

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
MARCH 10, 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, March 10, 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
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; Alba Jaramillo, Assistant to the Executive Director; and Jonathan Eisenmenger, Assistant to William Mandeville, Managing Executive Director, Division of Consumer Affairs.

II II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JANUARY 13, 2005

A motion was made by Marion Brozowski and seconded by June Nikola to accept the recommendation from the Committee meeting of February 10, 2005 to approve the Public Session Committee Minutes of January 13, 2005 as corrected. A vote was taken and the motion was passed by a unanimous vote.

III. APPROVAL OF PUBLIC SESSION COMMITTEE MINUTES OF FEBRUARY 10, 2005

A motion was made by Marion Brozowski and seconded by Paul Desbiens to approve the Public Session Committee Minutes of February 10, 2005 as corrected. A vote was taken and the motion was passed by a unanimous vote.

IV. OLD BUSINESS

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

DAG John Hugelmeyer spoke with Laura Benson, the attorney representing the County of Ocean in this condemnation matter advising her of the Board's desire to have this matter resolved. Ms. Benson advised that the County has a pretty good idea of what the land taken from the cemetery is worth, conceding that it is worth at least \$70,000.00. Bernard Stoecklein, Jr., President, Friends of Rural Cemeteries, has advised that he is still working with the cemetery and the County, trying to get the matter resolved. The Board discussed what percentage of the proceeds from the condemnation would be necessary to put into the cemetery's M&P Trust Fund, with the Board leaning towards 50% of the proceeds. 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.

C. Titusville Methodist Church Cemetery (CA #259) Re: Exemption from New Jersey Cemetery Law

Jerome M. Katz, Esquire has provided the Board with the necessary documentation for the dissolution of Titusville Methodist Church Cemetery. Upon review of the documentation, a motion was made by Stephen F. Hehl and seconded by Marion Brozowski to approve the dissolution of Titusville Methodist Church Cemetery as a "cemetery company". A vote was taken and the motion was approved by a unanimous vote. The cemetery will be asked to return to the Board its original Certificate of Authority. This matter is now closed and removed from future Board meeting agendas.

D. Correspondence from Rev. June D. Sievers Re: Pleasant Grove Cemetery

A motion was made by June Nikola and seconded by Stephen F. Hehl to approve the Committee recommendation of February 10, 2005 to allow Pleasant Grove Cemetery to remain a church cemetery; not apply for a Certificate of Authority from the Board to become a "cemetery company"; and turn the cemetery records over to a representative of the church. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

E. 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 carried over.

F. Cemetery and assets absorbed by new entity

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

The Board has not yet received a response from anyone regarding the status of this cemetery and its takeover by the Knights of Pythias, Fortitude Benevolent Association. We will now write to all of the cemetery's Trustees listed on its latest Annual Report requesting any information they can offer regarding the cemetery's takeover. This matter will be carried over.

G. Correspondence from Thomas E. Stover, Esquire

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

Thomas E. Stover, Esquire has written to the Board to advise that he is trying to work out the subdivision of the tract of land on which Mt. Herman Cemetery Association and Green's Chapel Cemetery are located so that the cemetery would be all kept on one tract. This matter will be carried over.

H. Condemnation of cemetery property without Board approval

Re: Malaga Cemetery Association (CA #196)

Rev. William C. Vaughn, President/Treasurer, Malaga Cemetery Association, Inc. has provided the Board with proof of the deposit of \$690.00 into one of the cemetery's bank accounts. However, it is not clear if the account is the cemetery's M&P Trust Fund. The Board will ask Rev. Vaughn to please provide a copy of the bank statement that actually shows the deposit having been made. This matter will be carried over.

I. Application for Certificate of Authority

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

This matter will be carried over.

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

This matter will be held over pending receipt of the requested documentation from William T. Jackson, Executive Director, Bayview-New York Bay Cemetery.

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

A motion was made by Stephen F. Hehl and seconded by Marion Brozowski to accept the recommendation of the February 10, 2005 Committee meeting to subpoena the requested documentation regarding the sale of a portion of the cemetery's property. A vote was taken and the motion was approved by a unanimous vote. This matter will be carried over.

