

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
APRIL 12, 2007

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, April 12, 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. Absent
Paul M. Desbiens Present
Waheed Khalid Present
June Nikola Present
William Nichols Present
Genevieve Raganelli Absent

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 MINUTES OF MARCH 8, 2007

A motion was made by June Nikola and seconded by Waheed Khalid to approve the Public Session Meeting minutes of March 8, 2007 as presented. A vote was taken and the motion was approved by a unanimous vote.

III. APPEARANCE CHUCK MANNING, REGULATORY ANALYST

Re: NJAC 13:44J-5.6, Annual Reports & 10.2, Application for a license for a cemetery salesperson
NJAC 13:44J-10.7, Prohibited activities

On October 2, 2006, the Board proposed in the New Jersey Register Amended rule NJAC 13:44J-5.6 & 10.2 and New rule, NJAC13:44J-10.7. The Board had received comments from one (1) entity to this proposal. The Board reviewed today with Regulatory Analyst Chuck Manning the comments along with the responses prepared by the Board's Regulatory Committee (Marion Brozowski & Paul Desbiens, along with Mr. Manning, DAG Provost and Executive Director Tamaroglio). Upon review of same, a motion was made by William Nichols and seconded by Waheed Khalid to adopt these regulations as proposed. A vote was taken and the motion was passed by a unanimous vote.

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. Due to a lack of quorum during this issue, the Board met in Committee.

On October 2, 2006, the Board proposed in the New Jersey Register Amended rule NJAC 13:44J-8.4 and New Rule NJAC 13:44J-14.3. The Board received comments from eight (8) entities to this proposal. The Board reviewed today with Regulatory Analyst Chuck Manning the comments along with the responses prepared by the Board's Regulatory Committee (Marion Brozowski & Paul Desbiens, along with Mr. Manning, DAG Provost and Executive Director Tamaroglio). A motion was made by William Nichols and seconded by Paul Desbiens that due to a lack of a quorum during this discussion, to bring this discussion to the full Board at its May 10, 1007 Board

meeting. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

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 Park. Mr. Vanderberg advised that the cemetery has formed a Board of Directors who are trying to get the cemetery in order. Mr. Vanderberg is working on getting the financial records in order to begin the process of completing the cemetery's Annual Reports. The cemetery has about \$5,000.00 in a CD. Mr. Vanderberg and the Board of Directors advertised for an Annual Meeting but no one showed up for the meeting. The Sheriff's officers have assisted in cleaning up the cemetery. Mr. Vanderberg will keep the Board apprized of the progress of the cemetery. This matter will be carried over.

Perrineville Cemetery (CA #41)

Perrineville Cemetery's Annual Reports are now filed to and including 2002. Ruth Briggs continues to work with Board Accountant George Booktor in getting these reports completed and filed. This matter will be carried over.

Salem Evergreen Cemetery (CA #276)

Russell Ahlquist, Accountant for Salem Evergreen Cemetery has begun the process of completing and filing the cemetery's Annual Reports; he has filed the 2001 Annual Report with the Board office. This matter will be carried over.

New Asbury Meeting House Cemetery (CA #349)

DAG Ginger Provost has sent a letter to Florence Turner, Secretary, New Asbury Meeting House Cemetery advising that the cemetery received a Certificate of Authority in March 1977 and as such must abide by the cemetery Statute as well as the Board's regulations. The cemetery's By-Laws that are in the cemetery's file in the Board office clearly state that sales of lots are not restricted to members of a religion and no religious or race discrimination shall be practiced in connection with the sale of lots. That fact alone demonstrates the fact that the cemetery is not exempt from regulation by the Board. DAG Provost has asked for information to very specific questions related to the operations of the cemetery as well as financial information. This matter will be carried over.

Odd Fellows Cemetery (CA #330)

DAG Ginger Provost has issued a Demand for Statement In Writing Under Oath to Odd Fellows Cemetery seeking information regarding the operations of the cemetery. This matter will be carried over.

B. Delinquent in filing Annual Reports since 1998

Re: Mount Zion Cemetery (CA #206)

This matter will be held over pending receipt of the Enforcement Bureau's Investigative Report.

