

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**OCTOBER 13, 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, October 13, 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 9:30 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Claribel Azcona-Barber Present  
Marion Brozowski Present  
Lawrence Colasurdo Present  
Frank J. DeGeeter, Jr. Present  
Paul M. Desbiens Present  
Stephen F. Hehl Present  
Waheed Khalid Present  
June Nikola Present  
William Nichols Present  
Karen Walsh Pappas Present

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 SEPTEMBER 8, 2005**

A motion was made by Marion Brozowski and seconded by June Nikola to approve the Public Session Meeting Minutes of September 8, 2005 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 advised the Board that Greenwood Cemetery has made the decision to not erect a new building on the site of the cemetery but rather make renovations to the existing building. The prospect of more money being given to the cemetery by the County of Ocean appears to be at a stand still. This matter will be carried 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.

The closing on the property where Trinity Cemetery was to exist should occur this November. This matter will be carried over.

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

The Board has not yet received the 2003 & 2004 Annual Reports from this cemetery nor has it received any

documentation for the name change of the cemetery or for the merger of this cemetery with another one that is operated by the Fortitude Lodge. Board Accountant, George Booktor was to meet with Sheldon Gould to assist him in filing the reports. However, Mr. Gould has advised that he would like to take care of the merger as well as the cemetery name change prior to meeting with George. This matter will be carried over.

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

Louis A. Colaguori, attorney representing Hayes Riverview Cemetery has provided the Board with most of the required documentation for the portion of the cemetery's property that was sold without Board approval. Mr. Colaguori advised that he is waiting for the affidavit from the purchaser as well as the appraisal of the land that was sold and he will forward same to the Board office upon his receipt. The \$500.00 application fee has been paid. Board Accountant, George Booktor will review the cemetery's Annual Reports and provide a report to the Board. Mr. Colaguori will be asked to provide the Board with a copy of the 2001 land appraisal . This matter will be held over pending receipt of all of the required documentation.

E. Ruffin Cemetery (CA #342)  
Re: Who has jurisdiction over this cemetery

DAG John Hugelmeyer has issued a Demand for Statement in Writing Under Oath to Ms. Conover with a response date of November 1, 2005. This matter will be held over.

F. Should this cemetery have a Certificate of Authority  
Re: Mahwah Cemetery

DAG John Hugelmeyer has issued a Demand for Statement in Writing Under Oath to Geof Gohlich, Cemetery Chairman, Mahwah Cemetery with a response date of November 1, 2005. This matter will be carried over.

G. Cedar Heights Cemetery (CA #263)  
Re: Withdrawal of \$4,786.00 from Trust Fund

DAG John Hugelmeyer will subpoena the appearance of a representative from Cedar Heights Cemetery to appear before the Board at its December 8, 2005 Board meeting.

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

A letter was sent to Fair Mount Cemetery asking if it ever took the necessary steps to dedicate this land for cemetery purposes. The cemetery purchased this land in 2002 with the intent to use it for cemetery purposes. Frederick W. Engel, Esquire, President, Board of Trustees has advised that the cemetery never did take the necessary steps for dedication of the land. This matter will be held over pending notification of the amount of the proceeds realized from the sale of the property. At that time, the Board will make a determination as to the disbursement of the proceeds.

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

Pennington African Cemetery (CA #382)

Judy Welshons, Executive Director, New Jersey Cemetery Association made a visit to Pennington African Cemetery on behalf of the Board to see if she could find out anything about the cemetery. Ms. Welshons advised the Board that there is no paved road leading to the cemetery and the road that is there is a common road with a residence. A small flag marks the driveway and there is no signage for the cemetery. The cemetery itself is bordered by either a new or well-maintained black wrought iron fence with a gate wide enough to allow a car to pass through. The gate has a combination lock handle which prevented Ms. Welshons entrance to the cemetery. The grass has been mowed and there are newer looking flags placed at a few graves. Also, there are white lawn

chairs inside the grounds. There is a storage shed outside the entrance, but no sign that would give any information as to how to contact someone for the cemetery. As it appears that someone is taking care of the cemetery, we will contact the NJ Historical Society to see if per chance the cemetery has been named a historical cemetery by the Society. We will ask the Society for a list of designated historical cemeteries throughout the State. Also, we will contact the local tax assessor for any information it might have regarding the cemetery. If the Board is unsuccessful in obtaining any information regarding the operations of the cemetery, the Board will request that the Enforcement Bureau of the Division of Consumer Affairs speak with Susan Witcher, the last known person to communicate with the Board regarding the cemetery. This matter will be carried over.

#### Elmwood Cemetery (CA #90)

DAG John Hugelmeyer will prepare a Final Order to be issued to Elmwood Cemetery as it has complied with the Provisional Order.

#### Garden of Rest Cemetery (CA #350)

Board member William Nichols attempted to conduct an on-site investigation of Garden of Rest Cemetery however, the cemetery could not be located. A map found in the cemetery's file in the Board office shows that the cemetery may be a section of Somerset Hills Cemetery. We will contact David Soulen, President Somerset Hills for any information he may be able to provide the Board with regarding this cemetery.

#### Deckertown Union Memorial Park Cemetery (CA #155)

Board Chairman, Frank J. DeGeeter, Jr. conducted an on-site inspection of Deckertown Union Memorial Park Cemetery. Mr. DeGeeter advised that the cemetery is actually in two sections separated by about 5 acres of woods and then connected by a dirt road. The grass has been recently cut and there are grass clippings about a foot long in one section of the cemetery. Half of the older section was weed-wacked. The rest was covered with 3 foot high sticker bushes and golden rod. Roads are unpaved and badly maintained. There were two recent burials. There is a sign posted at the cemetery advertising plots available. The phone number listed is that of Horvath Funeral Home. There appears to be plenty of room for expansion should a customer base be developed, but it needs a lot of work. The Board will write to Peter Horvath, Funeral Director for any information he can offer regarding the cemetery and inquire about the recent burials.

