

**New Jersey Cemetery Board
Public Session Minutes
May 13, 2004**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J., on the sixth floor, on Thursday, May 13, 2004. 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 9:35 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 left at 12:00 PM
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 and Deputy Attorney General John Hugelmeyer.

I. PUBLIC COMMENT

Leonard R. Auerbach, General Manager, Floral Park Cemetery has made the suggestion that the Public Comment section be held a little later during Public Session to allow time for members of the Public who may want to speak but are a little late due to being held up in traffic. Mr. Auerbach's suggestion will be taken into consideration.

II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MARCH 31, 2004

A motion was made by William Nichols and seconded by June Nikola to approve the Committee recommendation from the April 8, 2004 Committee meeting to approve the Public Session Minutes of March 31, 2004 as amended. A vote was taken and the motion was carried by a unanimous vote.

III. APPROVAL OF PUBLIC SESSION COMMITTEE MEETING MINUTES OF APRIL 8, 2004

A motion was made by William Nichols and seconded by Marion Brozowski to approve the Public Session Committee Minutes of April 8, 2004 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)

George Watson, Sr., former President of Greenwood Cemetery has provided the Board with a copy of a letter that he has sent to Mayor Raymond Coles, Mayor of Lakewood, requesting that the Township consider donating to the cemetery a portion of land that is adjacent to the cemetery for future burial space. Mr. Watson also advises that the extra land would also compensate for the loss of a portion of land taken from the cemetery by the County of Ocean. Mr. Watson has also provided the Board with a copy of a newspaper article from a local newspaper that advises that Mr. Watson has been negotiating with the County for replacement of the fence at Greenwood Cemetery that was taken down by County workers as part of the condemnation of the property as well as the amount of money the County will be reimbursing the cemetery for the property.

B. Concern regarding a retaining wall
Re: Beth David Cemetery (CA #308)

Sanford B. Epstein has advised the Board that the retaining wall at Beth David Memorial Park has been fixed with piping and railroad ties and the fence between the cemetery and the golf course has been repaired and replaced. The Board will thank Mr. Epstein for taking care of this problem. This matter is now closed and removed from future Board meeting agendas.

C. Requesting approval for credit taken on Maintenance & Preservation Trust Fund
Re: Heavenly Rest Memorial Park (CA #304)

The Board has not yet received confirmation that Heavenly Rest Memorial Park's Maintenance & Preservation Trust Fund has been placed in an Irrevocable Trust Fund. John P. Schmergel, Heavenly Rest Memorial Park will be asked to appear before the Board at its June 10, 2004 Board meeting to discuss this matter. This matter will be carried over.

D. Request for approval of amended easement agreement
Re: Hillside Cemetery Company (CA #398)

The Board has not yet received a response from D.F. Moore Craig, attorney representing Hillside Cemetery regarding an update on the status of the litigation involving the easement. The Board will request that Mr. Craig appear before the Board at its June 10, 2004 Board meeting to discuss this matter. This matter will be carried over.

E. Requesting Board approval for sale of cemetery property
Re: Eglington Cemetery (CA #98)

DAG John Hugelmeyer has spoken with Peter Platten, attorney for Eglington Cemetery & Gates of Heaven Cemetery regarding the deposit into Gates of Heaven's Maintenance & Preservation Trust Fund for the small piece of property that is part of the land sale. Mr. Platten has advised that the cemetery has agreed to deposit \$16,000.00 into the cemetery's Trust Fund without a Provisional Order being issued by the Board in addition to the replacement of a fence and other embellishments. A motion was made by Steven F. Hehl and seconded by June Nikola to have a Consent Order issued to the cemetery incorporating the above and to approve the sale of lot #3. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

