

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
SEPTEMBER 8, 2005

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J., on the sixth floor, on Thursday, September 8, 2005. 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 AM as a Committee meeting due to lack of quorum. At 10:00 AM, with the arrival of Stephen F. Hehl, the Board went out of Committee and into a regular Board meeting. 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 arrived @ 10:20 AM; left 4:00 PM
Stephen F. Hehl Present arrived @ 10:00 AM
Waheed Khalid Present
June Nikola Present
William Nichols Present
Karen Walsh Pappas Absent

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

II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JULY 14, 2005

In Committee, a motion was made by Marion Brozowski and seconded by William Nichols to recommend to the full Board the approval of the Public Session Meeting Minutes of July 14, 2005 as corrected. When the Board went out of Committee and into a regular Board meeting, a motion was made by Marion Brozowski and seconded by Stephen F. Hehl to approve the Committee recommendation to approve the Public Session Meeting Minutes of July 14, 2005 as corrected. A vote was taken and the motion was passed by a unanimous vote.

III. APPEARANCE CHARLES MANNING, REGULATORY ANALYST

N.J.A.C.13:44J-5.6, Annual Reports

The Board receives many requests from cemeteries for a waiver of the \$75.00 filing fee for the Annual Reports due to their poor financial conditions. A Committee of the Board worked with Regulatory Analyst Chuck Manning, DAG John Hugelmeyer and Executive Director Dianne L. Tamaroglio on a new regulation that would eliminate the fee for those cemeteries whose income from the Trust Fund is \$1000.00 or less. Those cemeteries whose Trust Funds are in poor financial condition and the income is more than \$1000.00, would still be able to request a waiver of the filing fee from the Board. Upon the Board's review of the new regulation, a motion was made by Marion Brozowski and seconded by William Nichols to approve N.J.A.C. 13:44J-5.6. A vote was taken and the motion was approved by a unanimous vote. Mr. Manning will prepare the prefatory language for publication of the regulation in a future New Jersey Register.

N.J.A.C.13:44J-14.3, Sale of 17 or more interment spaces or niches to an individual

The provisions of the Board's statute and regulations that address bulk sales of graves or niches pertain only to sales to religious societies, membership corporations, or unincorporated associations or societies; the regulations do not pertain to multiple sales to individuals. The Board has discussed the need to promulgate a regulation that would pertain to multiple sales to individuals. A Committee of the Board worked with Regulatory Analyst Chuck Manning, DAG John Hugelmeyer and Executive Director Dianne L. Tamaroglio on a new regulation pertaining to same. Mr. Manning reviewed this regulation with the Board at this meeting. The regulation calls for an affidavit to be provided to the Board from the cemetery stating that the individual purchasing the interment spaces or niches is not purchasing with the intent to resell. The Board held its vote on the regulation until the Committee prepares affidavits that would be appropriate for the regulation.

N.J.A.C.13:44J-10.2, Application for a license as a cemetery salesperson

The Board has major concerns with an active Licensed Cemetery Salesperson holding an active Funeral Director's License simultaneously because of the Prohibited Activities listed in the New Jersey Cemetery Act, 2003 under N.J.S.A. 45:27-16c. This provision states: A cemetery company, and any person engaged in the management, operation or control of a cemetery, directly or indirectly, is specifically prohibited from engaging directly or indirectly, in any of the following activities:

1. manufacture or sale of memorials;
2. manufacture or sale of private mausoleums;
3. manufacture or sale of vaults, including vaults installed in a grave before or after sale and including vaults joined with each other in the ground; and
4. the conduct of any funeral home or business or profession of mortuary science.

N.J.A.C. 13:44J-10.2 would be amended by the addition of an affidavit as a part of the Cemetery Salesperson's application that would state that the applicant does not and will not engage in any activity prohibited by N.J.S.A. 45:27-16c.

N.J.A.C.13:44J-10.7, Prohibited activities

N.J.S.A.45:27-37b(4), states that a license shall be issued if the applicant is not barred from making cemetery sales by other employment which the Board members believe "barred from other employment" would refer to the above listed Prohibited Activities. For these reasons, a Committee of the Board worked with Regulatory Analyst Chuck Manning, DAG John Hugelmeyer and Executive Director Dianne L. Tamaroglio on a new regulation that would prohibit dual licensure, which would list the prohibited activities. Upon the Board's review of amended N.J.A.C.13:44-10.2 & new rule N.J.A.C. 13:44J-10.7 a motion was made by William Nichols and seconded by Larry Colasurdo to approve both regulations. A vote was taken and the motion was passed by a unanimous vote. Mr. Manning will prepare the prefatory language for publication of the amended regulation and the new regulation in a future New Jersey Register.

