

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
NOVEMBER 9, 2006

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, November 9, 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
Waheed Khalid Absent
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 John Hugelmeyer.

II. APPROVAL OF PUBLIC SESSION MINUTES OF SEPTEMBER 14, 2006

A motion was made by June Nikola and seconded by William Nichols to approve the Public Session Minutes of September 14, 2006 as corrected. A vote was taken and the motion was passed by a unanimous vote.

III. APPROVAL OF PUBLIC SESSION MINUTES OF OCTOBER 12, 2006

A motion was made by Marion Brozowski and seconded by William Nichols to approve the Public Session Minutes of October 12, 2006 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)

The Board has received confirmation from Laura Leacy Kyler, Esquire that Greenwood Cemetery has received a total of \$137,500.00 from the County of Ocean for the condemnation of a portion of the cemetery's property. A motion was made by William Nichols and seconded by Marion Brozowski to require that the cemetery place 50% of the \$137,500.00 into the cemetery's M&P Trust Fund. A vote was taken and the motion was passed by a unanimous vote. The cemetery will be advised to provide the Board with documentation of the deposit. The Board recognizes the efforts put forth by Bernard Stoecklein, President, Friends of Rural Cemeteries in working with the County and the cemetery in getting this matter resolved. A thank you will be sent to Mr. Stoecklein from the Board. This matter will be carried over pending receipt of the deposit confirmation.

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

Board Accountant George Booktor met with Warren Lane, Treasurer, Hays Riverview Cemetery to review the cemetery's financial records and prepared an analysis for the Board's review. It appears that the cemetery has had

one account combining its M&P Trust Fund and its Operating Account. With a total of \$90,000.00 in the cemetery's bank account, a motion was made by Marion Brozowski and seconded by William Nichols that the cemetery establish two separate funds, with \$75,000.00 going into the M&P Trust Fund and the remainder of the \$90,000.00 going into the Operating account. A vote was taken and the motion was passed by a unanimous vote. The cemetery will be advised that the Trust Fund must be labeled in the name of the cemetery and that it should provide proof to the Board of the establishment of the two funds. Also, the cemetery will be advised that the land sale conducted by the cemetery in 2002 should have come to the Board for approval and at this time the Board will waive any penalty it may have imposed for violation of the Board's regulations. In the future, the cemetery must abide by the Board's statute and regulations. This matter will be carried over.

C. Application for a Certificate of Authority

As it has been a very long time since the Board has received any communication from Timothy Hart, Attorney for the Stafford Township Historical Society, Inc. regarding the Society's application for a Certificate of Authority, the Board will return all documentation provided by Mr. Hart pertaining to the application. This application was received in the Board office on October 25, 2004. The matter is now closed and removed from future Board meeting agendas.

D. Cedar Heights Cemetery (CA #263)

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

Lawrence May, CPA for Cedar Heights Cemetery has advised Executive Director Dianne Tamaroglio that the name change for the remaining Trust Funds for the cemetery is underway and should be completed shortly. This matter will be carried over.

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

Deckertown Union Memorial Park Cemetery (CA #155)

The Board has received correspondence from Charles H. Fronheiser, Jr., Secretary of Deckertown-Union Cemetery advising of the names of the new officers of the cemetery. Mr. Fronheiser also provided a new price list for the cemetery. Upon review of the price list the following will be brought to Mr. Fronheiser's attention: all fees must be specific; also on the submission it states, Winter charge accordingly (as to grave digger). A specific fee must be listed and the suggestion was to put the highest the fee could possibly be, because you can always charge less but not more. Board Chairman Frank J. DeGeeter, Jr. advised that he has spoken with Ed Vanderberg, the new President of the cemetery who advises that he is still going through cemetery records so that he can attempt to put together the delinquent Annual Reports. This matter will be carried over.

Perrinville Cemetery (CA #41)

Ruth Briggs, Treasurer, Perrineville Cemetery continues to file the cemetery's delinquent Annual Reports with the Board; she has filed up to and including Fiscal Year 2000. This matter will be carried over.

