

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
JUNE 14, 2007

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, June 14, 2007. 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 on September 21, 2006 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 Chairperson Marion Brozowski called the meeting to order at 9:35 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski Present
Lawrence Colasurdo Absent
Frank J. DeGeeter, Jr. Present
Paul M. Desbiens Present
Waheed Khalid Present
June Nikola Present
William Nichols Present
Genevieve Raganelli Present Arrived at 10:10 AM

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

II. APPROVAL OF PUBLIC SESSION MINUTES OF MAY 10, 2007

A motion was made by June Nikola and seconded by Paul M. Desbiens to approve the Public Session Meeting Minutes of May 10, 2007 as amended. A vote was taken and the motion was passed by a unanimous vote.

III. APPEARANCE CHUCK MANNING, REGULATORY ANALYST 10:00 AM

Re: NJAC 13:44J-2.1 & 13.7, Definitions & Application for for-profit management certificate of authority

The Board reviewed with Regulatory Analyst Chuck Manning, proposed new rule, NJAC13:44J-2.1 & 13.7, Definitions & Application for for-profit management certificate of authority. Upon review suggested changes were made by the Board. Mr. Manning will work on these changes and bring back to the July 12, 2007 Board meeting for review.

NJAC 13:44J-8.4 & 14.3, Pre-Construction Sales of Mausoleum Space

June Nikola was recused from this matter and moved away from the table.

At the April 12, 2007 Board meeting, due to a lack of a quorum, the Committee reviewed with Regulatory Analyst Chuck Manning comments received to the Board's proposed amended rule, NJAC13:44J-8.4 & new rule NJAC13:44J-14.3, Pre-Construction Sales of Mausoleum Space. Upon review and discussion by the full Board, a motion was made by Frank J. DeGeeter, Jr. and seconded by Paul M. Desbiens to adopt these regulations. A vote was taken and the motion was approved by a unanimous vote. Mr. Manning will prepare the prefatory language for publication in a future New Jersey Register.

IV. OLD BUSINESS

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

Deckertown Union Memorial Park Cemetery (CA #155)

Executive Director Dianne L. Tamaroglio has spoken with Ed Vanderberg, President, Deckertown Union Memorial Cemetery. Mr. Vanderberg advises that he is trying to keep up with getting the cemetery in order, trying to make it appealing to prospective purchasers of grave sites. He also advised that he has not yet attempted to put together the cemetery's Annual Reports but promised he would be working on them in the near future. This matter will be carried over.

Perrineville Cemetery (CA #41)

Ruth Briggs has filed with the Board office Perrineville Cemetery's Annual Reports up to an including Fiscal Year 2004. This matter will be carried over.

Salem Evergreen Cemetery (CA #276)

Russell Ahlquist, Accountant for Salem Evergreen Cemetery has not responded to Executive Director Dianne L. Tamaroglio's inquiry regarding the status of the cemetery's Annual Reports nor have any reports been filed. A warning letter will be sent to Mrs. Petrillo with a copy to Mr. Ahlquist advising that if an effort is not made to file the Annual Reports, a subpoena will be issued for her appearance before the Board with no postponements being granted. This matter will be carried over.

New Asbury Meeting House Cemetery (CA #349)

DAG Ginger R. Provost has advised the Board that she has received a phone call from Fred Schwenger, the Pastor of the United Methodist Church. Pastor Schwenger advises that he would like to understand what all of the issues are and bring the cemetery into compliance. He would like to meet with someone from the Board to discuss and answer questions. A meeting will be set up with Mr. Schwenger and a Committee of the Board (Marion Brozowski, June Nikola, and Frank J. DeGeeter, Jr.) along with Executive Director Dianne L. Tamaroglio. This matter will be held over.

Odd Fellows Cemetery (CA #330)

This matter will be held over to see if DAG Ginger R. Provost has received any response to the Demand for Statement in Writing that she previously issued to the cemetery.

B. Delinquent in filing Annual Reports since 1998

Re: Mount Zion Cemetery (CA #206)

The Board is in receipt of and reviewed the Enforcement Bureau's Investigative Report on Mount Zion Cemetery. Marion White advised that she is a member of the Mt. Zion United Methodist Church and that the church does not operate or take care of the cemetery and offered very little information about the cemetery. Investigator Robert DeSevo asked Ms. White if she or anyone else could fill out the cemetery's Annual Reports, she said she would think about it. Dennis Clowney advised Mr. DeSevo how he took over as caretaker of the cemetery as a favor to Ken Steffan, the former caretaker who has moved out of the area. Mr. DeSevo toured the cemetery with Mr. Clowney and advises that it is in excellent condition but there are two trees that are in danger of falling down. The cemetery's checkbook balance is approximately \$8700.00. There have been only 5 interments since 2004. Mr. Clowney is concerned with the limited cemetery funds and any fees that are owed to the Board. He said he would cooperate with the Board in any way he can but he would be more than willing to turn everything over to the church. When Mr. Clowney is on vacation, Daniel Smith, a licensed Funeral Director takes over for him. Upon review of this report, the Board really has gained no new information regarding the cemetery. Board member Paul M. Desbiens has volunteered to set up a meeting with Dennis Clowney to speak with him in more depth about the operations of the cemetery. This matter will be carried over.

