

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**JUNE 8, 2006**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, June 8, 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 9:40 A.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

Also in attendance were: Dianne L. Tamaroglio, Executive Director, New Jersey Cemetery Board; Deputy Attorney General John Hugelmeyer; and Jonathan Eisenmenger, Assistant to William Mandeville, Managing Executive Director, Division of Consumer Affairs.

**I. APPROVAL of PUBLIC SESSION MEETING MINUTES of APRIL 26, 2006**

A motion was made by Lawrence Colasurdo and seconded by June Nikola to approve the Public Session Minutes of April 26, 2006 as corrected. A vote was taken and the motion was approved by a unanimous vote.

**II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MAY 11, 2006**

A motion was made by William Nichols and seconded by Marion Brozowski to approve the Public Session Minutes of May 11, 2006 as amended. A vote was taken and the motion was approved by a unanimous vote.

**III. OLD BUSINESS**

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

Bernard Stoecklein, President, Friends of Rural Cemeteries has advised the Board that the County of Ocean is moving very slowly with regard to the amount of compensation to be paid to Greenwood Cemetery by the County for a portion of its property. Mr. Stoecklein and the appraiser for the County will be meeting to discuss the valuation methods used. Mr. Stoecklein is hopeful that this meeting will settle this matter. This matter will be carried over.

B. Cemetery and assets absorbed by new entity  
Re: Tri County Lodge #182 Knights of Pythias (CA #367)

Sheldon Gould has advised the Board office that he is working on the paperwork from the State to legally change the name of the cemetery. He is also working on establishing the Trust Fund for the cemetery. This matter will be carried over.

C. Cemetery believes it has an exemption from paying \$75.00 Filing Fee for Annual Reports

Re: Hayes Riverview Cemetery (CA #265)

The Board has not yet received the full appraisal for the land previously sold by the cemetery nor has it received the requested explanation of how the purchaser of the property was able to take out a large mortgage (\$152,000.00) on the cemetery property it purchased that was appraised at a low value. A follow up letter will be sent to Joseph M. Hayes, attorney representing the cemetery. This matter will be carried over.

D. Application for a Certificate of Authority

Mahwah Cemetery

Stafford Township Historical Society, Inc.

Letters have been sent to both Mahwah Cemetery and Stafford Township Historical Society asking both for the status of the requested documentation necessary to receive a Certificate of Authority. This matter will be held over.

E. Cedar Heights Cemetery (CA #263)

Re: Withdrawal of \$4,786. from Trust Fund

A subpoena was issued for the appearance of Dennis DeMarco, President, Cedar Heights Cemetery for his appearance at today's Board meeting. Upon receipt of the subpoena, Lawrence May, CPA advised the Board office that the cemetery is in the process of having the name of the Trust Fund changed and asked for a postponement of Mr. DeMarco's appearance. The Board postponed his appearance to the July 13, 2006 Board meeting pending receipt of the documentation showing the name change for the cemetery's Trust Fund. This matter will be carried over.

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

Pennington African Cemetery (CA #382)

A subpoena was issued for the appearance of Angela Witcher's appearance at the July 13, 2006 Board meeting for questioning regarding her involvement with Pennington African Cemetery. Upon receipt of the subpoena, DAG John Hugelmeyer received a voice mail message from Angela Witcher advising that she would like someone to give her a phone call to give her more information regarding her appearance before the Board. A phone call will be made to Ms. Witcher. This matter will be carried over.

Deckertown Union Memorial Park Cemetery (CA #155)

This matter will be carried over at the request of Board Chairman Frank J. DeGeeter, Jr. as he is trying to make contact with Albert Dunn, who the Board has been advised is taking over the operations of the cemetery.

Perrinville Cemetery (CA #41)

The Board has not received any further Annual Reports from Ruth Briggs. A letter will be sent to Ms. Briggs reminding her that there are still outstanding Annual Reports for the cemetery. This matter will be carried over.

Salem Cemetery (CA #276)

This matter will be held over pending receipt of a response from Russell H. Ahlquist, as to the status of Ms. Patillo's health. Mr. Ahlquist is the individual who previously advised the Board that Geraldine Patillo had been in a car accident and was unable to appear before the Board or work on completing the cemetery's delinquent Annual Reports.

