

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**APRIL 20, 2005**

A regular meeting of the New Jersey Cemetery Board was held at the Atlantic City Hilton Hotel, Atlantic City Hilton Hotel, Atlantic City, New Jersey on Wednesday, April 20, 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 2:30 P.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 Absent  
Stephen F. Hehl Absent  
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, Lola C. Lesslie, & George Booktor, Board Office Staff.

## **I. WELCOME**

Board Chairman Frank J. DeGeeter, Jr., thanked the New Jersey Cemetery Association for inviting the Board to be a part of the Association's 73rd Annual Conference. Chairman DeGeeter introduced each Board member to the Association and advised of each one's position on the Board and also introduced the new Board office staff members and what each one's role with the office is. Mr. DeGeeter advised how after one year, those in the cemetery industry as well as the Board members are adjusting to the provisions of the New Jersey Cemetery Act, 2003 after having been under Title 8A for many years. Chairman DeGeeter advised the Association that the Board has had a busy year drafting new regulations, N.J.A.C. 13:44J-14.3, Pre-construction sales and N.J.A.C. 13:44J-14.4, Reclamation of bulk sales and revising the Board's current regulations in total to better coincide with the provisions of the New Jersey Cemetery Act, 2003. Mr. DeGeeter advised that these regulations are in the review process before publication in the New Jersey Register for comments.

## **II. EXECUTIVE DIRECTOR REMARKS**

Executive Director Dianne L. Tamaroglio thanked the Association for its invitation to be a part of its 73rd Annual Conference adding that it is always good for the members of the Board office staff to meet the individuals from the Industry that we speak with so often. Ms. Tamaroglio advised that it has been a very busy year since the enactment of the New Jersey Cemetery Act, 2003 with new questions pertaining to the law popping up every day. Ms. Tamaroglio gave a brief synopsis of the Board activities for 2004. There were 75 consumer complaints filed with the Board office, ranging from individual grave care; general cemetery maintenance; fees charged for services as well as billing disputes; damage to monuments and markers; and rules and regulations of individual cemeteries. Regarding disciplinary matters, Ms. Tamaroglio advised that 7 Final Orders were issued to cemeteries for failure to file Annual Reports which carried Civil Penalties of \$500.00 each. Four of the penalties were paid and 3 were waived due to the financial condition of the cemeteries. A Settlement Letter was issued to a cemetery for keeping remains in temporary entombment for more than four years and for misrepresenting the amount of time for the completion of a mausoleum. The cemetery paid a fine of \$10,000.00 to the Board as well as

reimbursing the Board \$17,205.00 for the cost of the investigation. In 2004, the Board received 7 applications for Certificates of Authority; 5 applications were from management companies; 1 from an existing cemetery; and 1 from a Historical Society wanting to merge 3 religious cemeteries for the purpose of maintenance and upkeep with no future burials. Six Certificates of Authority have been issued and one is pending; Zion Cemetery Association (CA #405); Alpine Cemetery Services, Inc. (CA #406); Greenwood Cemetery Services, Inc. (CA #407); Hollywood Cemetery Services, Inc. (CA #408); Laurel Grove Cemetery Services, Inc. (CA #409); and Restland Cemetery Services, Inc. (CA #410). Executive Director Tamaroglio also advised the members of the Association that this will be the last year that Public Agendas and approved Public Minutes will be sent out to those on the distribution list as the agendas and minutes are posted on the internet on the State web-site available to all.

### **III. APPROVAL OF PUBLIC SESSION MINUTES OF MARCH 10, 2005**

A motion was made by Marion Brozowski and seconded by June Nikola to approve the Public Session Minutes of March 10, 2005 as corrected. A vote was taken and the motion was passed by a unanimous vote.

### **IV. OLD BUSINESS**

#### **A. 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

The Board is in receipt of a copy of a Final Order of Decision whereby the Court has granted permission to the above named cemeteries for the removal of legal fees from the corpus of their respective Maintenance & Preservation Trust Funds. This matter is now closed and removed from future Board meeting agendas.

#### **B. Cemetery and assets absorbed by new entity**

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

Executive Director Dianne L. Tamaroglio has advised the Board that she has made contact with Bruce Lepedas, Vice-President, Board of Directors, Tri County Lodge #182, who has advised that the officers of the cemetery will remain the same as will the cemetery's charter. The only thing that will change will be the cemetery's name. Mr. Lepedas will be the contact person for the cemetery. The cemetery has not filed its Annual Reports for fiscal years 2003 & 2004; a letter has been forwarded advising the cemetery must file the reports along with blank copies of the Annual Report forms and instructions. This matter will be carried over.