C. Cemetery has never filed Annual Reports

Re: Barber Burying Ground Association (CA #285)

Board Accountant George Booktor met with Ralph Hooven, Manager, Barber Burying Ground on May 15, 2007 to review the cemetery's financial records and to provide to Mr. Hooven instructions for the completion and filing of the cemetery's Annual Reports. Mr. Hooven advised Mr. Booktor that he does not have time to oversee the cemetery and there is no one available to assist him. Further, he advises that funeral directors in the area take care of any burials with no supervision from the cemetery and the foundations and monuments are done by monument dealers in the area. Mr. Hooven advised that he would get someone to prepare the 2006 Annual Report and file it with the Board office. To date the Board has not received the report. As the cemetery appears to have many persons of historical interest buried there, the Board thought perhaps the local Historical Society might like to have some involvement with the cemetery. Executive Director Dianne L. Tamaroglio will write to the Hunterdon County New Jersey Historical Society. This matter will be carried over.

D. Should this cemetery have a Certificate of Authority?

Re: Musconetcong Cemetery

Executive Director Dianne L. Tamaroglio has spoken with Robert Boyer, President of Musconetcong Cemetery. Mr. Boyer advises that the cemetery is a church cemetery where burials were originally only for members of the Presbyterian faith. There are no graves for future sales. If a church member is married to someone who is not of the faith, they are allowed to be buried there. The Board has determined that this cemetery does not have to apply for a Certificate of Authority. This matter is now closed and removed from future Board meeting agendas.

E. Cemetery has no money and no activity

Re: Wantage Cemetery (CA #161)

Marcia Snyder, Tax Collector, Township of Wantage previously supplied the Board with a New York address for Sylvia Krugman, the last known contact person for the cemetery. Executive Director Tamaroglio wrote to Ms. Krugman at the New York address but has not received a response. Another letter will be sent, this time sending it Certified. From the further statement and property tax record provided by Ms. Snyder it appears that Wantage Cemetery is paying taxes on its property while having tax-exempt status. Ms. Snyder will be asked for an explanation of this. This matter will be carried over.

F. Old Tennent Cemetery (CA #201)

The Board continues to receive much correspondence from interested parties in this matter. This matter will be carried over for discussion with DAG Ginger R. Provost at the July 12, 2007 Board meeting.

G. Hillside Cemetery (CA #398)

Executive Director Dianne L. Tamaroglio conducted an on-site inspection of Hillside Cemetery on Tuesday, June 12, 2007. Ms. Tamaroglio met with George Pierce, President along with a few other officers of the cemetery. The true purpose of this visit was to ascertain whether or not the easement has been paved and if so who paid to have it done. The easement has been paved and it was paid for by David Levine, the owner of the home at the end of the cemetery's property. The Board had concerns as it was advised that Mr. Levine was selling the home and the paving would not get done. The paving is done and Mr. Levine has changed his mind and is not selling the home at this time. As part of the Right of Way Easement Agreement made on September 16, 2005 the Estate of Susie Romano would provide to Hillcrest Cemetery \$5,000.00 to be used by the cemetery for providing water to the cemetery. Mr. Pierce, President of the cemetery has received the \$5,000.00 and asks if he could put this money in the cemetery's Trust Fund instead of its intended purpose. Mr. Pierce will be asked to put his reasoning for this in writing to the Board. This matter will be carried over.

H. Diocese of Metuchen

Re: Establishment of crematorium

Deacon Russell Demkovitz, Diocese of Metuchen has advised that the paperwork is not yet in order for the

application for a Certificate of Authority for the crematorium that will be established on the grounds of Holy Cross Burial Park. This matter will be carried over.

I. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

In January, 2007, the Board was advised by Douglas H. Palmer, Mayor, City of Trenton, that George Palmer would be taking John Cipriano's place at Mercer Cemetery. The Board office gave George Palmer's phone number to a consumer who is trying to locate a family member's grave in the cemetery. Mr. Palmer advised her that he has nothing to do with the cemetery. DAG Ginger Provost has made a few phone calls to the Mayor to try to straighten out this situation but has not received any calls in return. Board member Genevieve Raganelli has volunteered to make some phone calls to try to clear up this situation. This matter will be carried over.

