetery in November, 2000. Originally these graves were being sold to Femi Emini, an individual, at \$800.00 per grave with the purchase being financed for two years. Problems evolved with Mr. Emini not making the contracted installment payments. In January, 2007, Laurel Grove Cemetery came to terms with the Albanian American Islamic Center paying off Mr. Emini's balance. Mr. Emini would then transfer the graves to the Center. When the Albanian American Islamic Center was advised of the mandatory contributions to the cemetery's Trust Fund, it refused to pay the amount required to the Trust to complete the transfer. The Board will advise Mr. Passodelis that when this bulk sale transaction is submitted to the Board for approval, it will not be approved unless the additional funds are deposited into the cemetery's Trust Fund. Also, burials cannot take place in any of these graves until the bulk sale is approved by the Board.

B. Application for sale of a portion of cemetery property

Re: Pleasant Hill Cemetery Association (CA #225)

The Board has received an application for the sale of a portion of Pleasant Hill Cemetery Association's property. The parcel to be sold is one acre and has not been developed for cemetery purposes. The sale price of the property is \$41,000.00. Upon review of the documentation provided to the Board, it was determined that the appraisal of the property to be sold was conducted at the request of the purchasers. The cemetery will be advised that this appraisal is not acceptable and a new one must be conducted at the request of the cemetery. Also, an on-site inspection of the property in question will be conducted by Board Vice-Chairman William Nichols. Following the inspection, Mr. Nichols will report his findings back to the Board. This matter will be carried over.

C. Correspondence from Esther D. Schwarz, Beth David Memorial Park, (CA #308)

Re: Retained income

Upon review of the 2006 Annual Report for Beth David Memorial Park, Board Accountant George Booktor advised that the cemetery did not withdraw its income from the M&P Trust Fund for the years 2004 & 2005; in 2006 the income for those two years plus the income for 2006 was withdrawn altogether. Mr. Booktor advised the cemetery that this practice was incorrect and that the income generated must be withdrawn annually or it becomes part of the corpus of the Fund. Esther D. Schwarz, Beth David Memorial Park has written to the Board advising that it would be a hardship for the cemetery to return the withdrawn income to the Trust Fund at this point but from here forward the cemetery will withdraw the income annually. A motion was made by William Nichols and seconded by Paul M. Desbiens to not require the cemetery to return the withdrawn money to the Trust Fund at this time. However, they must follow the proper procedures for withdrawal of income from here forward. A vote was taken and the motion was passed by a unanimous vote.

D. Approval of Bulk Sale

1. Laurel Grove Cemetery, (CA #30), Totowa, NJ to Mohammadia Islamic Association of Afghan, Inc., Paterson, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 11 interment spaces for \$12,650.00 (\$1,150.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

V. REPORTED OUT FROM EXECUTIVE SESSION

A Final Order of Discipline has been issued to Gary Dorsi finalizing the previously issued Provisional Order denying the reinstatement of his Cemetery Salesperson's License. This matter is now closed and removed from future Board meeting agendas.

VI. PUBLIC COMMENT

No public comments were made today.

VII. FOR YOUR INFORMATION

A. Newspaper / Magazine Articles

Trump makes play to bury his family at NJ golf course Star Ledger February 22, 2007

Trump drops plans of burial on his links Star Ledger March 7, 2007

EPA Confirms 2005 Ruling: Won't Regulate Cremations ICFA Wireless February 13, 2007

Buried History Star Ledger February 23, 2007

Sod but true: Unused burial plots sold online The Record March 5, 2007

B. Amendment to NJS2C:20-2, Chapter 36 approved January 29, 2007

C. Assembly, No. 3088/ No. 2776 Board request to re-visit

D. Correspondence from Willaim C. Passodelis, CMS Mid-Atlantic, Inc. Re: Restland Management Company and Newark Monument Company

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

VIII. ADJOURNMENT

A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to adjourn Public Session at 11:55 AM and move into Executive Session at 12:35 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. Six (6) 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