F. Inquiry regarding the cremation of non-Catholics
Re: Holy Cross Burial Park, East Brunswick, NJ

A letter will be sent to Russell B. Demkovitz, Director, Diocese of Metuchen advising that if the crematory is owned and operated by the cemetery, and accepts the remains of human beings who are not members of the Catholic religion or their families, for cremation, the cemetery must apply for a Certificate of Authority from the Board, because cremation has long been recognized as a final disposition of human remains. Further, the

postulated separate corporation formed for the purpose of owning and operating a crematory on cemetery property would have to obtain a Certificate of Authority. The cremated human remains could not be buried or inurned on the cemetery's property without triggering a requirement for the establishment of a Maintenance & Preservation Trust Fund by the CA cemetery, overseen by the Board, to receive supplemental contributions for each burial or inurnment. Mr. Demkovitz will also be advised that there appears to be no statutory requirement for Holy Cross Burial Park to lose its exclusion from the definition of a "Cemetery Company", due only to the presence on its property of a stand alone crematory owned and operated by a separate "Cemetery Company", holding a Certificate of Authority. The crematory, by definition would be a cemetery within a cemetery, having its own CA to cremate human remains without restriction as to religion. It would be located on dedicated cemetery property, even though the dedicated cemetery property is controlled by a religious organization. An application for a Certificate of Authority and the requirements necessary to obtain a CA from the Board will be sent to Mr. Demkovitz. This matter will be carried over.

G. Inquiry from Thomas E. Stover, Esquire

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

A follow up letter will be forwarded to Thomas E. Stover, Esquire regarding the possibility of the municipality taking over Mt. Hebron Cemetery Association. Also, as the cemetery buries outside of the faith an application for a Certificate of Authority along with the requirements necessary to obtain a Certificate of Authority from the Board will be sent to Mr. Stover in the event that the municipality does not choose to take over the cemetery. This matter will be carried over.

H. Application for a Certificate of Authority

Re: Zion Cemetery Association

Marge Rockelman, Treasurer of Zion Cemetery Association, had advised the Board that the independent contractor made mention to in the cemetery's By-Laws will become a member of the cemetery's Board at its 2004 Annual meeting. Ms. Rockelman has also advised that at the time of the cemetery's incorporation, it was recorded in Mayslanding, Atlantic County. At the time of the cemetery's application to the Board for a Certificate of Authority, the cemetery advised that it has a Maintenance and Preservation Fund but it is not held in a Trust Account. The Board will advise Ms. Rockelman that its Maintenance & Preservation Fund must be placed in an Irrevocable Trust Fund, in the name of the cemetery before a CA will be issued. A motion was made by Marion Brozowski and seconded by William Nichols is issue Certificate of Authority No. 405 upon receipt of confirmation of the establishment of Zion Cemetery's Maintenance & Preservation Trust Fund. This matter will be carried over.

I. 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 carried over.

J. Request for waiver of \$75.00 Filing Fee for Annual Report

Re: Unionville Cemetery Association (CA #321)

At the Committee meeting of April 8, 2004, the Committee recommended that the Board grant a waiver of the \$75.00 filing fee for fiscal year 2003 to Unionville Cemetery Association based upon the financial condition of the cemetery. A motion was made by Marion Brozowski and seconded by June Nikola to approve the Committee's recommendation. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

K. Inquiry regarding Maintenance & Preservation Trust Funds

Re: Smith Barney

This matter will be held over pending a response from the New Jersey Department of Banking.

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

Elizabeth E.W. Henninger, Recording Secretary, Titusville United Methodist Cemetery has written to the Board regarding the cemetery's possible exemption from New Jersey Cemetery Law as the cemetery is a religious cemetery. It appears that in 1972, someone from the church, filed the cemetery with the Cemetery Board as a Cemetery Company in error. The cemetery only buries members of the church and their families. In 1997, the cemetery wrote to the Board regarding the same matter. The Board at that time wrote back to the cemetery outlining the steps necessary to dissolve the Cemetery Company. Titusville Cemetery never followed through at that time. Ms. Henninger has advised that the Board of Trustees will begin working on the documents needed and hope to have this completed by the end of the summer. This matter will be carried over.

M. Requesting interpretation of New Jersey Cemetery Act, 2003
Re: Stanhope Cemetery (CA #178)

This matter will be held over pending a response from Paul Fiorello to the Board's inquiry.