IV. OLD BUSINESS

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

This matter will be held over.

B. Surrender of Certificate of Authority and dissolution of cemetery
Re: Trinity Cemetery Association (CA #396)

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

This matter will be held over.

C. Cemetery and assets absorbed by new entity

Re: Tri County Lodge #182 Knights of Pythias (CA #367)

Annual Report forms, the New Jersey Cemetery Act, 2003, and the Board's regulations have been sent to Sheldon Gould, the contact person for the cemetery. Mr. Gould has been advised that as he is the new contact person for the cemetery, one of his responsibilities is to file the Annual Reports for the cemetery. George Booktor, the Board's auditor will visit with Mr. Gould, assist him in filling out the reports and assist him in understanding when contributions are to be made to the Trust Fund. This matter will be carried over.

D. Correspondence from Thomas E. Stover, Esquire

Re: Mt. Hermon Cemetery Association a/k/a Green's Chapel Cemetery Association

Thomas E. Stover, Esquire will be advised that as we have not heard from him in some time regarding this matter, we are removing it from future Board meeting agendas. Mr. Stover will be asked to notify the Board when the Church is sold or when Title is cleared. PUBLIC SESSION MEETING MINUTES--SEPTEMBER 8, 2005 PAGE 4

E. Application for Certificate of Authority

Re: Stafford Township Historical Society, Inc., Stafford Township Township Historic Cemeteries

Timothy Hart, the attorney representing the Stafford Township Historical Society, Inc. has been in contact with the Board office and has advised that he is in the process of establishing the Maintenance & Preservation Trust Fund necessary for a Certificate of Authority. Mr. Hart will be advised that at this time, the Board is removing this matter from future Board meeting agendas and that he should notify the Board when he is ready to continue with the application for a Certificate of Authority.

F. Purchase of property adjacent to cemetery without Board approval

Re: Bay View-New York Bay Cemetery (CA #7)

Richard N. Campisano, attorney representing Bay View-New York Bay Cemetery has provided the Board with the requested affidavit showing that the land purchase was an arms length transaction. With receipt of the affidavit this land purchase is approved. A Settlement Letter was issued to the cemetery for purchase of the property without Board approval. The Settlement letter carried a \$250.00 Civil Penalty for each parcel of land purchased for violation of N.J.A.C.13:44J-13.5 & N.J.S.A. 45:27-25(e). William T. Jackson, President, Bay View-New York Bay Cemetery, has signed the acknowledgment, acknowledging the violation by the cemetery and has paid the \$500.00 Civil Penalty. This matter is now closed and removed from future Board meeting agendas.

G. 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 from Louis A. Colaguori, the attorney representing Hayes Riverview Cemetery the requested documentation pertaining to the sale of a portion of the cemetery's property without receiving Board approval. A follow up letter will be sent to Mr. Colaguori advising that if the Board does not receive the requested documentation, the cemetery could face possible disciplinary action by the Board. This matter will be carried over.

H. Certification of M&P Trust Funds

Richard Carchia, Senior Vice-President-Investments, Wachovia Securities, LLC has written to Marion Brozowski, Board Vice-Chairman advising the approval has been received from Wachovia's legal department that certification can be provided for Trust Brokerage account statements. The following will be attached to year end statements: This is certified to be a true and correct copy of the original statement. This matter is now closed and removed from future Board meeting agendas.

