

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
APRIL 10, 2008

Due to a lack of quorum, the meeting was held in Committee until 10:45 AM when the quorum requirement was met; the Committee reported to the Board and the report of the Board's actions is contained in these minutes.

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, April 10, 2008. The meeting was convened in Committee 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 on September 17, 2007 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-Chair William Nichols called the meeting to order at 9: 30 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski Absent
Lawrence Colasurdo Present
Paul M. Desbiens Present arrived 11:40 AM
Waheed Khalid Present
June Nikola Present
William Nichols Present
Genevieve Raganelli Present arrived 10:45 AM
Michael Ticktin Absent

Also in attendance were: Dianne L. Tamaroglio, Executive Director, New Jersey Cemetery Board, and Deputy Attorney General Ginger R. Provost.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MARCH 13, 2008

A motion was made by Waheed Khalid and seconded by Lawrence Colasurdo that the Committee recommend to the full Board the approval of the Public Session Meeting Minutes of March 13, 2008 as corrected. A vote was taken and the motion was passed by a unanimous vote. When the Board moved out of Committee, a motion was made by Waheed Khalid and seconded by Lawrence Colasurdo to accept the recommendation of the Committee. A vote was taken and the motion was passed by a unanimous vote.

II. APPEARANCE OF CHARLES MANNING, REGULATORY ANALYST

Re: Crematories

The Regulation Committee of the Board has in the past discussed the possibility of promulgating regulations for crematories. The State Department of Health and Senior Services by virtue of its statute has the authority to regulate crematories but has never enacted rules to implement its statute. Chuck Manning, Regulatory Analyst met with the Committee of the Board today to review a draft of a letter to be sent to the Department of Health and Senior Services asking for a meeting to be set up between that Department and representatives of the Cemetery Board to discuss the regulation of crematories. Once out of Committee, the Board reviewed this letter again and feels very strongly that it should be regulating the crematories as they are a big part of the Cemetery Industry and the majority of them are on cemetery grounds that are under the jurisdiction of the Board.

The Committee of the Board also discussed with Mr. Manning the Bill introduced by Senator Loretta Weinberg, Senate, No.1439, the Bill that would eliminate the 15% fee charged by cemetery companies on transfer of graves, crypts and niches. The Committee discussed that with passage of this Bill there would be more abandoned cemeteries and no money going to the care of the cemeteries which would therefore have an impact on the

general public. Once out of Committee, the Board discussed this Bill again voting 5 to 1 in opposition to its passage.

III. OLD BUSINESS

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

Deckertown Union Memorial Park Cemetery (CA #155)

Ed Vanderberg, President Deckertown Union Memorial Cemetery has advised Executive Director Dianne L. Tamaroglio that he has just about all of the cemetery's financial records in his possession and he will now be working at getting everything in order and will file the cemetery's 2007 Annual Report shortly. This matter will be carried over.

New Asbury Meeting House Cemetery (CA #349)

Pastor Fred Schwenger has provided the name of the one individual who takes care of the day to day operations of New Asbury Meeting House Cemetery, Rod Gilman. Rod Gilman's name is on a sign at the cemetery as the contact person. Executive Director Tamaroglio has in the past left Mr. Gilman voice messages but she never received a call back. The Board will invite Mr. Gilman to its May 8, 2008 Board meeting to discuss the operations of the cemetery. Should Mr. Gilman ignore the Board's request, his appearance will be subpoenaed for a future Board meeting. This matter will be carried over.

Odd Fellows Cemetery (CA #330)

Roland G. Hardy, Jr., the attorney representing Odd Fellows Cemetery has provided DAG Ginger Provost with a burial plot map of the cemetery and a ledger listing the names of those buried in each plot prepared by Danny Moore. Both of these items were reviewed by the Board. The hand drawn map provided no valuable information for the Board. The Board has still not received answers to many of the questions concerning the operations of the cemetery previously asked. Also, there has been no response to the Demand for Statement in Writing Under Oath from Danny Moore. Mr. Roland will be asked for an explanation of the map he provided, a Certification previously requested from Frances Lewis, complete answers to the Demand for Statement issued to the cemetery on April 10, 2007, and a response to the Demand for Statement issued to Mr. Moore. A subpoena was previously issued to Ms. Lewis for her appearance before the Board. At Mr. Hardy's request her appearance was postponed. If the Board does not receive the requested information by the May 8, 2008 Board meeting the subpoena will be enforced for the June 12, 2008 Board meeting. This matter will be carried over.