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

Rita Jones, Secretary, Marksboro Cemetery Association was scheduled to appear before the Board today for an Investigative Inquiry regarding the removal of \$9000.00 from the cemetery's Trust Fund. In lieu of the appearance, Ms. Jones provided the Board with documentation pertaining to the withdrawal. The Board reviewed the documentation and the decision was made to have Ms. Jones as well as Vida Burdge, Treasurer of the cemetery meet with the Board at its April 14, 2005 Board meeting to discuss the withdrawal, the return of the money to the Fund and the operation of the cemetery's Trust Fund in general. This matter will be carried over.

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

This matter will be carried over pending receipt of the cemetery's Trust Fund bank statement.

N. Request to rescind Certificate of Authority
Re: North Branch Cemetery Association (CA #131)

James R. Houston, Secretary/Treasurer, NBCA, was to appear before the Board today to discuss the cemetery's wish to rescind its Certificate of Authority. However, Mr. Houston did not appear nor did he communicate with the Board office. Mr. Houston will be requested to appear at the Board's April 14, 2005 Board meeting. This matter will be carried over.

O. Correspondence from Cindy Leip, Bank of America
Re: Greenwood Cemetery Associations's M&P Trust Fund

Cindy Leip, Vice-President, Trust Officer, Bank of America has advised the Board that since 1972, Fleet Bank, a Bank of America Company, has been the corporate trustee for the Greenwood Cemetery M&P Trust Fund. Ms. Leip advises that recently, the bank has received a request to replace the bank with two individual trustees and deposit the principal of the account with A.G. Edwards & Son, Inc. Ms. Leip has provided the amendment to the trust requesting the change and has requested that the Board review the amendment and advise her about the use of individual trustees in place of a corporate trustee. Ms. Leip will be advised that individual cemetery trustees can act as trustees for the cemetery's Trust Fund as long as the Trust is held in the name of the cemetery not the individuals and the investments of the Fund follow the guidelines of the Prudent Investor Act. Also, Ms. Leip will be advised that as brokerage firms are considered to be financial institutions, Trust Funds may be held by such institutions. With regard to approval of the amended Trust, Ms. Leip will be advised that the Board does not approve same. This matter will be closed and removed from future Board meeting agendas.

P. Correspondence from Bernard E. Stoecklein, Jr.
Re: Community Mausoleum Building, Laurel Grove Cemetery (CA #30)

Paul M. Desbiens was recused from this matter and moved away from the table.

Bernard Stoecklein, Jr. , President, CMS Mid-Atlantic, Inc. has provided the Board with an update on the status of the Community Mausoleum situated on the property of Laurel Grove Cemetery. This mausoleum which was built on the cemetery's property was built by a separate and independent company, which was in charge of selling crypts and or performing maintenance and upkeep of the building. The mausoleum is now in the state of disrepair and is structurally unstable. CMS is proposing to select another location in the cemetery for a new mausoleum building; provide crypts in the new building for the transfer of all remains presently held in the Community Mausoleum; and if there are sold but unused crypts in this mausoleum, the same number will be reserved in the new building. There would be no fees, expenses or charges assessed against the present crypt owners in the Community Mausoleum. The cemetery will try to the best of its ability to find the name and last known addresses of all those families that have utilized the Laurel Grove Community Mausoleum and who otherwise may own crypts in that building and begin the notification process. The cemetery will seek a Court Order to remove the bodies from the old structure to the new one when the time is ready. Mr. Stoecklein will keep the Board apprized of the progress of this project.

V. NEW BUSINESS

A. Bulk Sale Approval

1. Friedman Family Circle, Cedar Park Cemetery, (CA #13), Westwood, NJ to Temple Emanuel of Pascack, Valley, Woodcliff, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 208 graves for \$25,000.00 (\$120.19 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Cedar Park Cemetery.

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

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

Executive Director Dianne L. Tamaroglio approved the bulk sale of 36 niches for \$39,600.00 (\$1100.00 per niche). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Frost Woods Memorial Park.

3. Restland Memorial Park, (CA #117), East Hanover, NJ to Korean United Presbyterian Church of New Jersey, Bloomfield, NJ

Paul M. Desbiens was recused from this matter and moved away from the table.

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 graves for \$99,500.00 (\$995.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Restland Memorial Park.

