

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
September 14, 2006

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, September 14, 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 9:30 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski Present
Lawrence Colasurdo Present
Frank J. DeGeeter, Jr. Present
Paul M. Desbiens Present
June Nikola Present
William Nichols Present
Genevieve Raganelli Present

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

II. APPROVAL of PUBLIC SESSION MEETING MINUTES of JULY 13, 2006

A motion was made by William Nichols and seconded by Paul M. Desbiens to approve the Public Session Minutes of July 14, 2006 as corrected. A vote was taken and the motion was passed 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 F. Stoecklein, President, Friends of Rural Cemeteries has advised the Board that a settlement has been reached between the County of Ocean and Greenwood Cemetery for the property the County has taken from the cemetery. The amount of the settlement is \$137,500.00. This matter will be held over pending official notification of the settlement terms.

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

The Board has received from Sheldon Gould confirmation of the establishment of the cemetery's Trust Fund in the name of the cemetery. This matter is now closed and removed from future Board meeting agendas.

C. Cemetery believes it has an exemption from paying \$75.00 Filing Fee for Annual Reports
Re: Hayes Riverview Cemetery (CA #265)

Cecelia Fischer, Secretary, Hays Riverview Cemetery has supplied the Board with the requested complete appraisal of the property sold by the cemetery. Louis Colguori, attorney representing Hays Riverview Cemetery, Cecilia Fischer, cemetery Secretary and David Fischer, cemetery President appeared before the Board for an Investigative Inquiry regarding the sale of a portion of the cemetery's property without Board approval and the general operations of the cemetery. Mr. Colaguori advised the Board that in 2000, the cemetery had the need for additional funds. The cemetery was approached by a neighboring company who wanted to purchase a portion of

the cemetery's property. This appeared to be a good way for the cemetery to get the additional money it needed. As per Mr. Colaguori, the cemetery inadvertently did not get the approval of this Board for the sale. Mr. & Mrs. Fischer are relatively new to working with the cemetery and have very little knowledge about this sale or about the operations of the cemetery prior to their involvement. The Board was advised that this cemetery is a family cemetery, run by family members with only members of the family being buried there. The Fischers will provide the Board with the names and addresses of former officers of the cemetery who may be able to provide a better understanding of the operations of the cemetery. Board Accountant George Booktor will meet with Warren Lane, cemetery Treasurer to review and audit the cemetery's financial books. This matter will be carried over.

D. Application for a Certificate of Authority

Mahwah Cemetery

The Board has been provided with confirmation of Mahwah Cemetery's M&P Trust Fund being labeled correctly. With receipt of the documentation all requirements for a Certificate of Authority have been met. A motion was made by Marion Brozowski and seconded by Lawrence Colasurdo to issue a Certificate of Authority to Mahwah Cemetery. A vote was taken and the motion was passed by a unanimous vote. The C/A will be signed and issued at the October 12, 2006 Board meeting.

Stafford Township Historical Society, Inc.

This matter will be held over.

E. Cedar Heights Cemetery (CA #263)

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

Lawrence May, Treasurer Cedar Heights Cemetery has advised Executive Director Dianne L. Tamaroglio that he is still waiting the name change for the M&P Trust Fund for some of the cemetery's accounts. Mr. May has advised that part of the hold up is that the wrong paperwork was sent to the cemetery for the name change. This matter will be held over.

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

Pennington African Cemetery (CA #382)

This matter will be held over pending receipt of the cemetery's original Certificate of Authority or an Affidavit stating that the original C/A cannot be located.

Deckertown Union Memorial Park Cemetery (CA #155)

This matter will be held over pending a status update from Ed Vanderberg regarding his taking over the operations of the cemetery.

Perrinville Cemetery (CA #41)

Ruth Briggs has filed Perrineville Cemetery's Annual Reports up to and including 1998. Ms. Briggs is working on the completion of the remainder of the reports.

Salem Cemetery (CA #276)

The Board has received correspondence from Russell H. Ahlquist advising that Geraldine Patillo is gathering the information necessary for the the completion and filing of the cemetery's delinquent reports. Mr. Ahlquist advises that Mrs. Patillo is having difficulty in completing the reports because she has been advised that the cemetery must provide with the reports receipts for all of the cemetery's expenditures. Mr. Ahlquist will be advised that all Mrs. Patillo has to supply is the bank documentation for the Trust Fund for each year. This matter will be carried over.

New Asbury Meeting House Cemetery (CA #349)

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

Odd Fellows Cemetery (CA #330)

Louis Cicalese, President, Professional Cemetery Management Services has advised Executive Director Tamaroglio that he is going to meet with Danny Moore who performs the burials at Odd Fellows to get a better understanding of the operations of the cemetery and why Annual Reports have not been filed. This matter will be carried over.