#### **C. 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 a copy of the latest bank statement for the cemetery's Trust Fund which shows that \$690.00 (15% of the proceeds from the condemnation of a portion of the cemetery property) has been deposited into the Trust Fund. We will check out the balance as reported on the Annual Report; as long as everything adds up, this matter will be closed and removed from future Board meeting agendas.

#### **D. Certification of M&P Trust Funds**

As there appears to be some confusion with this matter, it will be held over for future discussion.

#### **E. Sale of Cemetery Property**

Re: Eglington Cemetery (CA #98)

The Board has received correspondence from Peter Platten, Esquire that Atlantic Five Development, Inc.,

purchaser of a portion of Eglington Cemetery Property, has exercised its right to extend the Approval Period by six months and has deposited \$25,000.00 in escrow as required. This matter was closed by the Board on June 10, 2004 and is being brought back to the Board when there is correspondence pertaining to same.

## V. NEW BUSINESS

### A. Bulk Sale Approval

#### 1. Laurel Grove Cemetery, (CA #30), Totowa, NJ to Dongsan Alliance Church, Little Ferry, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 50 graves for \$48,750.00 (\$975.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

#### 2. Laurel Grove Cemetery, (CA #30), Totowa, NJ to Pilgrim Church of New Jersey, Inc., Palisades Park, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 graves for \$105,000.00 (\$1050.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

#### 3. Osage Cemetery Association, Inc., a/k/a Frost Woods Memorial Park, (CA #381) to Chun Fai Association, Inc., New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 318 graves for \$222,600.00 (\$700.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Frost Woods Memorial Park.

#### 4. East Ridgelawn Cemetery, (CA #18), Clifton, NJ to Wen Chow Association, Inc., New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 graves for \$100,000.00 (\$1000.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of East Ridgelawn Cemetery.

#### 5. East Ridgelawn Cemetery, (CA #18), Clifton, NJ to Qingtian Association USA, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 graves for \$100,000.00 (\$1000.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of East Ridgelawn Cemetery.

#### 6. Beth El Cemetery (CA #13), Westwood, NJ to Temple Beth El of Spring Valley, Spring Valley, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 50 graves for \$40,000.00 (\$800.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth El Cemetery.

### B. Request for waiver of Annual Report filing fee

#### 1. Old Meeting House, Inc. (CA #388)

Barry F. Cavileer, Secretary, Old Meeting House, Inc., has requested a waiver of the \$75.00 Filing Fee for the cemetery's 2004 Annual Report due to the financial condition of the cemetery. A motion was made by June Nikola and seconded by Marion Brozowski to grant a waiver of the 2004 Annual Report filing fee based upon the financial condition of the cemetery. A vote was taken and the motion was approved by a unanimous vote.

Mr. Cavileer will be advised that this is not a blanket exemption from the fee but only a waiver for the 2004 filing fee. The request must be made annually when filing the report. This matter is closed and removed from future Board meeting agendas.

## 2. The Presbyterian Church Cemetery (CA #208)

Rev. John T. Ash, III, Presbyterian Church Cemetery has requested a waiver of the \$75.00 Filing Fee for the cemetery's 2004 Annual Report due to the financial condition of the cemetery. A motion was made by June Nikola and seconded by Marion Brozowski to grant a waiver of the 2004 Annual Report filing fee based upon the financial condition of the cemetery. A vote was taken and the motion was passed by a unanimous vote. This cemetery has \$85.86 in its Trust Fund and has no activity (no burials, no grave sales). The Board will ask the cemetery if it buries outside of its faith; perhaps it would be possible for the cemetery to relinquish its Certificate of Authority. This matter will be carried over.

## **VI. PUBLIC COMMENT**

No public comments were made today.

## **VII. FOR YOUR INFORMATION**

### A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes—January 11, 2005

Open Session Meeting Minutes—February 1, 2005

### B. First Quarter Legislation Report for 2005

January 1st - March 31, 2005

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

## **VIII. TEST YOUR KNOWLEDGE**

Prior to the Board's Public Meeting the members of the Association took a 19 question quiz pertaining to the various provisions of the New Jersey Cemetery Act, 2003 to test their knowledge of the law. The questions asked were some of the common questions asked of the Board office staff. The questions were answered yes, no, depends. DAG John Hugelmeyer went over the test with the Association members giving the correct answers and explanations when needed.

## **IX. ADJOURNMENT**

A motion was made by Marion Brozowski and seconded by Karen Walsh Pappas to adjourn the Public Meeting. A vote was taken and the Public Meeting of April 20, 2005 was adjourned at 3:35 PM.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director