

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
APRIL 26, 2006
RESORTS ATLANTIC CITY

A Public meeting of the New Jersey Cemetery Board was held at Resorts, Atlantic City, NJ, Wednesday, April 26, 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 3:15 P.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

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

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

I. WELCOME–BOARD CHAIRMAN FRANK J. DEGEETER, JR.

Board Chairman Frank J. DeGeeter, Jr. thanked the New Jersey Cemetery Association for inviting the Board to be a part of the Association's 74th Annual Conference. Chairman DeGeeter introduced each Board member to the Association and advised of each one's position on the Board. Chairman DeGeeter then called upon the newest Public members of the Board Lawrence Colasurdo and Waheed Khalid to share a little of their backgrounds with the members of the Association. Chairman DeGeeter then advised of the resignation of Public member Stephen F. Hehl, Esquire and how his departure will be a great loss to the Board. Mr. DeGeeter advised the members of the Association that initially permission for the Board to conduct its meeting with the Association was denied. The meeting was then approved but with the condition that the meeting be held at no expenditure to the Division of Consumer Affairs; therefore, all Board members are in attendance at the meeting at his or her own expense. Chairman DeGeeter advised that the Board has just gone through Sunsetting of its regulations and that revised regulations that conform with the New Jersey Cemetery Act, 2003 will become effective on June 6, 2006. Copies of the revised regulations will be sent to all cemetery companies. Chairman DeGeeter also advised that two new regulations drafted by the Board, NJAC 13:44J-14.3, Pre-construction sales and NJAC 13:44J-14.4, Reclamation of bulk sales are in the review process before they can be published in the New Jersey Register.

II. EXECUTIVE DIRECTOR REMARKS

Executive Director Dianne L. Tamaroglio thanked the Association for once again allowing the Board to be a part of the Association's Conference adding that it is always good to see familiar faces and meet new members of the Association. Ms. Tamaroglio advised the Association that upon denial of the Board's attendance at the Conference by the Division of Consumer Affairs, Board Chairman Frank J. DeGeeter, Jr. made a phone call to the Director of the Division, Kimberly Ricketts advising her of the importance of holding the Board meeting in conjunction with the Association's Conference. Thanks to Mr. DeGeeter's phone call, approval was then given but as Mr. DeGeeter previously explained only if there would be no expense to the Division. Ms. Tamaroglio then gave a brief synopsis of the Board's activities for 2005. There were 54 consumer complaints filed with the

Board office, ranging from individual grave care; general cemetery maintenance; fees for services as well as billing disputes; damage to monuments and markers; rules and regulations of individual cemeteries as well as the provisions of the New Jersey Cemetery Act and the Board's regulations. With 54 complaints filed in 2005, Ms. Tamaroglio advised that the number of complaints filed with the Board office has been on a downward turn stating that in 2000, the number of complaints filed was 134. Ms. Tamaroglio attributes this to diligence on the part of the members of the Industry in adhering to the law and in trying to do right by the consumers. With regard to disciplinary matters, Ms. Tamaroglio advised that the Board issued 6 Settlement Letters in 2005; 1 for violation of NJAC13:44J-8.4, with a Civil Penalty of \$500.00 which has been paid and the matter has been closed; 4 for violations of NJSA 45:27-16c, all individuals guilty of this violation have resigned their positions with their respective cemeteries and the matters have been closed; and 1 for violation of NJAC13:44J-13.6 with a Civil Penalty of \$500.00 which has been paid and the cemetery has since made an application to the Board for approval of the purchase. Also, 2 Final Orders were issued to 2 cemeteries for non-compliance in the filing of their respective Annual Reports, each receiving a \$500.00 Civil Penalty; both cemeteries are now in compliance and have paid the \$500.00 fine and the matters are closed. Ms. Tamaroglio also advised the Association that she was happy to say that approximately 90% of the cemetery companies have filed up to and including their respective 2004 Annual Reports. In closing, Executive Director Tamaroglio thanked the members of the New Jersey Cemetery Board for being such a wonderful group of individuals to work with, always willing and able to assist when called upon.

III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MARCH 9, 2006

A motion was made by Lawrence Colasurdo and seconded by Waheed Khalid to approve the Public Session Minutes of March 9, 2006 as corrected. A vote was taken and the motion was passed by a unanimous vote.

IV. SUNSETTING OF THE BOARD'S REGULATIONS

Re: NJAC 13:44J-14.2 Amendment of

The Board recently went through Sunsetting of its regulations and has adopted revised regulations to better conform with its statute NJSA 45:27 et seq. Upon the Board's approval of its regulations, it was noted that NJAC 13:44J-14.2(c)3 had not been revised to conform with the Board's statute, specifically, NJSA 45:27-13(6). Regulatory Analyst Chuck Manning prepared a revised regulation for the Board's review. Upon review of the revision, a motion was made by Marion Brozowski and seconded by Paul M. Desbiens to approve the revision to NJAC13:44J-14.2(c)3. A vote was taken and the motion was approved by a unanimous vote.