C. 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)

As this matter has been on the Public Meeting agenda since July, 2006, and there has been no further documentation received regarding the lease, the Board will remove the matter from future Board meeting agendas until such time we are in receipt of the documentation.

D. Cemetery has never filed Annual Reports

Re: Barber Burying Ground Association (CA #285)

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

E. Should this cemetery have a Certificate of Authority?

Re: Musconetcong Cemetery

The Board has not yet received a response from Rev. F. Irvin Angstadt, as to whether or not the cemetery only buries members of its faith. A follow up letter will be sent. This matter will be carried over.

F. Cemetery has no money and no activity

Re: Wantage Cemetery (CA #161)

The Board has not yet received a response from the County of Sussex to the Board's inquiry for information regarding the cemetery. A follow up letter will be sent. This matter will be carried over.

G. Old Tennent Cemetery (CA #201)

The Board continues to receive an exorbitant amount of correspondence from all interested parties in this matter. Executive Director Dianne L. Tamaroglio has advised that she has received a phone call advising that the recently appointed "Special Master" is not in effect. DAG Ginger Provost will contact Christopher J. Vaz, attorney for the plot owners to find out if the "Special Master" is in effect. It appears that at this time, the Trustees of the cemetery are status quo; if this is so, right now there shouldn't be any problems with the cemetery. This matter will be carried over.

H. Hillside Cemetery (CA #398)

Glen Pierce has written to the Board advising that the house on the cemetery property is once again for sale and foresees a problem in getting the paving of the easement done. He advises that the current owner of the home, David Levine is going to "work things out" with George Pierce to get the paving done. The Board also received correspondence from Joyce C. Hilley, a deed holder in Hillside Cemetery who also has concerns about the cemetery. Also in attendance at the Board meeting was Dr. Beverly Crifasi who also has an interest in the cemetery and confirmed that the paving has not been done and has a concern for the future of the cemetery. A motion was made by June Nikola and seconded by Paul M. Desbiens to (1) write to the cemetery advising that it should get estimates ASAP for the paving and forward same to the Board office and (2) write to Michael Manieri, Attorney for the Romano Estate asking if money for the paving was ever put into escrow. A vote was taken and the motion was passed by a unanimous vote. The paving estimates will be forwarded by the Board to Mr. Manieri to be sure the appropriate amount of money for the paving is in escrow. This matter will be held over.

I. Diocese of Metuchen

Re: Establishment of crematorium

This matter will be held over pending receipt of an application for a Certificate of Authority from the Diocese of Trenton.

J. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

DAG Ginger Provost will follow up with this matter to see what progress is being made with the reconstituting of Mercer Cemetery's Board of Trustees.

K. Amended and Restated Certificate of Incorporation

Re: Rosedale Cemetery (CA #42)

The Board has not yet received a response to its inquiry regarding Rosedale Cemetery's Amended and Restated

Certificate of Incorporation. A follow up letter will be sent.

L. Application for sale of a portion of cemetery property

Re: Pleasant Hill Cemetery Association (CA #225)

An on-site inspection of the property to be sold at Pleasant Hill Cemetery Association was conducted by Board Vice-Chairman William Nichols. Mr. Nichols advised that the property in question is not suitable for cemetery purposes and that the sale of this land will not have an adverse effect on the cemetery. The cemetery has also supplied the Board with a new appraisal of the land; this one being done on behalf of the cemetery. With all documentation in order along with Mr. Nichols' report, a motion was made by June Nikola and seconded by Waheed Khalid to approve the sale of this land. A vote was taken and the motion was passed by a unanimous vote. The cemetery's Certification paper in this application states that the cemetery will deposit 15% of the proceeds of the sale into its M&P Trust Fund. The Board will suggest that the cemetery deposit 50% of the proceeds from the sale into the cemetery's Trust Fund due to the fact that the Trust Fund is not strong financially which causes the Board to be concerned about the future well being of the cemetery. Another reason for the Board's suggested deposit to the Trust Fund is that it is concerned about the low sale price of the property, \$41,000.00 for 1 acre of land. The extra funding would offset the low sale price.