B. Cemetery has never filed Annual Reports

Re: Barber Burying Ground Association (CA #285)

The Board had requested that Stuart Wisse, the new manager for Barber Burying Ground appear before the Board at today's meeting to discuss the day to day operations of the cemetery as well as answer any questions he may have regarding the Board's statute and regulations. Mr. Wisse advised that rather than attending the meeting, he would send in a list of questions that he would like answers to. Mr. Wisse filed the cemetery's 2006 Annual Report however, the report was not notarized; he will re-file the 2006 report as well as file the 2007 report. This matter will be carried over.

C. Cemetery has no money and no activity

Re: Wantage Cemetery (CA #161)

Executive Director Dianne L. Tamaroglio has advised that James Krugman has advised that he will be submitting the cemetery's Annual Reports ASAP. This matter will be carried over.

D. Old Tennent Cemetery (CA #201)

DAG Ginger Provost will attend a Settlement Conference regarding Old Tennent Cemetery on April 14, 2008 on behalf of the Board. Board Vice Chair William Nichols will be available by phone should his expertise of the cemetery industry be needed.

E. Correspondence from Thomas E. Stover, Esquire
Re: Green's Chapel Cemetery Association/Mt. Hermon Cemetery Association
Mt. Hermon United Methodist Church to Seventh Day Adventist Church
March, 2005

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

F. Should this cemetery have a Certificate of Authority?
Re: First Presbyterian Church of Springfield

The Board reviewed a copy of the First Presbyterian Church of Springfield Trustees' Resolution restricting future burial and the purchase of graves to Presbyterians and members of their family. Upon review of the Resolution and all other documentation provided, the Board will advise the cemetery that it understands that its records indicate that the cemetery intended in the past and intends in the future to restrict burial to members of the Congregation and their families. Based upon the Board's understanding, a decision was made by the Board that a Certificate of Authority is not necessary for the Springfield Presbyterian Cemetery. This matter is closed and removed from future Board meeting agendas.

G. Old Tappan Cemetery
Re: Compliance with State Regulations of Cemeteries

Grace T. Meyer, attorney representing Old Tappan Cemetery has written to the Board with regard to whether or not this cemetery needs a Certificate of Authority. Ms. Meyer advises that over the years a few graves at the cemetery were sold to local people, non-family, but none have been in over three years and no more graves will be sold in the future. Ms. Meyer questions if NJSA45:27-7(c) & NJSA45:27-13 are applicable to this cemetery since it was established in the mid 18th century, well before 1971. Ms. Meyer advises that the grandchildren of the last decedents buried there can raise about \$20,000.00 to place in a Trust Fund for the benefit of the cemetery. Also, she advises that the Certificate of Incorporation has been filed for the cemetery (no date as to when). The Board has many questions concerning this cemetery and will ask Ms Meyer to attend the Board's May 8, 2008 Board meeting for discussion. This matter will be carried over.

H. Request for Reissue of Certificate of Authority Eglington Cemetery
(CA #98)
Re: Correspondence from Peter Platten, Esquire

The Board will advise Peter Platten, attorney representing Eglington Cemetery that it stands behind its original decision to deny the issuance of a new Certificate of Authority for the cemetery. This matter is closed and removed from future Board meeting agendas.

I. Requesting approval for continuation of lease
Re: Bound Brook Cemetery (CA #8) Board approved Feb. 9, 2006

The Board has not yet received from the Casa de Esperanza the requested amendments to the lease for a portion of Bound Brook Cemetery's property. A follow up letter will be sent. This matter will be carried over.

J. Review of E-Z Maintenance & Preservation Trust Fund Annual Report Form

Board members Paul M. Desbiens and June Nikola will work together preparing a new, easier Annual Report form for those cemeteries having very little activity and therefore generating little income.

K. Application for a Certificate of Authority

Re: Central Jersey Crematory Associates a/k/a Crematory at Holy Cross Burial Park

This matter will be carried over pending receipt of the Board's requested documentation.

L. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

The Board has been advised that both Jean Bickal and Gary Nigh have resigned their respective positions on the Board of Trustees for Mercer Cemetery. DAG Ginger Provost will go back to the Mayor of Trenton regarding its duty to appoint someone to the cemetery's Board. The City of Trenton maintains the cemetery. This matter will be carried over.

M. No one to care for the cemetery

Re: Jersey City/Harsimus Cemetery (CA #220)

DAG Ginger Provost has been advised that Hudson County is not in a financial position to take over the operations of Jersey City/Harsimus Cemetery. A relative of Maureen Burgess, the former President of the cemetery has expressed an interest in getting involved with the cemetery. The Board will ask her to attend its May 8, 2008 Board meeting for discussion. It is imperative to get the cemetery up and running once again. This matter will be carried over.

N. Woodland Cemetery (CA #49)

At today's Board meeting there was in attendance a very large representation of the citizens of Newark who are concerned with the well being of Woodland Cemetery. There were representatives from Newark's Division of Neighborhood Services, Citizens Against Crime, & New Jersey Youth Corp. The visitors expressed their unhappiness with the conditions of the cemetery and their dissatisfaction with the maintenance of the cemetery. Sanford Epstein whose maintenance company maintains the cemetery was also in attendance and advised that many of the conditions at the cemetery (drugs, prostitutes, burned cars, etc.) are not brought in by the cemetery. He also advised that there is very little money generated from the cemetery's Trust Fund that can be used for maintenance; he himself has not been paid for his services for almost 1 year. The Board members advised those in attendance that for most of the cemeteries, maintenance does not happen throughout the winter months, other than snow shoveling; maintenance at all cemeteries will begin now that it is Spring. Mr. Epstein advised that during the growing season, his company is at the cemetery once a month mowing the lawn, clearing debris, getting rid of tree limbs and branches etc. James Kelly, from the International Youth Organization/New Jersey Youth Corps, provided the Board with information regarding this organization and advised that he would like to see his group of youngsters in the cemetery cleaning up, uprighting monuments, and eventually restoring monuments. Some of the other visitors at this Board meeting also expressed a desire to get involved in the cemetery. DAG Ginger Provost advised the group that it appears that everyone was here for the same purpose, that being the betterment of the cemetery and that everyone should try to work together along with Mr. Epstein and Bruce Barth, the President of the Cemetery to work out a plan for the betterment of the cemetery. DAG Provost also advised that this Board has general supervision over the cemetery and that it cannot mandate that these groups be allowed to work in the cemetery.

O. Torres v Weehawkin Cemetery (CA #70)

A Final Order of Discipline was issued to Weehawken Cemetery for violation of NJSA 45:27-5 and NJAC13:44J-5.5. The Final Order carries a Civil Penalty of \$250.00. Pending receipt of the Civil Penalty and confirmation of the deposit of \$4000.00 to the cemetery's Trust Fund this matter will be closed.

IV. NEW BUSINESS

A. Request to convert existing pathways to new graves

Re: Bayview-New York Bay Cemetery (CA #7)

The Board has received a request from Bayview-New York Bay Cemetery to convert certain existing pathways in the cemetery to new grave sites. At the present time, there is no remaining area within the cemetery that can be developed for new grave sites. The cemetery believes that the day will eventually come when the cemetery, with its present borders, will cease to provide new grave sites and that their plan would present years of viable operation allowing the Maintenance and Preservation Trust Fund to continue to be replenished and preserve the Operating Fund from serious depletion. The Board reviewed all of the information provided and has concerns that the cemetery's plan may eliminate access to existing graves. Before the Board can reach a decision in the matter, Board member Paul Desbiens will conduct an on-site inspection of the cemetery to get a better understanding of where these pathways would be eliminated and the potential of denying access to existing graves.

B. Approval of Bulk Sales

Laurel Grove Cemetery (CA #30), Totowa, NJ to the Ashaabul Tameen, East Orange, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 135 interment spaces for \$168,750.00 (\$1250.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

Mount Moriah Cemetery Company, (CA #36), Fairview, NJ to The New Synagogue of Fort Lee, Fort Lee, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 108 interment spaces for \$10,800.00 (\$100.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Mount Moriah Cemetery.