N. Looking for assistance in restoring a forgotten cemetery
Re: Historic Speer Cemetery

Bernard E. Stoecklein, Jr., Friends of Rural Cemeteries, has provided the Board with an update on the activities at Speer Cemetery, Jersey City, NJ. Some of the town's officials have shown an interest in taking responsibility for the cemetery. On Saturday, April 24, 2004, employees from the City performed a much needed clean up at the cemetery and the cemetery immediately took on a better appearance. On April 29th, Mr. Stoecklein met with Artie Sutcliff from Jersey City and Dr. Clifford Walman from the Friends of Vorst Park who are interested in the preservation and care of the Speer Cemetery. The three agreed that further attention to the cemetery would be handled by the City in coming weeks and months. They also agreed to meet with others to discuss the formation of a committee of interested persons to develop a more formal plan toward the long term care and preservation of Speer Cemetery. The attention expressed about the Speer Cemetery has encouraged City officials to set aside \$25,000.00 from a tax abatement for specific improvements at the cemetery. Mr. Stoecklein will update the Board on the progress being made at Speer Cemetery.

V. NEW BUSINESS

A. Application for a Cemetery Salesperson's License
Re: Results of Criminal History Background Check

Michael Gardiner
Marlboro Memorial Inc.

Michael Gardiner's application for a Cemetery Salesperson's License for Marlboro Memorial Inc., was reviewed at the Committee meeting of April 8, 2004 in Executive Session and was brought to today's Public Session for a vote as to whether or not a Cemetery Salesperson's License should be issued to Mr. Gardiner. A motion was made by Marion Brozowski and seconded by Stephen F. Hehl to issue a Cemetery Salesperson's License to Michael Gardiner for Marlboro Memorial Inc. A vote was taken and the motion was passed by a unanimous vote.

Peter M. Muench
Restland Memorial Park (CA #117)

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

Peter M. Muench's application for a Cemetery Salesperson's License for Restland Memorial Park was reviewed at the Committee meeting of April 8, 2004 in Executive Session and was brought to today's Public Session for a vote as to whether or not a Cemetery Salesperson's License should be issued to Mr. Muench. A motion was made

by Marion Brozowski and seconded by Stephen F. Hehl to issue a Cemetery Salesperson's License to Peter M. Muench for Restland Memorial Park. A vote was taken and the motion was passed by a unanimous vote.

Eversley R. Sifontes
Hollywood Memorial Park (CA #101)

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

Eversley R. Sifontes' application for a Cemetery Salesperson's License was reviewed by the Board in today's Executive Session and was brought to Public Session for a vote as to whether or not a Cemetery Salesperson's License should be issued to Mr. Sifontes. A motion was made by William Nichols and seconded by Marion Brozowski to issue a Cemetery Salesperson's License to Eversley R. Sifontes for Hollywood Memorial Park. A vote was taken and the motion was passed by a unanimous vote.

B. Request for waiver of \$75.00 Filing Fee for Annual Report
Re: Workmen's Circle Branch #95 (CA #386)

Ira Dunst, President, Workmen's Circle Branch #95 Cemetery has requested from the Board that the \$75.00 filing fee for the 2003 Annual Report be waived as the cemetery's Maintenance & Preservation Trust Fund has no balance. A motion was made by Marion Brozowski and seconded by June Nikola to waive the \$75.00 filing fee for the 2003 Annual Report for Workmen's Circle Branch #95. A vote was taken and the motion was passed by a unanimous vote.

C. Approval of Bulk Sales

1. Laurel Grove Cemetery Association (CA #30), Totowa, NJ to
Jam-e Masjid Islamic Center, Inc., (the Islamic Center), Boonton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 160 graves for \$136,000.00 (\$850.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery Association.

2. Laurel Grove Cemetery Association (CA #30), Totowa, NJ to
Jam-e Masjid Islamic Center, Inc. (the Islamic Center), Boonton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 40 graves for \$40,000.00 (\$1000.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery Association.