J. Amended and Restated Certificate of Incorporation

Re: Rosedale Cemetery (CA #42)

Beth Yingling, Esquire has written to the Board addressing the questions the Board has regarding Rosedale Cemetery's proposed Amended and Restated Certificate of Incorporation. Upon review, there appears to be more concerns. The Board will ask that DAG Ginger Provost contact Ms. Yingling and ask her: why the cemetery is doing this; ask for a description of the changes and the reasons for the changes; and ask for a copy of the original Certificate of Incorporation. This matter will be carried over.

K. Application for sale of a portion of cemetery property

Re: Pleasant Hill Cemetery Association (CA #225)

This matter will be held over pending receipt of notification of the deposit to the cemetery's Trust Fund from the proceeds of the sale.

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

The Board had requested that Thomas E. Stover, Esquire appear before the Board to discuss this matter. Mr. Stover declined the request at this time as he himself is trying to sort some things out regarding this issue. Executive Director Tamaroglio will ask that DAG Ginger Provost call Mr. Stover to discuss the matter.

M. Correspondence from Jesse R. Pebley, President, Eglington Cemetery (CA #98)

Re: Request for Reissue of Certificate of Authority

The Board reviewed correspondence from Peter Platten, Esquire regarding Eglington Cemetery's request to have its Certificate of Authority re-issued. This matter will be held over pending the findings of DAG Provost's research into this matter.

N. Application for the approval of lease of non-dedicated cemetery property

Re: Mount Hebron Cemetery Association d/b/a Liberty Grove Memorial Gardens (CA #312)

June Nikola was recused from this matter and moved away from the table.

The Board reviewed an application for the lease of a portion of Mount Hebron Cemetery's property to T-Mobile USA, Inc., for the purpose of the erection of a cell tower submitted by Tammy DePaolis, Executive Assistant, SJM Partners, Inc.. The application as presented was considered to be incomplete as the cemetery did not supply all of the required documentation as per the provisions of NJAC13:44J-13.6. A letter will be sent advising of the missing documentation. Ms. DePaolis will also be advised that as per NJSA45:27-34e, if the lease is approved, the Board shall order not less than 15% of the proceeds of the sale or lease be deposited into the cemetery's Maintenance & Preservation Trust Fund. Board Chairperson Marion Brozowski will conduct an on-site inspection of the area to be leased and report her findings to the Board at its July 12, 2007 Board meeting. This matter will

be carried over.

V. NEW BUSINESS

A. Application for cemetery merger

Re: Harleigh Cemetery Association(CA #61) to the Cemetery Association of the Polish National Catholic Parish of Resurrection of Christ

Review of this matter will be held over to the July 12, 2007 Board meeting to allow the Board time to review the information provided by Chris Mojica, Harleigh Cemetery. Prior to the July 12, 2007 Board meeting, Board member Paul M. Desbiens will conduct on-site inspections of both cemeteries and report his findings to the Board.

B. Inquiry from Dana Sullivan, Business Administrator, Montclair Board of Education

Re: Methodist Episcopal Cemetery

Dana Sullivan, Business Administrator, Montclair Board of Education has written to the Board advising the Montclair School District owns the former location of a Methodist Episcopal Cemetery and intends to build a new elementary school on the property, which will completely encompass the former cemetery location. Ms. Sullivan advises that research indicates that the graves within this religious cemetery were re-interred in the early 20th century. Ms. Sullivan asks that while the Board does not have jurisdiction over this religious cemetery, would the Board have any legal concerns regarding the disposition of the former cemetery? The Board will advise Ms. Sullivan that the Montclair Board of Education must be assured that all of the remains that were previously interred on the former cemetery grounds have been disinterred. The best way to come to this conclusion is by having an archaeological survey performed by ground- penetrating radar. Board member Paul M. Desbiens advised that he would be willing to provide Ms. Sullivan with information regarding this process. We will advise Ms. Sullivan and provide her with Mr. Desbiens phone number at Maple Grove Park Cemetery. This matter is closed and removed from future Board meeting agendas.