I. Ruffin Cemetery (CA #342)

Re: Who has jurisdiction over this cemetery

Louis Cicalese has written to the Board advising that he could not provide any additional minutes prior to Ruffin Cemetery's October 1, 2005 Annual Meeting. To the best of his knowledge, no organized meetings were held for ten years prior to that date. Mr. Cicalese advises that his involvement with the cemetery dates back to early 2002 when he attended an informal meeting at the St. Thomas AME Zion Church, a historic church cemetery that is adjacent to Ruffin Cemetery. This led to informal meetings with the next of kin of persons buried in Ruffin who wanted guidance on how to organize the lot owners. That brought about the October 1, 2003 Annual Meeting. No one seemed able or willing to advance any funds towards the costs of refurbishing the cemetery, therefore, Mr. Cicalese advanced the funds to begin surveying the property and to erect a protective fence around the Cemetery as it was prey to vandalism and other deleterious risks. Mr. Cicalese has provided the Board with pictures of headstones, that he believes shows that Ruffin Cemetery is not a "family cemetery" but rather is clearly a community cemetery where individuals and families from all over Monmouth County have been laid to rest and whose family members are very interested in the cemetery's rehabilitation, maintenance and preservation. Mr. Cicalese further advises that in light of the controversy over who has jurisdiction over the cemetery, he has decided to put all his plans on hold pending the New Jersey Cemetery Board's review process. Mr. Cicalese also provided the Board with a copy of the boundary survey of the cemetery with the identification of some headstones. The Board has also received correspondence from Margaret Conover advising that she must clarify several matters which she believes are misrepresentations by Mr. Cicalese. Ms. Conover claims that she and her sister, Lilly Jackson, the remaining living heirs of Cynthia Ruffin have received numerous letters from Mr. Cicalese regarding his taking over operations of the cemetery. Both advised Mr. Cicalese that they had no interest in his offers and that he should stop bothering them. The two told him he could clean up the cemetery if he wanted to, but that was not authorization for him to manage the cemetery. Ms. Conover further advises that Mr. Cicalese never spoke to either she or her sister about loaning the cemetery money to have surveys done or to put up a fence. Whatever he is doing with regard to the cemetery is of his own doing and does not have either woman's permission to do so. Ms. Conover advises that if Mr. Cicalese does not stop what he is doing at the cemetery, they will take legal action. Mr. Cicalese has responded to Ms. Conover's letter advising that he can offer no explanation as to what may have happened to produce such a drastic change of heart on her part. He also enclosed copies of correspondence that he previously had with the sisters to illustrate his surprise at her change of mind. Upon review of Ms. Conover's correspondence as well as that from Mr. Cicalese, the Board made the determination that it needs additional information to make sense of this situation. A motion was made by Marion Brozowski and seconded by June Nikola to authorize DAG John Hugelmeyer to issue a Demand for Statement in Writing Under Oath to Margaret Conover. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

J. Should this cemetery have a Certificate of Authority

Re: Mahwah Cemetery

Geof Gohlich, Cemetery Chairman, Mahwah Cemetery has written to the Board advising that as per the rules and regulations of the cemetery, the cemetery was organized as a Protestant Cemetery and no plot shall be specially dedicated or consecrated. Mr. Gohlich further advises that the Non-Sectarian sign on the cemetery was indeed incorrect and the cemetery has since replaced the sign. Previously, the cemetery had advised that it buries those of all faiths. Mr. Gohlich provided the Board with a copy of the cemetery's Rules and Regulations. It is noted that #5 of the rules has been blackened out leaving the Board to wonder why it was blackened out. A motion was made by Larry Colasurdo and seconded by Marion Brozowski to authorize DAG John Hugelmeyer to issue a Demand for Statement in Writing Under Oath to the cemetery. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

K. Cedar Heights Cemetery (CA #263)

Re: Withdrawal of \$4,786.00 from Trust Fund

As the Board has not yet received a response from Cedar Heights Cemetery regarding the withdrawal of \$4,786.00 from the corpus of the cemetery's Trust Fund, a subpoena will be issued for the appearance of a representative of

the cemetery to appear before the Board at its October 13, 2005 Board meeting for an Investigative Inquiry. This matter will be carried over.

L. Correspondence from Charles J. Giarard, Esquire
Re: Oak Hill Cemetery (CA #154)

Previously, the Board received notification that Louis Lugiano was resigning his position at the cemetery leaving no one to care for it. The Board authorized that a Committee of the Board, Board Chairman Frank J. DeGeeter, Jr. & William Nichols visit the cemetery to discuss the situation with Charles J. Giarard, the attorney representing the cemetery and Mr. Lugiano. The Committee has advised that based upon its visit, another lot owners meeting was held and the election of four Cemetery Trustees and Officers took place. The Committee believes that with the election of Officers and Trustees, the cemetery should be in good shape. Kenneth Quay, the newly elected President of the cemetery has since written to the Board advising of the newly elected officers and Board of Trustees. Mr. Quay also advised that with a recent reallocation of the cemetery's Trust Funds to obtain greater income coupled with the anticipated operating income and the identified volunteers who have come forth, Oak Hill Cemetery will remain in a tight but sound financial basis. This matter is now closed and removed from future Board meeting agendas.