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

As the Board has not heard any thing further on this matter, Board member June Nikola will make an on-site inspection of the cemetery to see if a cell tower has been erected. Mrs. Nikola will report her findings to the Board at its October 12, 2006 Board meeting. This matter will be carried over.

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

This matter will be held over.

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

Upon review of East Berlin Cemetery's 2005 Annual Report, it became apparent to the Board that the cemetery needs some assistance with completion of its reports. Executive Director Tamaroglio wrote to the Cemetery asking that it contact the Board office to set an appointment with Board Accountant George Booktor for his assistance with the reports. The Board office has not yet heard from the cemetery. A motion was made by Marion Brozowski and seconded by William Nichols to authorize DAG Ginger Provost to issue a subpoena for the appearance of the principles of the cemetery at a future Board meeting if no contact is made by the cemetery by the October Board meeting. A vote was taken and the motion was passed by a unanimous vote. This matter will be held over.

J. Application for sale of a portion of cemetery property
Re: Osborneville Cemetery Association (CA #345)

As the Board has heard nothing further from Osborneville Cemetery Association regarding the sale of a portion of its cemetery property, the matter will be removed from future Board meeting agendas. The cemetery will be advised that if this sale should ever become a reality it must notify the Board and provide the required documentation. At that time, it will be placed back on a Public meeting agenda.

K. Application for dissolution of cemetery company
Re: North Branch Cemetery Association (CA #131)

As requested North Branch Cemetery Association has provided the Board with its original Certificate of Authority. With receipt of the C/A, the cemetery company is dissolved. This matter is closed and removed from future Board meeting agendas.

L. Deposit in Transit Maintenance & Preservation Trust fund
Re: Elmwood Cemetery (CA #90)

The Board requested that Elmwood Cemetery provide documentation showing proof that the \$17,388.15 deposit

in transit shown on its 2005 Annual Report has been made and that the \$2,539.83 removed from the corpus of the Trust Fund for bank fees has been re-deposited. The Board has not yet received the requested documentation. Board Accountant George Booktor will meet with cemetery President Kearney Kuhlthau to explain the proper procedures for deposits to be made to the Trust Fund and to provide explanations regarding the Trust Fund in general. This matter will be carried over.

M. Establishment of non-profit 501(C) corporation
Re: Fair Lawn Memorial Park (CA #108)

Harold P. Cook, III, the attorney representing Fair Lawn Memorial Park advises the Board that the 501(C) non-profit corporation that the cemetery would like to establish would be called Friends of Fair Lawn Memorial Cemetery, Inc. Its purpose would be for special projects of beautification, such as waterfalls, fountains, benches, pews, and statues, many of which would bear the names of the individual donors. The funds would not be used to offset or defray operating expenses or for the purchase of capital equipment used for the operation of the cemetery. Mr. Cook will be advised that the cemetery does not need Cemetery Board approval for the establishment of this corporation but must contact the Internal Revenue Service to set up the corporation. This matter is closed and removed from future Board meeting agendas.

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.

This matter will be held over pending a response from Steven S. Snider, Authorizing Agent for the cemetery.

O. Cemetery has never filed Annual Reports
Re: Barber Burying Ground Association (CA #285)

Board member Genevieve Raganelli conducted an on-site inspection of Barber Burying Ground. Ms Raganelli advised the Board that the cemetery appears to be somewhat maintained; it could use some mowing but is not terrible. Some of the recent burials were from the late 1900's. Through Ms. Raganelli's research she was able to find out that the cemetery manager is Ralph Hooven and has provided his address and phone number. Executive Director Tamaroglio will reach out to Mr. Hooven for information regarding the operations of the cemetery. Ms. Raganelli provided the Board with information regarding the historical importance of the cemetery. This matter will be carried over.

P. Request for withdrawal of Board's request for an Attorney General opinion regarding whether management companies are required to have Certificates of Authority and whether or not they have to be non-profit under the New Jersey Cemetery Act, 2003

With the passage of the New Jersey Cemetery Act, 2003, the Board had requested an Attorney General's opinion regarding whether management companies are required to have Certificates of Authority and whether or not they have to be non profit. However, the recent passage of Assembly Bill, No 1711 that amends NJSA45:27-7a makes this request a moot one. A motion was made by Marion Brozowski and seconded by June Nikola to withdraw the Board's request. A vote was taken and the motion was passed by a unanimous vote.