B. Centre Grove Cemetery (CA #376)

Re: Annual Report \$75.00 Filing Fee

Due to the financial condition of Centre Grove Cemetery's Maintenance & Preservation Trust Fund, a motion was made by Marion Brozowski and seconded by June Nikola to refund to the cemetery its \$75.00 Filing Fee for its 2004 Annual Report. A vote was taken and the motion was passed by a unanimous vote. The cemetery will be advised to request a waiver of the filing fee annually when it files its Report and based upon the finances of the cemetery at the time, the Board will make a decision as to whether or not the fee will be waived.

Due to the growing number of cemeteries that are requesting waivers of the \$75.00 filing fee for the Annual

Reports, at the request of the Board, the Regulation Committee will work on a new regulation that would address this matter.

C. Memo from Lola C. Lesslie, Board office staff member
Re: Certification of M&P Trust Funds

Lola Lesslie, Board Staff person, has advised that it has been the practice of the Board office that when a Trust Fund is a substantial sum, and the certification is in the form of a transaction summary or statement, we have asked the bank to certify the statements. Wachovia Bank now advises that on the advise of its legal department, trustees and custodians were asked to discontinue certification of transaction summaries and bank statements. The reason behind this is that Wachovia's legal department does not want the bank to bear liability if the statements have been altered. Ms. Lesslie is looking to the Board for advise with regard to this issue. Board Chairman Frank J. DeGeeter, Jr., and Board Vice-Chairman Marion Brozowski will both contact Wachovia Bank for more information regarding this new practice. This matter will be carried over.

D. Looking for Guidance–William C. Passodelis, CMS Mid-Atlantic, Inc.
Re: Greenwood Cemetery (CA #28)

Paul M. Desbiens was recused from this matter and moved away from the table.

William C. Pasodelis, CMS Mid-Atlantic, Inc. has written to the Board on behalf of Greenwood Cemetery looking for guidance. Carson and Rebecca Jackson selected a mausoleum location in a new building in Greenwood Cemetery. A down payment was made and payments were made from July, 2004 through December, 2004. Reverend Jackson passed away in January, 2005 and was placed in a temporary crypt as the building they purchased the crypt in has not yet been constructed. The family of the Jacksons has requested that the cemetery alter the contract with Reverend and Mrs. Jackson for interment in the veteran's section of the cemetery. The cemetery is leery of making this change which it believes would thwart the Jacksons' final wishes yet it does not want to ignore the wishes of the family. The cemetery seeks guidance from the Board in this matter. The Board will advise the cemetery to find out if Reverend Jackson left a will that may have had specific instructions regarding his burial; was someone appointed to control his funeral and his final disposition ; was there a Power of Attorney appointed. If the answer is no to these questions, the cemetery will have to follow the provisions of N.J.S.A. 45:27-22, Control of funeral, disposition of remains. Then this becomes a contract issue for the cemetery.

E. Fiscal Year 2005 Budget Report (1st half)

The Board reviewed its Fiscal Year 2005 Budget Report. Due to the fact that the Board's budget is in very good condition, the suggestion was made that perhaps some of our fees could be reduced. The reduction in fees and what it would mean to the Board's budget will be discussed in a future Regulatory Committee meeting.

VI. PUBLIC COMMENT

No public comments were made today.

VII. FOR YOUR INFORMATION

A. Resignation letter from Anthony F. DiLorenzo, Board member

The Board has received a letter from Board member Anthony Di Lorenzo tendering his resignation as a Board member as he has relocated to Fort Meyers, Florida. This was considered informational for the Board.

B. New Jersey State Board of Mortuary Science

Open Session Meeting Agenda–March 1, 2005

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

C. Newspaper Article

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

D. Correspondence from William C. Passodelis, CMS

Re: Thornton v CMS Mid-Atlantic, Inc. & Hollywood Memorial Park

This was an update on a matter previously reported to the Board. This matter deemed no discussion or decision making.

E. Verified Answer, Counterclaim, and Cross-Claim Re: Karl T. Kemm and Jersey State Cemetery Management, Inc., Plaintiffs against Joseph Carlino, Anthony Sparno, Delma Benvenuti, Jersey State Memorial Park Association, and the Board of Trustees of Jersey State Memorial Park Association, Defendants

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

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

VIII. ADJOURNMENT

A motion was made by Stephen F. Hehl and seconded by Marion Brozowski to adjourn Public Session at 11:40 AM and move into Executive Session at 12:10 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, violations, and/or the Board's regulations:

1. Two (2) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.
2. Seventeen (17) 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