Salem Cemetery (CA #276)

Having not received any further correspondence or Annual Reports for Salem Cemetery, a follow up letter will be sent to Russell H. Ahlquist, Accountant for the cemetery asking for the status of Mrs. Patillo completing the reports. This matter will be carried over.

New Asbury Meeting House Cemetery (CA #349)

New Jersey Cemetery Association Executive Director Judith Welshons conducted an on-site inspection of New Asbury Meeting House Cemetery on behalf of the Board on November 4, 2006. Ms. Welsjons reports there is no signage for the cemetery which surrounds the Asbury Methodist Church. Many burials date back to the 1800's but there are also burials from 2001 and 2005. There is a small mausoleum on the cemetery grounds with 27

double/tandem crypts with the most recent inscription date for entombment being 1999. It appears that the grass is being maintained. Ms. Welshons provided the name of the church's Pastor, Fred Schwenger. The Board will contact Pastor Schwenger advising that the cemetery has a Certificate of Authority issued by the Board and asking why haven't any Annual Reports been filed with the Board office. This matter will be carried over.

Odd Fellows Cemetery (CA #330)

This matter will be carried over at the request of Executive Director Dianne L. Tamaroglio.

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

Board member June Nikola conducted an on-site inspection of Barnegat

Memorial Cemetery to see if a cell tower has been erected at the cemetery. Ms. Nikola reported that nothing has been installed on the cemetery grounds. As the Board has not heard anything from the cemetery regarding this lease, it will be removed from future Board meeting agendas. If in the future we receive information from the cemetery, it will be brought back to the Board for review.

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

The Board has received correspondence from Marion White advising that she hasn't any further information to provide regarding the cemetery. She does advise that the cemetery has a checking account with about \$9,000.00 in it and Mr. Clowney's (the volunteer who helps to maintain the cemetery) name is on the signature card. She also advises that there is a lawn care group who keeps the cemetery grass mowed. Ms. White sent in a blank Annual Report form and a personal check in the amount of \$600.00 to cover the \$75.00 Filing Fees for the years 1999-2006 and advised that getting this money is the only real concern of the Board. Executive Director Tamaroglio has returned the check to Ms. White advising that the filing fees are necessary when the Annual Reports are filed. A motion was made by Marion Brozowski and seconded by William Nichols to ask the Enforcement Bureau of the Division of Consumer Affairs to send an Investigator to speak with Ms. White as well as Dennis Clowney to find out any information regarding the cemetery they possible can. This matter will be carried over.

H. 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 receipt of further information regarding this lease.

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

Executive Director Dianne L. Tamaroglio has written to Ralph Hooven, Manager, Barber Burying Ground for any information he can offer regarding the cemetery. However, Mr. Hooven has not responded. Executive Director Tamaroglio will make a phone call to Mr. Hooven to try to get some information. This matter will be carried over.

J. Ernst Memorial Cemetery

The Board has received correspondence from James M. Burke, the Attorney representing Ernst Memorial Cemetery and also from Jerome J. Convery, Attorney for the Township of Old Bridge regarding cemetery site plans. The consensus of the Board is that cemetery plot plans filed with the Board office would be considered by the Board to be the cemetery's site plan not intended to be approved by the local planning Board ; functionally

the plans for the Township and the Board are the same. Prior to the Board meeting Louis Cicalese, President, Ernst Memorial Cemetery advised that it appears that a settlement has been reached between the cemetery and the Township. This matter will be carried over.