V. NEW BUSINESS

A. Ernst Memorial Cemetery

The Township of Old Bridge, where Ernst Memorial is located has issued a Stop Work Order to the cemetery. The Township advises that a site inspection of the cemetery has determined that the cemetery is in violation of the conditions of the Land Disturbance Permit issued by the Township to the cemetery. The Township claims land disturbance and regrading of the site far in excess of that shown on the plans referred to in the Land Disturbance Permit has been carried out which has resulted in the erosion of the slopes and has caused drainage problems

within this property and the adjoining residential properties. Also, the Township believes that some graves may have been disturbed. Representatives of the Township appeared before the Board to address this matter as did Louis Cicalese, President of the cemetery. The Township refers to the cemetery as it being a Historical cemetery. The Township was looking to the Board for assistance and asking what the Board's jurisdiction in this matter would be. Louis Cicalese has advised that the cemetery has complied with the township's requests and that complaints brought up by neighbors have been addressed and taken care of. Also, Mr. Cicalese has advised that the cemetery has taken great care to preserve the existing monumentation. A Committee of the Board (Board Chairman Frank J. DeGeeter, Jr., Board Vice-Chairman Marion Brozowski, & Waheed Khaleed) along with Executive Director Dianne Tamaroglio will meet with representatives of the Township and Louis Cicalese at the cemetery on Thursday, October 28th to see what has transpired at the cemetery and if any concerns come under the jurisdiction of this Board. This matter will be carried over.

B. Application for the sale of a portion of cemetery property

Re: Hazelwood Cemetery Company (CA #60)

Jonathan P. Mundy, Esquire has submitted to the Board for its consideration, an application for the sale of a portion of Hazelwood Cemetery's property to the County of Union. The size of the parcel of land to be sold is 13.841 acres and the gross sales price is \$6,250,000.00. Mr. Mundy advises that the cemetery will deposit at least 15% of the proceeds of the sale into its Maintenance & Preservation Trust Fund. Before approval for this sale can be given by the Board, a Committee of the Board (Marion Brozowski and Paul Desbiens) will conduct an on site inspection of the cemetery. Also, the cemetery will be asked to provide a contract of sale to the Board. This matter will be carried over.

C. Maintenance and Preservation Trust Fund Agreement

Re: Rose Hill Cemetery Company (CA #159)

Vincent J. DiMatteo, Esquire has sent to the Board an agreement for the irrevocable transfer of the Maintenance & Preservation Trust Fund assets to three trustees appointed by the Rose Hill Cemetery Company Board of Managers. The Board has the following concerns regarding this agreement which will be addressed to Mr. DiMatteo: why is this transfer being considered; where will the Trust be held; what is the purpose of this Trust; who will pay the Trustees; and what are the Trustees planning to do with this fund? Also, it is noted that one of the Trustees is Joseph Uras, a monument dealer. The Board has a major concern with Mr. Uras being a Trustee as this appears to violate NJSA45:27-16c(1). We will check the cemetery's 2005 Annual Report to see if Mr. Uras is listed as an officer or is on the Board of Directors and Trustees. This matter will be carried over

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

Re: Mt. Laurel Cemetery (CA #331)

Susan D. Weaver, Treasurer/Trustee, Mt. Laurel Cemetery has written to the Board requesting a waiver of the 2006 Annual Report \$75.00 Filing Fee based upon the cemetery's poor financial condition. A motion was made by Marion Brozowski and seconded by Lawrence Colasurdo to grant the requested waiver. A vote was taken and the motion was passed by a unanimous vote.

E. Does the installation of two columbarium units on church property constitute a cemetery?

Ridgewood United Methodist Church

David L. Rutherford, attorney representing the Ridgewood United Methodist Church has written to the Board advising that the Church has applied to the Zoning Board of Adjustment of the Village of Ridgewood for variances needed to permit the installation of two columbarium units on the church yard. Each columbarium will contain 32 niches for cremated remains. The niches will be made available only to persons of the Methodist faith and members of their immediate families. The Village Engineer has taken the position that the installation of the columbariums would constitute a cemetery and the Church would therefore have to apply to the Board for a Certificate of Authority. Mr. Rutherford will be advised that the installation of the columbariums and the placement of cremains in the niches above ground does not constitute the establishment of a cemetery. Also, as

the Ridgewood United Methodist Church is a religious entity and the niches would only be sold to members of the Methodist faith and their immediate families, the Church would not come under the definition of a cemetery company as defined in NJSA 45:27-2. This matter is closed and removed from future Board meeting agendas.