#### Perrinville Cemetery (CA #41)

DAG John Hugelmeyer will issue a subpoena to one of the last known officers of the cemetery as listed on the 1991 Annual Report.

#### Cherryville Mountain View Cemetery (CA #65)

DAG John Hugelmeyer will prepare a Final Order to be issued to Cherryville Mountain View Cemetery as it has complied with the Provisional Order.

#### Salem Cemetery (CA #276)

DAG John Hugelmeyer will issue a subpoena to one of the last known officers listed on the cemetery's 2000 Annual Report.

#### New Asbury Meeting House Cemetery (CA #349)

Judy Welshons, Executive Director, New Jersey Cemetery Association has volunteered to conduct an on-site inspection of the New Asbury Meeting House Cemetery in the Spring of 2006.

#### Odd Fellows Cemetery (CA #330)

The Board will contact the other Odd Fellows Cemetery under its jurisdiction to see if they could offer any information regarding this cemetery.

Hainsville Cemetery (CA #262)

DAG John Hugelmeyer will issue a subpoena to one of the last known officers listed on the cemetery's 1998 Annual Report.

J. Amended Right of Way Easement Agreement

Re: Hillside Cemetery Company (CA #398)

D.F. Moore Craig, Esquire has provided the Board with a copy of the Amended Easement Agreement. The Agreement has been signed by the Cemetery Association and has been sent to the Grantee for a signature. This matter will be held over pending receipt of the Agreement with the Grantee's signature.

K. Seeking advise

Re: Cedar Ridge Cemetery Company (CA #54)

A review of Cedar Ridge Cemetery's file in the Board office shows that the Board gave approval to the cemetery for the purchase of the land that the Jacksonburg Dam is partially located on in July, 2002. The Board will ask the cemetery if it has contacted the Department of Environmental Protection and if so has it received a response. Also, what is the status of the repairs to the dam? This matter will be carried over.

#### **IV. NEW BUSINESS**

A. Fiscal Year 2005 Budget Report (Final)

The Board reviewed its 2005 final Budget Report prepared by the Fiscal Department of the Division of Consumer Affairs. The Board's budget appears to be in good condition for the coming year.

B. Withdrawal of funds from M&P Trust Fund

Re: Stillwater Cemetery (CA #363)

A review of Stillwater Cemetery's 2005 Annual Report shows that \$12,362.40 has been removed from the corpus of the Fund. The funds were withdrawn for paving of the driveway and repair of drainage system. Board Accountant George Booktor will review the cemetery's Annual Reports for last 4 or 5 years to see if they have been retaining income in the Funds and to ascertain whether or not the cemetery has a separate operating account. This matter will be carried over.

C. Requesting waiver of \$75.00 Filing Fee for Annual Report

Unionville Cemetery Association (CA #321)

Alvin J. Darvin, President, Unionville Cemetery Association has written to the Board requesting a waiver of the \$75.00 filing fee for the cemetery's 2004 Annual Report due to the poor financial condition of the cemetery. A motion was made by William Nichols and seconded by Marion Brozowski to grant the waiver based upon the financial condition of the cemetery. A vote was taken and the motion was passed by a unanimous vote.

Mt. Laurel Cemetery (CA #331)

Susan D. Weaver, Treasurer, Mt. Laurel Cemetery has written to the Board requesting a waiver of the \$75.00 filing fee for the cemetery's 2005 Annual Report based upon the poor financial condition of the cemetery. A motion was made by Marion Brozowski and seconded by Stephen F. Hehl to grant the waiver based upon the financial condition of the cemetery. A vote was taken and the motion was passed by a unanimous vote.

D. Requesting extension in filing Annual Reports

Re: Eglington Cemetery (CA #098)  
Gates of Heaven (CA #96)  
Woodbury Memorial Park (CA #097)  
Hillcrest Memorial Park Assoc. (CA #127)

Kathleen A. Friedrich, Garden State Cemetery Co., has written to the Board requesting a 30 day extension for the filing of the 2005 Annual Reports for the above named cemeteries. A motion was made by June Nikola and seconded by Marion Brozowski to grant the extension thereby making the reports due by October 30, 2005. A vote was taken and the motion was passed by a unanimous vote.

## **V. PUBLIC COMMENT**

No public comments were made today.

## **VI. FOR YOUR INFORMATION**

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes–July 12, 2005

Open Session Meeting Minutes–August 2, 2005

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

B. Readoption of 13:45C; Duty to Cooperate

This was to advise all Professional and Occupational Boards of the readoption of the Duty to Cooperate regulation, the regulation by which all the professional and occupational licensing boards and other sub-units located in the Division of Consumer Affairs can move to compel licensees and registrants to comply with investigative demands and orders. This was deemed informational for the Board.

C. Newspaper Article

Illness keeps developer out of jail  
Star Ledger

165 year old cemetery limited on space but open to new ideas  
Star Ledger

Developer released from jail for health concerns  
Examiner

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

## **VII. ADJOURNMENT**

A motion was made by William Nichols and seconded by Lawrence Colasurdo to adjourn Public Session at 10:45 AM and move into Executive Session at 11:00 AM. 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, violations, and/or the Board's regulations:

I. Two (2) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.

2. Fifteen (15) 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