

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
MARCH 9, 2006

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, March 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 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:

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

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, 2006

A motion was made by Lawrence Colasurdo and seconded by Claribel Azcona-Barber to approve the February 9, 2006 Committee recommendation to approve the Public Session Minutes of January 12, 2006 as corrected. A vote was taken and the motion was passed by a unanimous vote.

III. APPROVAL OF PUBLIC COMMITTEE MINUTES OF FEBRUARY 9, 2006

A motion was made by Waheed Khalid and seconded by June Nikola to approve the Committee Meeting Minutes of February 9, 2006 as presented. A vote was taken and the motion was passed by a unanimous vote.

IV. APPEARANCE CHARLES MANNING REGULATORY ANALYST

Re: Comments to proposed regulations

Regulatory Analyst Chuck Manning reviewed with the Board the comments to the Proposed Readoption of the Board's regulations for Sunsetting with Amendments, NJAC13:44J; Proposed New Rules, NJAC 13:44J-11.3, 15.1, & 15.3; and Proposed Repeals NJAC 13:44J-13.7, 15.1 & 15.2. With the comment period ending February 17, 2006, the Board received comments from 4 individual entities. One set of comments was received from a member of the Cemetery Board; an administrative decision was made to not discuss these comments. The Board reviewed the comments with Mr. Manning and answered the comments. A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to re-adopt the Regulations with Amendments (non-substantive changes) reserving NJAC 13:44J-5.3h to a later date. Mr. Manning will now prepare the regulations for publication in the New Jersey Register.

V. OLD BUSINESS

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

The Board has been advised that negotiations are moving forward regarding the amount of compensation the County of Ocean will give to Greenwood Cemetery for taking a part of the cemetery's property. This matter will be held over.

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

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 appeared before the Board to discuss matters pertaining to the takeover of the cemetery by Fortitude Lodge. There appears to be much confusion on Mr. Gould's part with regards to the M&P Trust Fund and Perpetual Care. Board Auditor George Booktor brought Mr. Gould back to the Board office where he discussed the matter with him and set up an appointment to meet with Mr. Gould and the cemetery's financial advisor to get the Trust Fund established properly. 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)

Joseph M. Hayes, attorney representing Hays Riverview Cemetery has provided the Board with a copy of the land appraisal for the cemetery property sold without Cemetery board approval. The Board will hold this matter over to the April Board meeting when Board member William Nichols will be present for his input regarding the documentation provided to the Board.

E. Should this cemetery have a Certificate of Authority
Re: Mahwah Cemetery

Geoffrey Gohlick, Cemetery Chairman Mahwah Cemetery has provided the Board with an amended application showing the date for the Annual Lot Owners's meeting as well as documentation showing the wording Maintenance Fund being added to the Trust Fund paperwork. Mr. Gohlick has been advised that the Trust must actually be labeled in the name of the cemetery. Mr. Gohlick has advised that he will take care of this with the financial institution that holds the Fund. 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 for the cemetery's Maintenance & Preservation Trust Fund. If the confirmation is not received by the April Board meeting, a subpoena will be issued for a representative of the cemetery to appear at the Board's May 11, 2006 Board meeting.

G. Requesting Board approval for sale of land
Re: The Fair Mount Cemetery (CA #176)

A motion was made by Lawrence Colasurdo and seconded by Waheed Khalid to approve the February 9, 2006 Committee recommendation that a deposit does not have to be made to The Fair Mount Cemetery's Maintenance & Preservation Trust Fund from the proceeds of the cemetery's recent land sale due to the fact that the land sold was not dedicated as cemetery property. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

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

Pennington African Cemetery (CA #382)

The Board has not yet received a response from either Angela Witcher or Albert Witcher with regard to their involvement with Pennington African Cemetery. A follow up letter will be sent out. This matter will be carried over.