New Asbury Meeting House Cemetery (CA #349)

This matter will be held over at the request of Judy Welshons, Executive Director, New Jersey Cemetery Association.

Odd Fellows Cemetery (CA #330)

DAG John Hugelmeyer has received a voice mail message from Doris Moore's son who advised that she has passed away. A phone call will be made to Mr. Moore regarding the situation with the cemetery. This matter will be carried over.

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

This matter will be held over pending confirmation of the establishment of the cemetery's Trust Fund.

H. Application for the approval of lease of non-dedicated cemetery property  
Re: Barnegat Memorial Cemetery Association (CA #139)

Deborah A. Spettel, Secretary, Barnegat Memorial Cemetery has advised the Board that the lease of a portion of the cemetery property to Sprint, L.P. has not yet been consummated as Sprint is still in the process of obtaining local approvals to construct the cell tower. This matter will be carried over.

I. Delinquent in filing Annual Reports since 1998  
Re: Mount Zion Cemetery (CA #206)

A letter has been sent to the Pastor of Mount Zion United Methodist Church asking why the church has abandoned the cemetery and if the cemetery buries only those of its faith or does it also bury those outside of the faith. This matter will be held over pending a response.

J. Fiscal Year 2006 Budget Report (1st half)

At the request of the Board, Darlene Kane, Budget Officer met with the Board today to discuss the Board's financial picture. Upon review of the budget at the May 11, 2006 Board meeting, the Board was under the impression that it had excess funds in the budget. However, Ms. Kane did a thorough analysis of the Board's expenditures and the revenue it brings in and advised the Board that if costs increase as expected, primarily due to inflation and the revenues remain at the same level, the Board will be operating at a deficit level by the end of Fiscal Year 2008. It may therefore be necessary to increase fees in order to relieve the projected deficit. The Fiscal department of the Division of Consumer Affairs will monitor this situation closely. This matter is closed and removed from future Board meeting agendas.

K. Possible condemnation of a portion of cemetery property  
Re: Monmouth Memorial Park (CA #78)

This matter will be held over pending receipt of more information regarding this possible condemnation from Robert Lee Hefter, President, Monmouth Memorial Park.

L. Cemetery has taken a credit for an overpayment to its M&P in 2004  
Re: East Berlin Cemetery (CA #297)

This matter will be held over pending receipt of a response from the cemetery to questions asked by the Board regarding the cemetery's Trust Fund.

M. Readington Cemetery Association (CA #087)  
Re: Dissolved or not

Donald K. Moore, Esquire has advised the Board that Readington Cemetery is unable to locate its original

Certificate of Authority. With regard to the cemetery's Maintenance & Preservation Trust Fund, Mr. Moore advises that the Funds are in a separate account with the Readington Reformed Church and maintained by the cemetery committee to assure the upkeep and maintenance of the cemetery. This matter is now closed and removed from future Board meeting agendas.

N. Application for sale of a portion of cemetery property

Re: Osborneville Cemetery Association to Scott Builders of USA, Inc. (CA #345)

Board Vice Chairman Marion Brozowski conducted an on site inspection of Osborneville Cemetery. Ms. Brozowski advised that the cemetery is very small, probably not over an acre in size. By inspecting dates on monuments, it appears there are not more than 2 or 3 burials take place every year at the cemetery. There is no signage identifying the cemetery. On the appraisal of the property previously submitted to the Board, Kettlecreek Cemetery is referenced throughout, not Osborneville; the Board will ask for an explanation of this. The Board will also ask if Osborneville Cemetery Association is connected to the Osborneville Baptist Church. It appears that the cemetery has not filed Annual Reports since 1999. The cemetery will be advised the reports must be filed prior to the Board granting approval for the land sale. This matter will be carried over.