3. Laurel Grove Cemetery Association, (CA #30), Totowa, NJ to
Jam-e Masjid Islamic Center, Inc., (the Islamic Center), Boonton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 43 graves for \$34,400.00 (\$800.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

4. Laurel Grove Cemetery Association, (CA#30), Totowa, NJ to
Korean Presbyterian Church of Hackensack, NJ Phase 1

Executive Director Dianne L. Tamaroglio approved the bulk sale of 25 graves for \$22,500.00 (\$900.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

5. Laurel Grove Cemetery Association, (CA #30), Totowa, NJ to Korean Presbyterian Church of Hackensack, NJ
Phase 11

Executive Director Dianne L. Tamaroglio approved the bulk sale of 25 graves for \$22,500.00 (\$900.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

6. Jersey State Memorial Park, (CA #291), Jersey City, NJ to Darul Islah, Teaneck, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 544 graves for \$136,000.00 (\$250.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Jersey State Memorial Park.

7. Jersey State Memorial Park, (CA #291), Jersey City, NJ to United American Muslim Association of NY, Inc., Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 400 graves for \$100,000.00 (\$250.00 per grave). The required amount will be deposited into the Maintenance and Preservation Trust Fund of Jersey State Memorial Park.

8. Jersey State Memorial Park, (CA #291), Jersey City, NJ to Muslim Center of Middlesex County, Piscataway, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 500 graves for \$125,000.00 (\$250.00 per grave). The required amount will be deposited into the Maintenance and Preservation Trust Fund of Jersey State Memorial Park.

9. Jersey State Memorial Park (CA #291), Jersey City, NJ to Islamic Society of Monmouth County, Middletown, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 94 graves for \$23,500.00 (\$250.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Jersey State Memorial Park.

10. Hollywood Memorial Park, (CA #101), Union, NJ to Fukien Shou Shan Association, Inc., New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 260 graves for \$240,000.00 (\$923.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Hollywood Memorial Park.

11. Laurel Grove Cemetery Company, (CA #30), Totowa, NJ to Love Christian Reformed Church, Clifton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 20 graves for \$18,000.00 (\$900.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery Company.

D. Inquiry from Consumer Martin Goldstein
Re: Cedar Park Cemetery (CA #13)

Consumer Martin Goldstein has written to the Board questioning the fees charged by Cedar Park Cemetery for the services it provides. Mr. Goldstein will be advised the Board does not have the authority to set service fees charged by the cemeteries under the Board's jurisdiction. A review of the section of the cemetery's price list provided by Mr. Goldstein raised some questions by some of the Board members. Herbert B. Klapper, President, Cedar Park Cemetery will be asked to address the Board's concerns. This matter will be carried over.

E. Inquiry from Patti Mangano Gazsi

Re: Ownership of graves

Consumer Patti Mangano Gazsi has written to the Board regarding ownership of graves. Ms. Gazsi's great-grandfather purchased 8 plots in Oak Grove Cemetery in 1937. Her great grandparents and her father and step-mother are buried in four of the plots. Ms. Mangano Gazsi claims that her step mother had signed over the remaining plots to her children. Ms. Mangano Gazsi and her brother want the plots turned back to them as they believe they are the rightful owner of the graves in question. The Board will advise Ms. Mangano Gazsi that she and her brother should consult with an attorney who is knowledgeable in cemetery law. She may want to contact the New Jersey Cemetery Association who can advise her of attorneys who are versed in cemetery law. This matter is closed and removed from future Board meeting agendas.