Deckertown Union Memorial Park Cemetery (CA #155)

A letter has been sent to Allen Dunn, the new President for Deckertown Union Cemetery regarding the status of his taking over the operation of the cemetery. A response has not yet been received. Board Chairman Frank J. DeGeeter, Jr. will make a phone call to Mr. Dunn. This matter will be carried over.

Perrinville Cemetery (CA #41)

Board Accountant George Booktor has spoken with Ruth Briggs who has advised that she will be sending in the cemetery's Annual Reports very shortly. This matter will be held over pending receipt of the reports.

Salem Cemetery (CA #276)

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

New Asbury Meeting House Cemetery (CA #349)

Judy Welshons, Executive Director, 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)

The Board has not yet received Annual Reports from Odd Fellows Cemetery. The Board will advise Doris Moore as well as her grandson that if the reports are not received, they will be subpoenaed to appear before the Board at its May 11, 2006 Board meeting. This matter will be carried over.

Hainesville Cemetery (CA #363)

Hainesville Cemetery is now in compliance with filing of its Annual Reports. The Board authorized DAG John Hugelmeyer to prepare a Final Order to issue to the cemetery to finalize the provisions of the previously sent Provisional Order.

I. Withdrawal of funds from M&P Trust Fund

Re: Stillwater Cemetery (CA #363)

This matter will be held over pending receipt of the cemetery's financial records from Thomas Horsfield.

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)

The Board previously requested that Fair Lawn Memorial Cemetery provide it with a copy of its February 14, 2006 Lot Owners Meeting Minutes. Henry Vander Platt, Board of Directors, Fair Lawn Cemetery has advised the

Board that no one was in attendance at the Lot Owners meeting nor have any of the lot owners contacted the cemetery to discuss the narrowing of the cemetery's roads. Upon review of all of the documentation provided from the cemetery along with on-site inspection reports from Board Member Paul M. Desbien, a motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to approve the narrowing of the cemetery's roads for the purpose of creating more grave spaces. A vote was taken and the motion was passed by a unanimous vote.
L. Ewing Cemetery (CA #121)

A motion was made by Lawrence Colasurdo and seconded by Claribel A. Azcona-Barber to approve the Committee recommendation from the February 9, 2006 Committee meeting that the Board is not making a determination to the applicability of Title 16 to the church and the 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.

M. Stafford Township Historical Society, Inc.
Re: Application for a Certificate of Authority

This matter will be held over pending receipt of revised Rules and Regulations as well as a Price List for the cemetery.

N. Delinquent in filing Annual Reports since 1998
Re: Mount Zion Cemetery (CA #206)

This matter will be held over pending a response from Dennis Clowney.

VI. NEW BUSINESS

A. Bulk Sale Approvals

1. Princeton Memorial Park, (CA #13), Robbinsville, NJ to Gee Poy Kuo Association of New York, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 271 graves for \$257,450.00(\$600.00 per grave & \$350.00 per footing). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Princeton Memorial Park.

B. Mt Olive Union Cemetery (CA #385)
Re: Correspondence from Leslie S. Wetzel, Secretary

Leslie S. Wetzel, Secretary for Mt.Olive Union Cemetery has written to the Board looking for some assistance. Ms. Wetzel advises that the cemetery's new Board is trying to improve the cemetery and advises to do so the cemetery needs to raise funds so that the cemetery can be self sustaining. Ms. Wetzel asks if there are any grants available for cemeteries in the State. Ms. Wetzel will be advised that the Board is not aware of any such grants. We will refer her to the following organizations that may be able to offer the cemetery some guidance: New Jersey Cemetery Association, Friends of Rural Cemeteries, and the Historical Preservation Office. This matter is closed and removed from future Board meeting agendas.