M. Condemnation of a portion of cemetery property

Re: Monmouth Memorial Park (CA #78)

The Board reviewed at its May 11, 2006 Board meeting correspondence from Robert Lee Hefter, President, Monmouth Memorial Park wherein he advised that the County of Monmouth has identified a need to acquire a portion of the cemetery's property. The Board has now received correspondence from Mr. Hefter that the cemetery and Monmouth County have closed on the sale of this property. Under Eminent Domain the County has taken a portion of property 2,152 square feet in size plus temporary easements totaling another 1,718 square feet. The cemetery has received \$16,800.00 in compensation and advises that it will deposit 15% or \$2,820 into its Trust Fund. This transaction has taken place without Board approval. The cemetery's file in the Board office will be reviewed to see if there have been any other transactions that were conducted by the cemetery in the past without getting Board approval. This matter will be carried over.

N. Correspondence from Thomas E. Stover, Esquire

Re: Green's Chapel Cemetery Association/Mt. Herman Cemetery Association

Mt. Hermon United Methodist Church to Seventh Day Adventist Church

Mt. Hermon Cemetery Association a/k/a Green's Chapel Cemetery Association surrounds Mt. Hermon United Methodist Church. The Church is now being sold and the question arises how to handle the cemetery that presently exists under a separate association. The cemetery has in the past only buried people of the United Methodist faith and the church is now being sold to the Three Angels Seventh-Day Adventist. Also, the cemetery is very limited financially. As this matter is very complex, the Board will ask Mr. Stover to attend either the May or June Board meeting to further discuss the situation. Mr. Stover will be asked to bring any original documentation he may have pertaining to this situation along with a survey of the area. This matter will be carried over.

V. NEW BUSINESS

A. Fiscal Year 2007 Budget Report, 1st half

The Board reviewed the first half of its Fiscal Year 2007 Budget Report. It appears that at this time, the Board's finances are in good condition.

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

Re: General Questions Regarding Transfers of Interment Space

William C. Passodelis, CMS Mid-Atlantic has sent in an inquiry regarding transfer of interment spaces, niches as outlined in NJSA45:27-28. Mr. Passodelis is seeking legal advice from the Board. The Board will advise Mr. Passodelis that it cannot answer specific legal questions. This matter is closed and removed from future Board meeting agendas.

C. Inquiry from Millard Wilkinson, Jr., Berlin Cemetery Association
Re: Removal of cremains

Millard Wilkinson, Jr., Superintendent, The Berlin Cemetery Association has written to the Board regarding the removal of cremains from a niche. The second wife of the deceased wants to remove the cremains and move them elsewhere and the cemetery wants to know if the children of the deceased have to give their permission. Mr. Wilkinson will be advised that the wife has the right to remove the cremains as the surviving spouse as per NJSA45:27-22 and surviving niche owner. If the cemetery cannot confirm that the wife is the niche owner from its records, they can ask the wife for a copy of her deed. The children do not have to give their permission for the removal. This matter is closed and removed from future Board meeting agendas.

VI. PUBLIC COMMENT

No public comments were made today.

VII. FOR YOUR INFORMATION

A. Memo to all Certificate of Authority Cemeteries
Re: Amendment to NJSA45:27-22a(1)

B. Magazine/Journal Articles

The Forum March, 2007

C. Notification of Civil Action, Third Party Complaint

Re: Chevra Kadisha of Bobov, Inc., Plaintiff, vs Washington Cemetery Management Corporation, Defendant/Third Party Plaintiff, vs Congregation Shaarei Zion D'Bobov, Isaac Deutsch, Mendel Gross, Zvi Arye Reinhold, Third Party Defendants Civil Action No. 06-5473(FSH)

D. 1st Quarter Legislative Report–January 1, 2007- March 31, 2007

All of the above matters were considered informational by the Board deeming no discussion or decision making.

VIII. ADJOURNMENT

A motion was made by William Nichols and seconded by Paul M. Desbiens to adjourn Public Session at 11:45 AM and move into Executive Session at 12:20 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. Seven (7) 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 Waheed Khalid and seconded by June Nikola to adjourn the Board meeting of April 12, 2007. A vote was taken and the Board meeting was adjourned at at 2:00 PM.

Respectfully Submitted,

Dianne L. Tamaroglio
Executive Director