F. Approval of bulk sales

1. Approval of Bulk Sale

1. Laurel Grove Cemetery, (CA #30), Totowa, NJ to The Jubilee Fellowship Church of New Jersey, Inc., Ridgefield Park, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 150 graves for \$172,500.00 (\$1150.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

G. 2007 New Jersey Cemetery Board meeting dates

A motion was made by William Nichols and seconded by Marion Brozowski to approve the 2007 Board meeting dates. A vote was taken and the motion was approved by unanimous vote. The meeting dates are:

January 11, 2007 May 10, 2007 September 13, 2007
February 8, 2007 June 14, 2007 October 11, 2007
March 8, 2007 July 12, 2007 November 8, 2007
April 12, 2007 August 9, 2007 December 13, 2007

VI. PUBLIC COMMENT

Marianne Carroll, New Jersey Funeral Directors Association asked for clarifications on many of today's Public Session Agenda items. The Board provided Ms. Carroll with the requested clarifications.

VII. FOR YOUR INFORMATION

A. The Forum August, 2006

This was considered informational for the Board. The Board noted some corrections to what was reported.

B. Notification of Civil Actions

Laurel Grove Cemetery (CA #30) v YP Corporation
Docket No.: CV-0000253-06

Hollywood Memorial Park (CA #101) v YP Corporation
Docket.: CV-0000252-06

CMS Mid-Atlantic, Inc. v YP Corporation
Docket No.: CV-0000251-06

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

Old Tennent Cemetery Association (CA 3201) v Old Tennent Presbyterian Church, etc.
Docket #MON-C-229-06

DA'sG Ginger R. Provost and John Hugelmeyer met with the attorneys in this matter to discuss the situation at hand. DAG Provost advised the Board that she thought perhaps this matter may have been resolved. DAG Provost will advise the Board of the status of this matter at the October 12, 2006 Board meeting.

Federico Torres, Sr. & Federico, Jr., Plaintiffs v Weehawken Cemetery (CA #70), Defendant
Docket No. HUD-C-115-06

The Plaintiffs in this matter have been using an area of the Defendant's property for more than thirty years and claim they own the property and have adversely possessed the Area of the Defendant's property since February 19, 2002. The Plaintiffs request the following:

- a. That the Area be declared owned by the Plaintiffs by virtue of adverse possession;
- b. That a copy of the Court's order may be filed with the Register's Office of Hudson County;
- c. That the Area may be merged by way of deed to the Property already owned by the Plaintiffs;
- d. For any other relief the Court deems just and equitable.

DAG Ginger Provost will contact the Plaintiffs' attorney to discuss the situation with him. By virtue of the Board's statute, most specifically, NJSA45:27-20(d), cemetery property is subject to the provisions of the New Jersey Cemetery Act, 2003 and the property cannot be taken regardless of whether the Plaintiffs have used the property or not. This matter will be carried over.

State of New Jersey by the Commissioner of Transportation v. Roumanian Greek Orthodox Congregation of St. Archangels Michael and Gabriel; et al
Docket No. L-002912-04
File No. 13544

As this cemetery is not a Certificate of Authority Cemetery, it was considered informational for the Board deeming no discussion or decision making.

C. Welcome letter to Genevieve Raganelli

This letter welcoming Department of Health and Senior Services representative Genevieve Raganelli to the Board was considered informational for the Board.

D. Correspondence from former Board member Claribel Azcona-Barber

Former Board member Claribel Azcona-Barber has written to the Board advising she has gone back to work and therefore had to resign her position as a Public Board member. This matter was considered informational for the Board deeming no discussion or decision making.

E. Legislative Report\ Second Quarter April 1- June 30, 2006

This report gives the status of bills that the Board may have reviewed during the period April 1, 2006-June 30, 2006.

F. State Board of Mortuary Science

Open Session Meeting Minutes|June 6, 2006
Open Session Meeting Minutes|July 11, 2006
Open Session Meeting Agenda|August 29, 2006
Meeting Cancellation Notice|October 31, 2006

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

G. Newspaper Articles

More under scrutiny in body parts probe
Star Ledger July 30, 2006

Body parts harvested in N.C. are recalled
Associated Press August 22, 2006

Years old dispute rooted in church, cemetery funds
Asbury Park Press August 22, 2006

Going home to glory
Star Ledger August 24, 2006

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

H. Correspondence from William C. Passodelis, CMS Mid-Atlantic, Inc.

This was advisement of an occurrence that recently occurred at Laurel Grove Cemetery deeming no discussion or decision making.

I. Proposed Re-adoption with Amendments: NJAC8:9

Preparation, Handling, Transportation, Burial and Disinterment of Dead Human Bodies
New Jersey Register, September 5, 2006

Board member Genevieve Raganelli explained the reasoning behind these amendments. The Board suggested that NJSA45:27B(1),(2), & (3) be added for reference under NJAC8:91.9. Ms. Raganelli will relay the Board's suggestion to the Department of Health and Senior Services.

VIII. ADJOURNMENT

A motion was made by William Nichols and seconded by Marion Brozowski to adjourn Public Session at 1:30 AM and move into Executive Session at 2:00 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. Five (5) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions.
2. Nine (9) 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