O. Cemetery ignores letters from Board office

Re: Good Luck Improvement Association (CA #59)

The Board had subpoenaed Elizabeth Price, Treasurer, Good Luck Improvement Association to appear before the Board for questioning regarding the cemetery's Annual Reports. The reports are up to date, but there have been discrepancies in the reports for many years. The cemetery has ignored letters and phone calls from the Board regarding the reports. Michael Cort, the cemetery's Accountant has advised the Board office that Ms. Price is very old and is dying and that may be why letters have been ignored. Mr. Cort will meet with George Booktor, Board Accountant to see where errors have been made in the reports and correct them. Mr. Cort also advised that a new Treasurer has taken over and he will work with her in getting the reports filed correctly. This matter is closed and removed from future Board meeting agendas.

P. Update on status of Evergreen Cemetery (CA #72) from Louis Cicalese, Receiver

Louis Cicalese, Receiver, Evergreen Cemetery has provided the Board with an update on his accomplishments at the cemetery. Mr. Cicalese advises that with the assistance of DAG John Hugelmeyer the cemetery has collected the balance of \$14,000.00 due on Norman Brewer's Consent Judgment and has deposited the money in the cemetery's M&P Trust Fund, thereby closing the matter. Mr. Cicalese has had the cemetery roads paved at no cost to the cemetery and had a dedication ceremony of the roads attended by County Freeholders, City Council members, clergy and other dignitaries. The City of Camden recognized Mr. Cicalese by presenting him with a Certificate of Appreciation. Mr. Cicalese advises that the number of complaints from families has been reduced substantially over the last year and the Trust Fund is growing in value due to smart investments being made. Mr. Cicalese does not plan to request compensation for the time he puts into Evergreen Cemetery. A letter will be forwarded to Mr. Cicalese commending him on his hard work and accomplishments he is reaching at Evergreen Cemetery.

Q. Requesting a waiver of \$75.00 Annual Report Filing Fee

Re: The Presbyterian Church (CA #208)

Previously, the Board waived \$75.00 Annual Report Filing Fee for The Presbyterian Church Cemetery due to the very poor financial condition of the cemetery (the cemetery recently sold a grave for the first time since 1940). The Board asked the cemetery if there are any persons outside of the church's faith who would still have the right to burial in the cemetery; the reason for asking this was that the Board thought perhaps the cemetery could relinquish its Certificate of Authority. Pastor John T. Ash, III has advised the Board that there are still people who have the right to be buried in plots purchased by family members and since graves were sold to people who were both Presbyterians and non-Presbyterians, future burials may or may not be Presbyterians. With that being said, the cemetery will have to retain its Certificate of Authority. Pastor Ash also provided the Board with confirmation that \$95.00 that was inadvertently not deposited into the Trust Fund has now been deposited. This matter is closed

and removed from future Board meeting agendas.

#### **IV. NEW BUSINESS**

##### **A. Request for comment**

Re: Assembly, No. 2976

Assembly, No. 2976 provides mandatory fines, restitution and community service for theft of headstones, headstone markers, flags or flag holders from grave sites. The Board felt a distinction should be made in the bill between general maintenance of a cemetery to remove flags as required by the Veteran's Association as opposed to vandals removing them. Under 4e(1), something should be stated to include that cemeteries can remove flags as per their specific regulations. Also, the Board questions how do you equate the theft of flags to that of a headstone and/or markers for the purposes of mandatory penalty. Also, the Board believes bronze vases should be added to the list.

Assembly, No. 3016

Assembly, No. 3016 imposes criminal penalties for certain action concerning disposition of decedent's body parts. A motion was made by Marion Brozowski and seconded by William Nichols that the Board not comment on this Bill. A vote was taken and the motion was passed by a unanimous vote.

##### **B. Application for dissolution of cemetery company**

Re: North Branch Cemetery Association (CA #131)

In December, 2004, the North Branch Cemetery Association wrote to the Board requesting permission to rescind its Certificate of Authority. At that time, the cemetery was provided with the regulation that outlines the documentation to be provided to the Board for the cemetery company's dissolution. James R. Houston, Jr., Trustee for the cemetery has provided the Board with the necessary documentation. Upon review of the documentation a motion was made by William Nichols and seconded by Marion Brozowski to approve the dissolution of Certificate of Authority No. 131. A vote was taken and the motion was approved by a unanimous vote. The cemetery will be asked to return its original Certificate of Authority to the Board office and will be advised that the Maintenance & Preservation Trust Fund must be held in a separate account for the benefit of maintenance of the cemetery. This matter will be held over pending receipt of the C/A.