K. Application for the sale of a portion of cemetery property
Re: Hazelwood Cemetery Company (CA #60)

Upon review of the documentation provided for this land sale by Jonathan P. Mundy, Esquire and an on-site inspection of the cemetery by Board members Marion Brozowski and Paul M. Desbiens it appeared to the Board that approximately 14 acres of the cemetery's property was "missing" from 1962 to the present. Mr. Mundy has advised the Board that the cemetery property is actually in two Counties and that the "missing" acreage is located in Middlesex County; the cemetery property being sold is located in Union County and that is the land that is referenced in the surveys provided to the Board for review. Upon discussion and review of all documentation provided for this land sale, a motion was made by Marion Brozowski and seconded by Paul M. Desbiens to approve the sale of 13.841 acres for the sale price of \$6,250,000.00 with \$5,000,000.00 of the proceeds of the sale being deposited into the cemetery's Maintenance & Preservation Trust Fund for future maintenance of the cemetery. A vote was taken and the motion was passed by a unanimous vote. The cemetery will be asked to provide confirmation of the deposit to the Trust Fund. This matter is closed and removed from future Board meeting agendas.

L. Maintenance and Preservation Trust Fund Agreement
Re: Rose Hill Cemetery Company (CA #159)

Vincent J. DiMatteo, Esquire has advised the Board that the reason for the establishment of the new Trust Agreement is that the Board of Managers of Rose Hill Cemetery Company have become dissatisfied with the cost and performance of Bank of America as the custodian of the cemetery's Maintenance & Preservation Trust Fund. The Fund is to be established under a written trust agreement and governed by three independent Trustees, elected by the Board of Managers. Mr. DiMatteo also advises that the cemetery's Board of Managers and the Trustees believe that investing through independent Trustees, appointed by the Board and subject to the Prudent Investor Act, will be both efficient and cost effective to the cemetery. The cemetery will be asked to provide confirmation of the establishment of the new Trust Fund to the Board. A Settlement Letter has been issued to Joseph Uras for violation of NJSA45:27-16(c). This matter will be held over pending receipt of a response from Mr. Uras.

M. Correspondence from David M. Coyte, President
Coytesville Cemetery Foundation, Inc.

David M. Coyte appeared before the Board to discuss this cemetery and to advise that he and his foundation, Coytesville Cemetery Foundation are only interested in maintaining the cemetery and not conducting future burials. Mr. Coyte advised that there is one family who has converted to Judaism and has title to be buried there. This individual cannot by religion be cremated and asks what would he have to do to have the individual buried in the cemetery. Mr. Coyte was advised that he should seek private legal counsel for advise but he probably will have to go Court for permission to bury the individual. Mr. Coyte thanked the Board for its time and advice.

N. 2006 Cemetery Board Budget Report--Final Report

This matter will be held over to the December 14, 2006 Board meeting when Fiscal Officer, Darlene Kane will discuss the budget with the Board and answer any concerns the Board members may have.

O. Addition of graves spaces
Re: Maple Grove Park Cemetery (CA #168)

This matter has been referred to DAG Ginger R. Provost for an opinion.

P. Application for sale of a portion of cemetery property

Re: Osborneville Cemetery Association to Scott Builders of USA, Inc. (CA #345) September 14, 2006 agenda

Previously, Osborneville Cemetery Association filed an application for the sale of a portion of its property but the sale was never consummated. Upon review of all of the documentation provided with the application and an on-site inspection of the cemetery, the Board had some concerns which it had addressed to the cemetery. Jim Edwards, Osborneville Cemetery has responded to the Board's concerns and has advised that the cemetery still wants to sell the property but does not currently have a buyer. This matter is removed from future Board meeting agendas; it will be brought back to the Board when we are advised that the cemetery has a buyer for its property.

V. NEW BUSINESS

A. Disciplinary Matters reported out from Executive Session

A Settlement Letter has been issued to Laurel Grove Cemetery (CA #30), for 27 violations of NJAC13:44J-14-1(b). William C. Passodelis, CMS Mid-Atlantic, Inc. has signed the acknowledgment of wrongdoing and the \$13,500.00 Civil Penalty has been paid.

A Settlement Letter has been issued to Cedar Green Cemetery Association (CA #53), for 3 violations NJSA45:27-15. Barbara S. Hutcheon, President of the cemetery has signed the acknowledgment of wrongdoing and has requested the Civil Penalty of \$300.00 be waived due to the financial condition of the cemetery. The Board previously voted to waive the Civil Penalty of \$300.00.