M. Requesting Board approval for sale of land
Re: The Fair Mount Cemetery (CA #176)

A Committee of the Board, Board Chairman Frank J. DeGeeter and William Nichols met with Dan Hart, manager of The Fair Mount Cemetery to discuss the pending sale of a house and property located adjacent to the cemetery that is owned by the cemetery. Mr. Hart advised that the house has been vacant for 13 months with carrying expenses of about \$6,000 per month. The property was purchased in 2002 for \$615,000 with a balance due of about \$600,000 on the purchase money that was financed. It was noted that in the original paperwork reviewed by the Board office for the purchase of the land, it stated that the intention was to use the property for cemetery purposes. The Board will inquire as to whether or not the cemetery ever took the steps necessary to dedicate the property. The Board approved the sale of the land pending notification of the amount of proceeds realized from the sale at which time the Board will make a determination as to the disbursement of the proceeds. This matter will be carried over.

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

Provisional Orders were issued in June, 1999 to approximately 35 cemeteries for not filing Maintenance & Preservation Trust Fund Annual Reports for varying numbers of years. The Orders each carried a \$500.00 Civil Penalty. All but 11 of these cemeteries complied with the Provisional Order and have since filed their respective Annual Reports in a timely manner. Two of the eleven cemeteries, Elmwood Cemetery and Cherryville Mountain View Cemetery have since complied with the statute; Final Orders will be issued to both. With regard to the other cemeteries:

Pennington African Cemetery (CA #382)--was delinquent in filing Annual Reports from 1995-1997. The Board was advised at that time that the cemetery is strictly historical with its last burial being in 1963. The Board was also advised that the cemetery had no money at the time. The Board at that time wrote to the cemetery that perhaps it should relinquish its CA and sent another letter regarding the same in 2003. The cemetery never responded to the Board nor have any reports ever been filed with the Board office. New Jersey Cemetery Association Executive Director Judy Welshons volunteered to conduct an on-site inspection of the cemetery. Ms. Welshons will report her findings to the Board.

Tri County #182 Benevolent Association Cemetery (CA #182)--was delinquent in filing Annual Reports from 1989-1997. Reports have been filed up to 2002; fine was never paid. The cemetery has recently been taken over by a new entity and the Board is working with them so that the cemetery operates in compliance with the Board's statute and regulations. The cemetery has very little money.

Garden of Rest Cemetery (CA #350)--was delinquent in filing Annual Reports from 1993-1997. There was no

response from cemetery to the PO; no reports have been filed since 1992. A letter went to cemetery in July, 2001, asking for the status of cemetery; we never received a response. Board member William Nichols will conduct an on-site inspection of the cemetery and report his findings to the Board.

Deckertown Union Memorial Park Cemetery (CA #155)--was delinquent in filing Annual Reports from 1990-1998. A response was received from Peter Horvath, a funeral director who had been helping with the upkeep of the cemetery asking that the Board waive the fine and suggested that it would be in the best interest of the cemetery if the Cemetery Board took charge of maintaining the cemetery. A letter went to Mr. Horvath asking that he forward the PO to the individual who has the records for the cemetery. The Board never heard any further and no reports have been filed since 1989. Board Chairman Frank J. DeGeeter, Jr. will conduct an on-site inspection of the cemetery and report his findings to the Board.

Perrinville Cemetery (CA #41)--was delinquent in filing Annual Reports from 1992-1998. The cemetery paid the fine, however, no reports have been filed since 1991. DAG John Hugelmeyer will issue a subpoena to one of the last known officers of the cemetery as listed on the 1991 Annual Report.

Salem Cemetery (CA #276)--was delinquent in filing Annual Reports from 1991-1998. Reports have since been filed through 2000 with no interment fees or filing fees included. The cemetery has not filed any reports since 2000 nor did the cemetery pay the Civil Penalty. DAG John Hugelmeyer will issue a subpoena to one of the last known officers listed on the 2000 Annual Report.

New Asbury Meeting House Cemetery (CA #349)--was delinquent in filing Annual Reports from 1989-1999. No response was ever received and no reports have been filed since 1988. An inspection of the cemetery will be conducted.

Odd Fellows Cemetery (CA #330)--was delinquent in filing Annual Reports from 1993-1998. No response was ever received and no reports have been filed since 1992. An inspection of the cemetery will be conducted.