V. OLD BUSINESS

A. Surrender of Certificate of Authority and dissolution of cemetery

Re: Trinity Cemetery Association (CA #396)

The Board has been provided with the Resolution of Dissolution by the Board of Trustees for Trinity Cemetery Association, Inc., dissolving the cemetery company. The Board has also received the original Certificate of Authority issued by the Board to Trinity on December 5, 1996. With the receipt of these two items, Trinity Cemetery is now dissolved and no longer exists as a cemetery company. This matter is 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)

Cemetery Board Accountant George Booktor met on March 20, 2006 with Sheldon Gould, President, Fortitude Lodge #160 and Seymour Nowicki, Treasurer. Fortitude Lodge has taken over the operations of the Tri County Lodge #182 Knights of Pythias Cemetery. The purpose of the meeting was for Mr. Booktor to explain to both gentlemen how to establish one Trust Fund for both the cemetery that Fortitude Lodge has taken over as well as for another smaller cemetery that the Fortitude Lodge operates. Both cemeteries would be under one CA. Also, Mr. Booktor advised the two that besides the Trust Fund, an operating account should be set up. Mr. Nowicki advised he would send the Board confirmation of the accounts having been set up. Mr. Booktor worked with Mr.

Gould in the preparing of the 2005 Annual Report for the cemetery. Since Mr. Booktor's meeting, Mr. Gould has filed the 2005 Annual Report. Mr. Booktor will review same and report his findings to the Board. This matter will be carried over.

C. Sale of a portion of cemetery property
Re: Hayes Riverview Cemetery (CA #265)

Joseph M. Hayes, Esquire has provided the Board with a copy of the land appraisal for the property sold by Hayes Riverview Cemetery. Mr. Hayes also advised the Board that this transaction was an "arms-length" transaction. Upon review, Board member William Nichols advised that the appraisal as submitted is not complete. Also, Mr. Nichols questioned how the purchaser of the land was able to take out a \$175,000.00 mortgage on the land purchased when the property was appraised for \$36,000.00 an acre and sold for \$26,000.00 an acre. The Board will request that Mr. Hayes provide the appraisal in its entirety and will also ask for an explanation as to how the purchaser was able to procure a \$175,000.00 mortgage on the property. This matter will be carried over.

D. 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 Cedar Heights Cemetery's M&P Trust Fund. As it has been months since the Board advised the cemetery that labeling of the Trust Fund must be corrected, a motion was made by Marion Brozowski and seconded by Karen Walsh Pappas to authorize DAG John Hugelmeyer to issue a subpoena for a representative of the cemetery to appear before the Board at its May 11, 2006 Board meeting (if there is enough time to serve the subpoena) or the June 8, 2006 Board meeting. This matter will be carried over.

E. Withdrawal of funds from M&P Trust Fund
Re: Stillwater Cemetery (CA #363)

Board Accountant, George Booktor has prepared an analysis of Stillwater Cemetery's Trust Fund for the years 1991-2005 based upon the records made available to him. It appears that the cemetery does not have two separate accounts but rather has been depositing all money into one account. Mr. Booktor's analysis attempts to show the amounts that should have been deposited into a Trust Fund on a yearly basis rather than all monies having been deposited into one account. The Board had some questions regarding this analysis which DAG John Hugelmeyer will address with Mr. Booktor. Based upon DAG Hugelmeyer's discussion, Mr. Booktor will prepare a new analysis. This matter will be carried over.

VI. NEW BUSINESS

A. Bulk Sale Approvals

1. Yedliczer Men's Benevolent Society, Beth Israel Cemetery, (CA #1), Woodbridge, NJ to Congregation Adas Yereim, Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 450 graves for \$115,000.00 (\$255.56 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery.

2. Laurel Grove Cemetery, (CA #30), Totowa, NJ to Mountainside Gospel Church, West Caldwell, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 50 graves for \$52,500.00 (\$1,050.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

3. Laurel Grove Cemetery, (CA #30), Totowa, NJ to Mountainside Gospel Church, West Caldwell, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 150 graves for \$161,250.00 (\$1,075.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

4. Laurel Grove Cemetery, (CA #30), Totowa, NJ to The Moslem Mosque, Inc., Paterson, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 50 graves for \$42,500.00 (\$850.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery

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

Executive Director Dianne L. Tamaroglio approved the bulk sale of 50 graves for \$52,500.00 (\$1050.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Restland Memorial Park.

6. Hollywood Memorial Park, (CA #101), Union, NJ to The American Fujian Houyu Association, Inc., New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 532 graves for \$532,000.00 (\$1000.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Hollywood Memorial Park.

7. Laurel Grove Cemetery, (CA #30), Totowa, NJ to The United Islamic Center, Paterson, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 112 graves for \$89,600.00 (\$800.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

8. Mt. Hebron Cemetery d/b/a Liberty Grove Memorial Gardens, (CA #312), Matawan, NJ to St. Mina Coptic Church, Holmdel, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 64 crypt spaces for \$270,000.00 (\$4218.75 per crypt space). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Mt. Hebron Cemetery.