C. Requesting waiver of Annual Report filing fee

Cedar Grove Cemetery (CA #217)

Emery Bittman, President, Cedar Grove Cemetery is requesting that the Board waive the Annual Report \$75.00 filing fee for fiscal years 2004 & 2005 due to the financial condition of the cemetery. A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to grant the waiver of the filing fee for fiscal years 2004 & 2005. A vote was taken and the motion was approved by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

Middle Valley Cemetery Association (CA #329)

Middle Valley Cemetery was delinquent in filing the cemetery's Annual Reports for fiscal years 2000 through 2005. A letter was sent to the cemetery advising that the reports had to be filed with the Board office or the cemetery could face possible disciplinary action by the Board. Margaret Nordstrom, Secretary/Treasurer, Middle Valley Cemetery has filed all of the delinquent reports and has requested that the \$75.00 filing fee be waived for each report due to the cemetery's poor financial condition. A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to grant the waiver of the filing fees for the requested years. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

Workmen's Circle Branch #95 (CA #386)

Ira Dunst, President, Workmen's Circle Branch #95 has advised the Board that this cemetery has a zero balance in its Maintenance & Preservation Trust Fund and for that reason is requesting that the \$75.00 filing fee be waived. A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to waive the filing fee. A vote was taken and the motion was passed by a unanimous vote.

D. Concern with Bulk Sale Agreement

Re: Jersey State Memorial Park to the Turkestanian American Association

Executive Director Dianne L. Tamaroglio received the above named application for bulk sale approval. Ms. Tamaroglio brought the application to the Board for review as one of the points of the agreement between the cemetery and the organization is that the cemetery shall provide, at its own cost, separate male and female bathroom facilities within the cemetery. Ms. Tamaroglio asked Mr. Sparno, President, Jersey State Memorial Park how the cemetery was going to accomplish this. Mr. Sparno advised that the cemetery was bringing in another portable bathroom (it already has one). As this point was of concern in a complaint previously filed with the Cemetery Board, a motion was made by Karen Walsh Pappas and seconded by Paul M. Desbiens that an Administrative Decision be made by the Board to advise Mr. Sparno to get a signed affidavit from the organization stating that it would be all right with this arrangement. A vote was taken and the motion was passed by a unanimous vote. Upon receipt of this affidavit from Mr. Sparno, Executive Director Tamaroglio will proceed with the review of the application for approval.

E. Application for a Cemetery Salesperson's License

Re: Mark Levitas

Restland Memorial Park

Mark Levitas's application for a Cemetery Salesperson's License was reviewed and discussed in Executive Session and was brought to Public Session for a vote as to whether or not a license would be granted to him. A motion was made by Karen Walsh Pappas and seconded by Waheed Khalid to issue a Cemetery Salesperson's License to Mark Levitas for Restland Memorial Park. 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. Closed Disciplinary Matters reported out from Executive Session, February 9, 2006

These matters were discussed in Executive Session and reported out in Public:

Settlement Letter issued to James Leber, Trustee, Weehawkin Cemetery, (CA #70), for violation of N.J.S.A. 45:27-16(c)

Mr. Leber has resigned his position as a Cemetery Trustee

Settlement Letter issued to Hillcrest Cemetery, (CA #127), for violation of N.J.A.C. 13:44J-8.4(b) with a Civil Penalty in the amount of \$500.00. Jesse R. Pebley, President, Hillcrest has signed the acknowledgment of wrongdoing and the Civil Penalty has been paid.

VIII. PUBLIC COMMENT

No Public Comments were made today.

IX. FOR YOUR INFORMATION

A. Notification of Civil Action

Re: Joanne Cies, Plaintiff, Hollywood Memorial Park (CA #101)

Docket No. UNN-L-178-06

B. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes December 6, 2005

Open Session Meeting Minutes January 10, 2006

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

C. Senate Bill, No. 1276

The Board reviewed Senate Bill, No. 1276 which would revise procedures for suspension or revocation of licenses for overdue child support. The Board took no position on this Bill.

X. ADJOURNMENT

A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to adjourn Public Session at 12:15 PM and move into Executive Session at 1:10 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. One (1) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions.
2. Fourteen (14) 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