Hainsville Cemetery (CA #262)--was delinquent in filing Annual Reports from 1989-1998. Delinquent reports were filed; fine not paid. No reports have been filed since 1998. DAG John Hugelmeyer will issue a subpoena to one of the last known officers listed on the 1998 Annual Report.

O. Amended Right of Way Easement Agreement

Re: Hillside Cemetery Company (CA #398)

In 2003, Michael Manieri, the attorney representing the Estate of Susie Romano, et als and D.F. Moore Craig, the attorney representing Hillside Cemetery Company appeared before the Board to discuss the amended easement agreement which had been entered into and proposed by the Romano Estate and Hillside Cemetery Company and to request Board approval for the amended easement. The proposed amended easement as to area, term, and use were all exactly as they were in the original easement. The differences were that the Romano's were no longer required to provide any maintenance (other than snow plowing), and the water tap and water charge obligation is removed. As part of the settlement, Hillside Cemetery would receive from the Romano's the sum of ten thousand dollars (\$10,000.00). In this agreement the cemetery is responsible for paving of the road going through the cemetery and maintaining of same. The Board had concerns with this agreement such as: how will the cemetery keep up the paving of the road in years to come; and what is meant by maintenance of the road. There was also a concern that the total easement may encompass graves; the measurement for the easement in the agreement is 22 ½ feet, however the roadway is only 10 feet. The Board at that time made its concerns known and requested that the agreement be revised. The Board today reviewed the amended Right-of-Way Easement Agreement provided by D.F. Moore Craig, Esquire. David Levine is now the owner of the Romano property. The cemetery will receive \$5,000.00 for granting the easement. The purpose of the right-of-way shall be to allow the Mr. Levine (the Grantee), his guests and invitees, ingress and egress to the property of the Grantee located to the rear of the Cemetery's (Grantor's) property. The right-of-way shall be limited for the purpose of providing such ingress and egress to serve the one family dwelling in the property of the Grantee and for no other purposes. It shall be the obligation of the Grantee to improve and maintain the right-of-way area, including snow removal, so as to allow such access at Grantee's own cost and expense. The suggestion was made by the Board that the agreement should

be revised to include an indemnification clause whereby the cemetery would be indemnified by the Grantee of the easement against any and all claims by visitors to the Grantee. The interested parties present, George Pierce, President, Hillside Cemetery and David Levine were in agreement with this suggested addition. A motion was made by William Nichols and seconded by June Nikola to approve the right-of-way agreement pending receipt of the agreement with the indemnification clause being added. A vote was taken and the motion was passed by a unanimous vote. Glen Pierce, nephew of George Pierce was in attendance and posed some questions to the Board regarding the easement. DAG John Hugelmeyer addressed all of Mr. Pierce's concerns. This matter will be removed from future Board meeting agendas and brought back to the Board when we receive the amended agreement.

V. NEW BUSINESS

A. Approval of Bulk Sales

1. Beth Israel Cemetery Association (CA #1), Woodbridge, NJ to Fraternal Order of Bendin Sosnowicer, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 140 graves for \$109,900.00 (\$785.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

2. Morganville United Methodist Church, Forest Green Park Association, (CA #187), Marlboro, NJ to Ahl'e Baith Foundation, Inc., Englishtown, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 116 graves for \$25,000.32 (\$215.52 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Forest Green Park Association.

B. Sale of cemetery property without New Jersey Cemetery Board approval

Re: Jacobstown Baptist Cemetery Association (CA #150)

Rose of Sharon Evangelical Lutheran Church, Inc. purchased property owned by the Jacobstown United Methodist Church in April, 2004 which includes a cemetery. Eleanor J. Cannon, Council Secretary for Rose of Sharon Church has written to inquire if any financial assistance or grants are available to assist with the upkeep of the cemetery. The Board will advise Ms. Cannon that the Board does not have knowledge of such financial assistance or grants. The Board will refer Ms. Cannon to the New Jersey Historic Preservation Office, c/o Deborah Fimbel, PO Box 404, Trenton, NJ 08625-0404. This matter will be removed from future Board meeting agendas.

C. SCI New Jersey Funeral Services, Inc. d/b/a/ Garden State Crematory (CA #205)

Re: All officers and Board of Directors are from out of State

It has been brought to the attention of the Board that all of the officers and Board of Directors of Garden State Crematory are from out of State. While Title 8A stated that at least one member of the governing body of a cemetery company must reside in the State of New Jersey, the New Jersey Cemetery Act, 2003 does not have this provision. Therefore, it would appear that there is no violation. We will however, check Garden State Crematory's by-laws to see if there is any mention of one member of the governing body residing in the State. If there is such a provision, the matter will be brought back to the Board; if not, this matter will be closed and removed from future Board meeting agendas.