C. Approval of Bulk Sale

Laurel Grove Cemetery (CA #30), Totowa, NJ to Albanian American Islamic Center, Garfield, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$80,000.00 (\$800.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

Laurel Grove Cemetery (CA #30), Totowa, NJ to the Omar Mosque Charitable Organization, Paterson, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 308 interment spaces for \$354,200.00 (\$1150.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

D. Requesting Board approval for the exchange of 5 parcels of land

Re: Fernwood Cemetery Association (CA #250)

Roger L. Dreyling, President, Fernwood Cemetery Association has written to the Board advising that a couple of years ago the cemetery had part of its property surveyed. The survey revealed that the builder who constructed Gulya Drive to provide access to a Condominium complex, did not quite put all of the improvements within the dedicated right of way. Earlier this year, the Borough of Jamesburg started preliminary work to install street lights along the edge of Gulya Drive. The Cemetery Association stopped the work because the street lights would have been installed on Cemetery property. The Cemetery Association and the Borough of Jamesburg have cooperatively been working on a solution to this problem. The solution which would benefit both parties, is a slight realignment of the right of way for Gulya Drive. Five tiny parcels of land need to be exchanged between the two parties to accomplish this realignment. This exchange will result in the net loss of 0.011 acres of

Cemetery land. But the Cemetery will gain useable land in exchange for land that is under the existing road and in a parcel that is not useable by the Cemetery. Fernwood Cemetery is requesting that the New Jersey Cemetery Board approve the proposed swap of these five parcels of land. No money will be paid to either party by the other party. Upon review of the documentation provided, a motion was made by William Nichols and seconded by Frank J. DeGeeter, Jr. to approve the exchange of the five parcels of land for no monetary consideration. A vote was taken and the motion was passed by a unanimous vote.

This matter is closed and removed from future Board meeting agendas.

VI. PUBLIC COMMENT

Leonard Auerbach, General Manager for 3 CA cemeteries thanked Frank (Bud) J. DeGeeter, Jr. for his hard work and dedication to the Cemetery Industry and his dedication to the Cemetery Board for the past 24 years. Judith Welshons, Executive Director,

New Jersey Cemetery Association personally thanked "Bud" also for his hard work and devotion to the Association, the Cemetery Industry, and the Board and expressed that his departure will be a great loss to the Board and the Association.

VII. FOR YOUR INFORMATION

A. Resignation letter from Frank J. DeGeeter, Jr.

Board Chairperson Marion Brozowski read Frank J. DeGeeter, Jr.'s resignation letter from the Cemetery Board. It is with much regret that the Board accepts "Bud's" resignation . We certainly all wish him well in his retirement years.

B. Correspondence from William C. Passodelis, Hollywood Memorial Park, (CA #101)

Re: Acquisition of a portion of Hollywood Memorial Park's property by the New Jersey Department of Transportation

This was considered informational for the Board. Once all of the particulars are worked out between the cemetery and the DOT, Mr. Passodelis will present the matter to the Board for its approval.

C. New Jersey Cemetery Board

Re: Adopted New Rule, New Jersey Register, May 7, 2007

NJAC13:44J-14.5 & 14 Appendices A & B

This was notification of the publication of the Board's adopted rule NJAC13:44J-14.5, Sales of 17 or more Interment Spaces or Niches to a Person other than a Membership or Religious Corporation or Unincorporated Association or Society. This appeared in the May 7, 2007 New Jersey Register.

D. State Board of Mortuary Science of New Jersey

Re: Proposed New Rule, New Jersey Register, May 7, 2007

NJAC13:36-5.19, Use of Registered Mortuary in Organ and Tissue Recovery

The Board reviewed the above mentioned proposed regulation for the State Board of Mortuary Science that was published in the New Jersey Register on Monday, May 7, 2007. The Board believes this is a very good rule especially because of the recent media coverage regarding the recovery of tissue from the deceased without family knowledge or consent. The Board believes this regulation will protect the consumers of New Jersey. A comment will be sent to William Mandeville, Executive Director, State Board of Mortuary Science.

Open Session Meeting Minutes–November 2, 2006

Open Session Meeting Minutes–December 5, 2006

Open Session Meeting Minutes–January 9, 2007

Open Session Meeting Minutes–February 6, 2007

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

E. Newspaper Article

Cemeteries Seek Breathing Clientele

New York Times May 25, 2007

Restless population puts resting places up for sale

Star Ledger May 24, 2007

A historic Newark cemetery going to the dogs

Star Ledger May 11, 2007

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

VIII. ADJOURNMENT

A motion was made by William Nichols and seconded by Frank J. DeGeeter, Jr. to adjourn Public Session at 12:35 PM and move into Executive Session at 1:10 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. Three (3) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions.
2. Twelve (12) 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 William Nichols and seconded by Frank J. DeGeeter, Jr. to adjourn the Board meeting of June 14, 2007. A vote was taken and the Board meeting was adjourned at 3:15 PM.

Respectfully Submitted,

Dianne L. Tamaroglio

Executive Director