9. Samuel Tichner Society, Cedar Park Cemetery, (CA #13), Emerson, NJ to Temple Beth Sholom of Fair Lawn, Inc., Fair Lawn, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 196 graves for \$26,250.00 (\$133.93 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Cedar Park Cemetery.

10. Laurel Grove Cemetery (CA #30), Totowa, NJ to the Korean Presbyterian Church of New Jersey, Palisades Park, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 graves for \$110,000.00 (\$1100.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

11. Laurel Grove Cemetery (CA #30), Totowa, NJ to Mountainside Gospel Church, West Caldwell, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 150 graves for \$157,500.00 (\$1050.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove

Cemetery.

12. Laurel Grove Cemetery (CA #30), Totowa, NJ to Ahmadiyya Movement in Islam, Inc., Clifton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 28 graves for \$30,100.00 (\$1075.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

13. Laurel Grove Cemetery (CA #30), Totowa, NJ to Hope Presbyterian Church, Teaneck, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 216 graves for \$237,600.00 (\$1100.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

14. Jersey State Memorial Park, (CA #291), Millstone, NJ to Turkestanian American Association, Boonton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 300 graves for \$150,000.00 (\$500.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Jersey State Memorial Park.

B. Correspondence from William C. Passodelis, Laurel Grove Cemetery

Re: Moving Temporary Entombments to Final Resting Place

William C. Passodelis, CMS Mid-Atlantic, Inc., the Management Company that oversees Laurel Grove Cemetery has written to the Board looking for guidance with the procedures for transferring remains from temporary storage to the final resting place. Mr. Passodelis asks if the signature of the surviving spouse, adult children and the owner of the interment space is necessary. Mr. Passodelis will be advised that in most instances the owner of the temporary space is the cemetery, which would mean that signatures or permission are not necessary. However, what is necessary is that prior to the transfer, the cemetery shall notify in writing the licensed funeral director or funeral establishment that originally supervised the delivery to temporary storage or another licensed funeral director or funeral establishment of the next of kin's choice, and the responsible next of kin as defined by NJSA 45:27-22, at least seven days before the transfer from the temporary storage as per NJAC 13:44J-8.4(e).. If the owner of the temporary space is someone other than the cemetery, then written permission from the owner of the space must be received. This matter is closed and removed from future Board meeting agendas.

C. Inquiry from James Winder, Financial Advisor, Merrill Lynch

Re: Can a cemetery with a concentrated stock position use covered call writing as a strategy to reduce its holdings?

James Winder, Financial Advisor, Merrill Lynch has asked the Board if cemeteries with a concentrated stock position can use covered call writing as a strategy to reduce its holdings. Mr. Winder will be advised that the Board concludes that it appears to be within the general intent of NJAC 13:44J-5.4 to permit cemetery Trust Funds to use stock held by them to cover the writing of calls for the stock held, provided that the exercise price of the calls being written is at least equal to the Trust Fund's cost basis for the subject stock.

VI. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes–February 7, 2006

B. Newspaper/Magazine Articles

The Cemetery Swap

American Cemetery March, 2006

Cremations increase in New Jersey
Herald News April 8, 2006

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

C. Resignation of Stephen F. Hehl, Public Member, New Jersey Cemetery Board

Stephen F. Hehl, Public Member, New Jersey Cemetery Board has resigned his position on the Board effective immediately. Mr. Hehl was a valuable member of the Board and his input will surely be missed.

VII. QUESTIONS from MEMBERS of THE NEW JERSEY CEMETERY ASSOCIATION

Board Chairman Frank J. DeGeeter, Jr. opened the floor to questions from members of the Association regarding provisions of the New Jersey Cemetery Act, 2003 and the Board's regulations. Amongst the matters discussed were guaranteeing of foundations by the cemetery for ten years when the foundations were poured by an entity other than the cemetery and tree removal on cemetery property by municipalities. Judy Welshons, Executive Director, New Jersey Cemetery Association advised that she has been working with the New Jersey State Funeral Directors Association and Legislative Services regarding the certification of crematory operators and was seeking input from the Board. Ms. Welshons was advised that statutorily the State Department of Health & Senior Services has jurisdiction over crematories; however, the Department has never promulgated regulations to conform to its statute. Also, the Department of Environment Protection has some authority over crematories with regard to emissions. Ms. Welshons thought perhaps the certifying of crematory operators would be better suited under the jurisdiction of the New Jersey Cemetery Board. Ms. Welshon was advised that to do this would take a legislative change giving the authority to the Board. Cemetery Board member Karen Walsh Pappas, Department of Health designee, advised Ms. Welshons to e-mail her with the particulars regarding the certifying of crematory operators and she would then seek advise from the legal services of the Department of Health. There was much worthwhile discussion and interaction between the members of the Cemetery Association and the members of the Cemetery Board during this portion of the meeting.

VIII. 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 April 26, 2006 Public Meeting was adjourned at 4:35 PM.

Sincerely,

Dianne L. Tamaroglio
Executive Director