D. Sale of a portion of cemetery property

Re: Mount Pleasant Cemetery (CA #141)

Richard M. Ralph, General Manager, Mt. Pleasant Cemetery Company has written to the Board requesting approval of the sale of a portion of cemetery property to the City of Newark as a part of its redevelopment project

known as Combined Sewer Outflow Facilities Project. The cemetery will receive \$7400.00 from the City for the property. There are no burials in that area of the cemetery. Mr. Ralph also requested that the Board waive the \$500.00 fee for the approval of the land sale due to the poor financial condition of the cemetery. A motion was made by William Nichols and seconded by Marion Brozowski to approve the sale of the property for \$7400.00 with 15% going into the Mount Pleasant Cemetery's Maintenance & Preservation Trust Fund and to waive the \$500.00 filing fee due to the financial condition of the cemetery. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

E. Requesting Board assistance

Re: Lake Nelson Memorial Park (CA #99)

In 1984, the management for Lake Nelson Memorial Park sold off some 20 acres of cemetery land to Castle Developers for the construction of townhomes without approval from the Cemetery Board. Litigation was brought against the cemetery by the Attorney General's Office. On August 2, 2001, amongst other provisions, the Court ordered that Castle Group relocate the office of Lake Nelson which is on the sold property at its sole cost and expense. To date, Castle Group has not complied with the Order and the cemetery's office has not been relocated. Daniel Pancione, Director for the cemetery has tried unsuccessfully to have Castle group comply with the Order. Mr. Pancione has come to the Board requesting that it take over the actions needed to have Castle Group comply. The Board will advise Mr. Pancione that his request must be denied as neither this Board nor the Attorney General participated in the negotiations or in the legal action that resulted in the Order sought to be enforced. Also the Board cannot give legal advise and Mr. Pancione should seek the assistance of legal counsel. This matter is closed and removed from future Board meeting agendas.

F. Inquiry from Craig Ribsam, Superintendent, Ewing Church Cemetery & Mausoleum (CA #20)

Re: Disentombment

Craig Ribsam, Superintendent, Ewing Church Cemetery and Mausoleum, has come to the Board seeking advise. Mr. and Mrs. X are entombed in crypts at the cemetery's mausoleum. A daughter has called the cemetery and wants to remove her parents to have them cremated as it appears that she wants to use the crypts herself at the time of her passing. Mr. Ribsam wants to know if this is permissible and would he have to have permission from all next of kin. The Board will advise Mr. Ribsam that if there are other siblings, they would all have to give their permission. The Board will direct Mr. Ribsam to N.J.S.A. 45:27-23, which discusses the removal of remains and the permission needed. The cemetery will be advised to seek advise of counsel as the Board cannot give legal advice. This matter is closed and removed from future Board meeting agendas.

G. Language of the Trust—concerns about

Re: Woodlawn Cemetery (CA #234)

Larry Branch, Vice-President, Woodlawn Cemetery has forwarded to the Board a letter he received from Bank of America regarding the language of the cemetery's trust agreement with regard to investments. The language of the agreement provides that the money be invested in FDIC insured investments only which is not the case with the cemetery's investments. The cemetery's Trust is invested in a money market fund and a mutual bond fund, neither of which are FDIC insured. The legal department of Bank of America believes the Trust agreement needs reformation and advises that to change the investment language it has to go to Court. Also, Cindy Leip, Vice-President, Trust Officer has advised Mr. Branch that when the change is made to FDIC insured investments, the cemetery will loose a great deal of income. The cemetery will be advised that it does have the option to move its Trust to another financial institution. Mr. Branch will be advised to seek the assistance of an attorney who is well versed in these matters; the Board cannot give legal advise. This matter is closed and removed from future Board meeting agendas.