##### **C. Requesting extension for filing of Annual Report**

Cedar Hill Cemetery Association (CA #84)

Eric M. Whelan, CPA has requested a two month extension for the filing of Cedar Hill Cemetery Association's 2005 Annual Report. A motion was made by Marion Brozowski and seconded by Lawrence Colasurdo to grant the two month extension. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

Lawnside Cemetery (CA #89)

Diane W. Gregory, Manager, Lawnside Cemetery Association has requested an extension until June 30, 2006 to file the cemetery's 2005 Annual Report. A motion was made by Lawrence Colasurdo and seconded by Marion Brozowski to grant the requested extension. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

##### **D. Correspondence from Richard D. Braverman, President, Princeton Memorial Park (CA #134)**

Richard D. Braverman, President, Princeton Memorial Park has written to the Board advising that the cemetery has just completed an addition to a second mausoleum and he is waiting for the Certificate of Occupancy. Mr. Braverman asks when is it appropriate to transfer those who have been temporarily entombed to their final resting

place. Mr. Braverman also advises that a Trust Fund was established for the initial phase of the mausoleum and asks what has to be done now for the second phase. Mr. Braverman will be advised that a separate Trust Fund does not have to be established for the second phase. However, 10% of the total cost of the phase, walkways, architect fees, building permit fees, landscaping, installation of utility lines and internal furnishings must be deposited into the already established Fund before any entombments can take place. Once this has been done and the Certificate of Occupancy has been received the transfers may take place.

Mr. Braverman also wrote to the Board advising that the cemetery is running out of land and he would like to enlarge it. The cemetery had contracted to purchase 16-17 acres adjoining acres from the Diocese of Trenton. Mr. Braverman was preparing to apply to the Board for approval of the purchase when he met with the Mayor of Washington Township who advised that the township wanted it themselves for more soccer fields. Mr. Braverman is looking to the Board for guidance in how to proceed to counteract the Township. Mr. Braverman will be advised that the Board cannot offer legal advise to him and he will have to contact the cemetery's legal counsel for guidance.

#### E. Seeking guidance in establishment of Columbarium

Re: Evergreen Cemetery Association, Incorporated (CA #365)

Robert Czaskos, President, Evergreen Cemetery Association, Incorporated has written to the Board advising that the cemetery has contracted to have a patio area created to accommodate up to 4 columbariums, each of which would hold 48 niches. Mr. Czaskos asks what the obligations to the Board are with regard to this project. Mr. Czaskos will be advised that a separate Trust Fund does not have to be established for the columbarium, however, 10% of the sales price of each niche sold must be placed in the cemetery's Maintenance & Preservation Trust Fund. The only other requirement is that the map of the cemetery must be amended and then filed with the Board office. This matter is closed and removed from future Board meeting agendas.

#### F. Approval of Bulk Sale

1. Laurel Grove Cemetery, (CA #30), Totowa, NJ to The True Light Presbyterians Church, Inc., Leonia, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 200 graves for \$140,000.00 (\$700.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

### **V. PUBLIC COMMENT**

Leonard Auerbach, General Manager, Floral Park Cemetery, Washington Cemetery Management Company, & Oaklawn Memorial Park made the suggestion that many of the smaller cemeteries may want to enlist the aid of local Boy Scouts to assist with projects around the cemeteries. Mr. Auerbach also advised that zoysia grass is a good grass to put down in cemeteries where an irrigation system may not be feasible; it is good sturdy grass that can survive the extreme weather of summer and does not require as much mowing as other grasses do.

### **VI. FOR YOUR INFORMATION**

#### A. Newspaper advertisement

Aerial Ash Scattering

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

### **VII. ADJOURNMENT**

A motion was made by Lawrence Colasurdo and seconded by Paul M. Desbiens to adjourn Public Session at 12:00 PM and move into Executive Session at 12:35 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. Two (2) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions.
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.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director