B. Application for sale of land

Re: Eglington Cemetery (CA #98) to Michael J. Butcher, an individual

Eglington Cemetery has made an application to the Board to sell a portion of its property, 20' x 250' to Michael J. Butcher, an individual for \$4,000.00. Prior to a decision being made on this sale by the Board, Board member Genevieve Raganelli along with New Jersey Cemetery Association Executive Director Judith Welshons will conduct an on-site inspection of the property to be sold. Also, Jesse R. Pebley, President, Eglington Cemetery will be advised that the Contract of Sale must be amended as the wrong statutory citation is cited; it should be NJSA 45:27-34e . Mr. Pebley will be asked to confirm that this is an arms length transaction. This matter will be carried over.

C. Should this cemetery have a Certificate of Authority?

Re: Musconetcong Cemetery

Executive Director Dianne L. Tamaroglio has received a complaint against Musconetcong Cemetery, a cemetery not under the jurisdiction of this Board. Ms. Tamaroglio requested more information regarding the cemetery from the consumer to determine whether or not this cemetery should have a Certificate of Authority. Ms. Tamaroglio also wrote to the contact person for the cemetery for information. No Board members know of this cemetery. This matter will be carried over.

D. Cemetery has no money and no activity

Re: Wantage Cemetery (CA #161)

Through the audit of Wantage Cemetery's most recently filed Annual Report it has been brought to the attention of the Board that the cemetery has no funds and does not appear to be active. We will write to Sylvia Krugman, the listed contact person for information regarding the cemetery, such as who maintains the cemetery; when was the last time there was a burial at the cemetery; are there persons who still have the right to burial in graves previously purchased; are there any gravesites available for purchase; and how many acres is the cemetery. This matter will be carried over.

E. Requesting an extension for filing of Annual Report

Re: Good Luck Cemetery Association (CA #59)

Michael R. Cort, CPA has written to the Board for an extension in the filing of Good Luck Cemetery Association's 2006 Annual Report as he is having difficulty in obtaining cash basis statements from one of the cemetery's Trust Fund custodians. A motion was made by June Nikola and seconded by William Nichols to grant an extension to December 31, 2006 for the filing of the 2006 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.

F. Requesting Board approval for narrowing of cemetery roads
Re: Fair Lawn Memorial Park (CA #108)

Henry Vander Platt, Fair Lawn Memorial Cemetery has written to the Board requesting permission to narrow some of the roads in the old sections of the cemetery which would increase the available grave space. Before a decision can be made by the Board an on-site inspection of the cemetery will be conducted by Board Chairman Frank J. DeGeeter, Jr. and Board member Paul M. Desbiens. This matter will be carried over.

VI. PUBLIC COMMENT

Judy Welshons, Executive Director, New Jersey Cemetery Association questioned the memo that recently went out to all cemeteries under the jurisdiction of this Board wherein Executive Director asked that all cemeteries please inspect all licenses of Funeral Directors who bring in burials. Executive Director Dianne L. Tamaroglio explained that this was a request made to the Cemetery Board by the State Board of Mortuary Science as there have been some instances where unlicensed Funeral Directors have been bringing in funerals for burials.

Maryann Carroll, New Jersey Funeral Director's Association advised the Board that with regard to a conversation held by Board members regarding a licensed Funeral Director being an officer of a cemetery or a member of a cemetery's Board of Trustees she agrees that there is no grey area in this matter and that it is prohibitive.

VII. FOR YOUR INFORMATION

A. State Board of Mortuary Science

Open Session Meeting Minutes--August 29, 2006

B Magazine Articles

Cremation helps spark cemetery's creativity

Getting a custom look on a budget

International Cemetery & Funeral Management October 2006

The Forum October/November 2006

These matters were all 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 12:05 PM and move into Executive Session at 1:00 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. Two (2) 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