H. Seeking advise

Re: Cedar Ridge Cemetery Company (CA #54)

Cedar Ridge Cemetery purchased additional property to be used for cemetery purposes on February 19, 2003. A portion of the Jacksonburg Dam is located on a portion of this property. Over the years, the dam has been patched

and repaired and is now in need of repair again. The Township of Blairstown has written to the cemetery advising of problems with the dam and expecting the cemetery to pay a share of an engineering report and repairs to the dam. The cemetery has written to the Township advising that the cemetery has never in the past been involved with repairs to the dam. The Township is having a search conducted to research the true ownership of the Jacksonburg Dam. David J. Shotwell, Secretary/Treasurer for the cemetery has written to the Board seeking advise and advising that the cemetery does not have the finances available to spend on the engineering report or on the repairs. The Board has some concerns regarding the cemetery's acquisition of this property. Did the Board give approval for this purchase? Executive Director Dianne L. Tamaroglio will review past Board meeting minutes to see if the cemetery came to the Board for approval for the purchase and if the Board approved the purchase. The cemetery will be advised that it must discuss this matter with the Department of Environment Protection . Also, the cemetery will be advised that it cannot remove money from the corpus of its Maintenance & Preservation Trust Fund for either repairs to the dam or for the engineering report. Also, if the cemetery did not receive Cemetery Board approval for the purchase it will be referred to N.J.S.A. 8A:6-4 & 6-5 & N.J.A.C. 13:33J-13.5 and it must cease and desist from burials in that area until Board approval is received. This matter will be carried over.

VI. PUBLIC COMMENT

Lawrence Colasurdo, recused himself from this matter and moved away from the table.

Bernard F. Stoecklein, CEO, CMS Mid-Atlantic, Inc., has advised the Board that he believes the matter regarding the Restland Memorial Park and the recent ordinance regarding cutting down of trees, recently passed by the Township of East Hanover has been resolved by all parties. Mr. Stoecklein will provide DAG John Hugelmeyer with a copy of the agreement for review to see if Board approval for the agreement is necessary

VII. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes–June 7, 2005

Open Session Meeting Agenda–August 2, 2005

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

B. Confirmation of approval of election of New Jersey Cemetery Board officers for 2005

Peter D. Wint, Deputy Chief of Staff, Office of the Attorney General has sent confirmation of the approval of the election of Frank J. DeGeeter, Jr., as Chairman, and Marion Brozowski as Vice-Chairman of the New Jersey Cemetery Board for the period of January, 2005 through December, 2005.

C. Notice of Motion to Compel the Deposition of Joseph Carlino & Notice of Motion to Enter Judgement Against Joseph Carlino Docket No.: MON-C-33-05

Waheed Khalid and June Nikola were recused from this matter and left the room.

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

D. Correspondence from William C. Passodelis, CMS Mid-Atlantic, Inc. Re: Thornton v CMS Mid-Atlantic, Inc. & Hollywood Memorial Park Stipulation of Dismissal with Prejudice

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

E. Newspaper Article

Arena takes back seat to archaeological dig Star Ledger

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

F. Newsletter Articles

World religions require different death care options Death Care Business Advisor

New Jersey's Deserted Graveyards The Forum

Cemetery Board Minutes--July 14, 2005 The Forum

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

G. Second Quarter Legislation Report

April 1, 2005 - June 30, 2005

This report, provided to the Board for its information, by Legislative Affairs, Office of the Director, Division of Consumer Affairs, gave the progress of S2409. The Bill permits certain for-profit entities to manage or operate cemeteries. On June 16, 2005, the Bill was reported out of Committee with committee amendments with the 2nd reading to the Senate.

H. Notification of Civil Action

Re: Zlatko Radovanic, and Gorica Radovanic, his wife v CMS Mid-Atlantic, Inc. d/b/a Laurel Grove Cemetery
Docket No. L-3147-05

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

I. Notice of Claim

Thomas Maher v Laurel Grove Cemetery

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

J. Notification of accounting error

Re: CMS Mid-Atlantic Inc.

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

K. Notification of Complaint

Re: Candace M. Sabo, Richard Wm. Sabo, Jay M. Sabo and Caren M. Sabo, Plaintiffs v Princeton Memorial Park Association, and their Representatives, Laura James (Salesperson and Grief Counselor), and David B. Wendrzycki (Vice-President), Defendants
Case No.: L-0651-04

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

VIII. ADJOURNMENT

A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to adjourn Public Session at 12:50 PM. A vote was taken and the motion was passed by a unanimous vote. A motion was made by Marion Brozowski and seconded by Lawrence Colasurdo to move into Executive Session at 1:35 PM to discuss the following matters involving investigations, violations, and/or the Board's regulations:

1. (12) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.

2. (11) 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