Claremore Club, Inc., Delray Fl., Beth El Cemetery (CA #13), Paramus, NJ to Temple Sinai of Bergen County, NJ, Tenafly, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 951 interment spaces for \$175,935.00 (\$185.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Beth El Cemetery.

C. Delinquent in filing Annual Reports from 2002 through 2007

Re: Newell Cemetery (CA #375)

Newell Cemetery has not filed Annual Reports since 2001. Board Accountant George Booktor made an appointment to meet with Paul Brenbt, the individual responsible for filing the reports to assist him with the reports but Mr. Brenbt cancelled with the promise of re-scheduling. Phone calls have been made to Mr. Brenbt as well as letters being sent to him to no avail. The Board will request Mr. Brenbt's appearance at its May 8, 2008 Board meeting. Should he file the reports prior to that meeting or at least re-schedule with Mr. Booktor, his appearance will be postponed for that day. This matter will be carried over.

D. Seeking advice

Re: Laurel Grove Cemetery (CA #30)

William C. Passodelis, Laurel Grove Cemetery has written to the Board for a clarification of NJSA45:27-28c. Mr. Passodelis will be advised that the Board does not have the authority to give legal advice and that he should seek the advice of a New Jersey Attorney who is well versed in New Jersey Cemetery Law. This matter is closed and removed from future Board meeting agendas.

E. Requesting waiver of Annual Report filing Fee

Re: Dennisville United Methodist Church (CA #197)

South Dennis Union Cemetery has requested a waiver of the \$75.00 Annual Report Filing Fee due to the financial condition of the cemetery. With the cemetery's Trust Fund generating only \$1,138.46 dollars in interest for 2007, a motion was made by June Nikola and seconded by Paul M. Desbiens to grant the request. 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. Requesting waiver of Annual Report Filing Fee
Re: Evergreen Cemetery (CA #72)

Patrick O'Grady, Controller, Evergreen Cemetery has written to the Board requesting a waiver of the \$75.00 Annual Report Filing Fee for 2007. Mr. O'Grady advises that the cemetery does not have adequate income to adequately maintain the cemetery and pay the fee. With \$11,105.00 in interest generated from the Trust Fund for 2007 a motion was made by June Nikola and seconded by Waheed Khalid to deny the request. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

G. Correspondence from Robert E. Rush, Director, Fairmount Cemetery
Re: Clarification of NJAC13:44J-5.6, Reclamation of interment spaces

Robert E. Rush, Director, Fairmount Cemetery has written to the Board asking if all of the provisions of NJAC13:44J-5.7 must be met before they can start the reclamation process. Mr. Rush will be advised that yes, they must all be met. This matter is closed and removed from future Board meeting agendas.

V. PUBLIC COMMENT

Len Auerbach, General Manager of Floral Park Cemetery, Oaklawn Cemetery, & Washington Cemetery Management Corp. made comments to Senate Bill, No. 1439.

VI. FOR YOUR INFORMATION

A. Senate Bill, No. 109

This Bill establishes a NJ Native American Burial Ground Preservation Task Force. The Board thought this was a good Bill.

B. State Board of Mortuary Science

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

C. Internet Articles

Feds probe discovery of gravestones in Burlington Township

Grave Concerns

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

D. Notification of Civil Action

Ahmet Odes and Layla Odes, Plaintiffs vs Laurel Grove Cemetery, (CA #30), Defendants

This was considered informational for the board deeming no discussion or decision making. A review of Laurel Grove Cemetery's files revealed that this bulk sale was not one of the bulk sales that Laurel Grove contracted for from 2001-2005 without Board approval.

VII. ADJOURNMENT

A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to adjourn Public Session at 2:10 PM and move into Executive Session at 2:15 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 matter or complaint filed with the Board which required review and recommendations in regard to investigation and/or actions; and
2. Ten (10) 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. A motion was made by Lawrence Colasurdo and seconded by Paul M. Desbiens to adjourn the Board meeting of April 10, 2008. A vote was taken and the Board meeting was adjourned at 2:45 PM.

Respectfully Submitted,

Dianne L. Tamaroglio
Executive Director