F. Requesting 3 month extension of time in filing of Annual Report
Re: Oheb Sholom Cemetery Association (CA #136)

Robert A. Sochor, Secretary for Oheb Sholom Cemetery Association has written to the Board to request a 3 month extension of time to file the cemetery's 2003 Annual Report. A motion was made by June Nikola and seconded by Paul M. Desbiens to grant a 30 Day extension to the cemetery for filing of its 2003 Annual Report. 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. Inquiry from Shamong Township
Establishment of a municipal cemetery

L.E. Heinold, Shamong Township Administrator has written to the Board advising that Shamong Township is considering the establishment of a municipal cemetery. The Township owns six acres at the municipal complex and about three acres could be used for cemetery purposes. The zoning and Pinelands Comprehensive Management Plan permits cemeteries in that location. Mr. Heinold is asking for the requirements and steps to obtain State approval for a municipal cemetery. The Board will advise Mr. Heinold that pursuant to N.J.S.A.45:27-6, Shamong Township is not required to obtain a Certificate of Authority or other approval from the Cemetery Board to operate a municipal cemetery. However, if the Township so desired it may apply to the Board for a Certificate of Authority. The Township should be aware of, and comply with the provisions of Title 26 regarding the disposal of human bodies. This matter is closed and removed from future Board meeting agendas.

H. Concern for cemetery in the future
Re: The Rosemount Cemetery (CA #179)

Joyce Opdyke, Secretary for The Rosemont Cemetery has written to the Board advising that Board of Directors is questioning what would happen to the cemetery if the Directors were no longer able to maintain the cemetery. Ms. Opdyke will be advised that the Board of Directors needs to plan for the future of the cemetery by recruiting some younger trustees. One way of trying to recruit new Directors would be by looking into who the plots owners are; many are probably deceased now and perhaps their heirs may be interested in taking over. Also, the cemetery could conduct an Annual Meeting and express the concerns about the future of the cemetery. When advertising the meeting the cemetery might want to make mention of the fact that the current Board of Directors is looking for new recruits to take over as the Directors of the cemetery for the future. This matter is closed and removed from future Board meeting agendas.

VI. FOR YOUR INFORMATION

A. Notice of Motion

Re: State of New Jersey, by the Commissioner of Transportation vs.
The Cemetery Association of Somerville, (CA #106), a Corporation of New Jersey, et al.
Docket No. SOM-L-2244-96

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

B. Notice of Motion Returnable

Re: State of New Jersey, by the Commissioner of Transportation vs.

The Cemetery Association of Somerville, (CA #106), a Corporation of New Jersey, et al.

Docket No. SOM-L-2244-96

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

C. New Jersey State Board of Mortuary Science

Open Session Meeting Agenda-May 4, 2004

Open Session Meeting Agenda-April 13, 2004

Open Session Meeting Agenda-February 3, 2004

Open Session Meeting Agenda-January 6, 2004

Open Session Meeting Minutes-January 6, 2004

Open Session Meeting Minutes-February 3, 2004

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

D. Correspondence from Sanford Epstein to Senator Ronald Rice

Re: Woodland Cemetery (CA #49)

Sanford Epstein has forwarded to the Board a copy of a letter he has sent to Senator Ronald Rice regarding Woodland Cemetery. Mr. Sanford is asking Senator Rice if there might be some type of funding available to Woodland Cemetery for a new fence and also have some of the debris removed. Mr. Sanford has even brought up this idea of having Woodland Cemetery pronounced a Historical Site. The Board will thank Mr. Sanford for his interest and efforts regarding the well being of Woodland Cemetery. This matter is closed and removed from future Board meeting agendas.

E. Novia Scotia government proposes law to get bodies out of shed and into graves

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

F. Magazine Article

Irwin Shipper Inducted Into ICFA Hall of Fame-American Cemetery

Former New Jersey Cemetery Board Chairman, Irwin Shipper has received the International Cemetery and Funeral Association's Hall of Fame Award for his 55 years of service to the death care industry. A congratulatory note was sent to Mr. Shipper from the Board.

G. Newspaper article

Family fed up with cemetery for eight years.

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

VII. ADJOURNMENT

A motion was made by Pail M. Desbiens and seconded by Marion Brozowski to adjourn Public Session at 11:50

AM and move into Executive Session at 12:15 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, violations, and/or the Board's regulations:

1. Three (3) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.
2. Twenty six (26) 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