

NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

JANUARY 7, 2010

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, January 7, 2010. 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 22, 2009 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 Chair William Nichols called the meeting to order at 10:10 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

<i>Lawrence Colasurdo</i>	<i>Present</i>
<i>Paul M. Desbiens</i>	<i>Present</i>
<i>Waheed Khalid</i>	<i>Present</i>
<i>June Nikola</i>	<i>Absent</i>
<i>William Nichols</i>	<i>Present</i>
<i>Genevieve Raganelli</i>	<i>Present</i>
<i>Michael Ticktin</i>	<i>Present</i>

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

I. ELECTION OF OFFICERS FOR THE NEW JERSEY CEMETERY BOARD FOR 2010

Executive Director Dianne L. Tamaroglio opened nominations for Chair of the New Jersey Cemetery Board for 2010. Michael Ticktin nominated William Nichols for Chair of the Board. The nomination was seconded by Lawrence Colasurdo. With no further nominations being made, Lawrence Colasurdo made a motion to close nominations; Michael Ticktin seconded the motion. A vote was taken and William Nichols was voted Chair of the Board for 2010 by acclamation.

Board Chair William Nichols opened nominations for Vice-Chair of the New Jersey Cemetery Board for 2010. Michael Ticktin nominated Paul Desbiens for Vice-Chair; the nomination was seconded by Lawrence Colasurdo. With no further nominations being made, Waheed Khalid made a motion to close nominations; Lawrence Colasurdo seconded the motion. A vote was taken and Paul Desbiens was voted Vice-Chair of the Board for 2010 by acclamation

II. OLD BUSINESS

A. Reconstitution of Board
Re: Mercer Cemetery (CA #266)

DAG John Hugelmeyer has not received a response from R. Denise Lyles, Esquire, Director of Law, City of Trenton, Arthur R. Sypek, Jr., Mercer County Counsel, & Edward Mazzeo, Sr. Vice Commander, Mercer County Veterans Council with regard to the reconstitution of the Mercer Cemetery Board of Trustees. The matter will be held over.

B. White Cedars Memorial Park (CA #400)
Re: Certificates of Indebtedness

DAG John Hugelmeyer advised the Board that he has spoken with George Dougherty, Esquire regarding the additional information the Committee of the Board is requesting. This matter will be carried over.

C. Correspondence from Claire J. OKeefe
Re: Mountain Top Cemetery

Edwin C. Landis, Jr., Attorney representing Mountain Top Cemetery has written to the Board advising that his clients are proceeding in their efforts to comply with the Board's requirements for its Certificate of Authority.

D. Application for a Certificate of Authority

- 1. Antonacci Family Memorial & Burial Ground**
- 2. Eldridge Cemetery**

These matters will be held over pending receipt of requested information from both cemeteries.

E. Hoboken Cemetery (CA #183)

The Board has not yet received the requested documentation from Marion Yovan, Receiver, Hoboken Cemetery. This matter will be carried over.

F. Riverside Cemetery (CA #43)

This matter will be held over pending receipt of the map of the "new" section of the cemetery.

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

Charles J. Girard, P.C., representing Oak Hill Cemetery appears to be making efforts to find new Trustees for the cemetery; he has contacted various cemeteries in the area to see if they would be willing to take over the operations of the cemetery but to no avail. This matter will be carried over.

H. Correspondence from Robert Bachman, Secretary/Treasurer, Mt. Pleasant Cemetery Association (CA #33)

Robert Bachman, Secretary/Treasurer, Mt. Pleasant Cemetery has responded to the Board's concerns regarding the cemetery's Trust Fund. With regard to the \$95,000.00 donation to the cemetery, Mr. Bachman advised that there was never any formal declaration from the donor. The donor only said to put it in an interest bearing account to help ensure the maintenance of the cemetery. A CD was purchased with the money and it became part of the cemetery's Trust Fund. The Board asked why there was a significant difference between the ending balance of the cemetery's Annual Report and the balance on the provided bank statement. Mr. Bachman advised that he neglected to add \$8,771.73 originally in the savings. The Board also asked who Gustaf W. Johnson was as he was listed on the cemetery's bank statement. As per Mr. Bachman, Mr. Johnson set up a trust fund in PNC Bank which makes quarterly donations (\$215.00 & \$250.00) to the cemetery in addition to 7 other cemeteries in the area. This trust fund is not a part of the cemetery's M&P and Mr. Johnson is probably listed because his trust fund is in the same bank that the cemetery's is and donations go to the cemetery from the trust fund. Upon review and discussion of Mr. Bachman's response, a motion was made by Larry Colasurdo and seconded by Michael Ticktin to grant the requested relief in paying back the \$10,000.00 to the Cemetery's Trust Fund. A vote was taken and the motion was passed by a unanimous vote.

**I. Application for purchase of land to enlarge cemetery
Re: Medford Cemetery Association (CA #373)**

Robert B. Donovan, Esquire provided the Board with a revised Contract of Sale, a Cash Flow Projection illustrating conservative crypt, niche, & grave sale information based on population and death rate data, & a proposed form for the Certificates of Indebtedness. The Board reviewed and discussed all of the documentation provided. It was noted that the cemetery will have a lot of construction costs which are not added in and where will the cemetery get the money to complete the project. Also, will the debt that will be created by the development of the cemetery be detrimental to the existing cemetery? Mr. Donovan replied that this expansion will not in any way be detrimental to the cemetery but will help it down the road. There was discussion also regarding the requested 8% interest on the Certificates; the Board has never approved Certificates at 8% interest. A motion was made by Michael Ticktin and seconded by Larry Colasurdo to approve the expansion of the cemetery for the contract price of \$5,485,000.00 contingent upon a satisfactory inspection of the property by Board members Genevieve Raganelli and Michael Ticktin and proof of the deposit of at least \$200,000.00 in an Operating Account for the cemetery's start up development costs for the expansion. Also due to the scarcity of credit available for the additional funding needed, \$5,000,000.00 in Certificates (100 x \$50,000.00 each) is deemed acceptable at 8% simple interest. A vote was taken and the motion was passed by a majority of the Board members voting in the affirmative; Paul Desbiens voted in the negative. This matter will be carried over.

**J. Withdrawal of \$158,000.00 from corpus of the Trust Fund
Old Cemetery Improvement Association (CA #207)**

Board Accountant George Booktor met with members of the Old Cemetery Improvement Association to review the cemetery's financial records and to see if in fact they have

two separate accounts set up, an Operating Account as well as the M&P Trust Fund. Mr. Booktor is waiting for specific documentation from the cemetery after which he will continue his audit of the cemetery's finances. This matter will be carried over.

K. Cemetery has only one account, rather than an Operating Account & a Trust Fund
Re: Marksboro Cemetery Association (CA #254)

A follow up letter will be sent to Marksboro Cemetery requesting documentation with account numbers that would show Marksboro Cemetery has two separate accounts, an Operating Account as well as the M&P Account. Also, the Board is requesting an explanation of the donation of \$150,000.00 that was given to the cemetery from the Estate of Marion Vitale. This matter will be carried over.

III. NEW BUSINESS

A. Historic Green Cemetery (CA 323)
Re: Correspondence from Warren H. Carr, Esquire

Warren H. Carr, Esquire representing Historic Green Cemetery has written to the Board advising that the cemetery is making an application to the Superior Court of New Jersey for the appointment of new Trustees to the cemetery. The current Trustees, Mr. & Mrs. Herbert Budd desire to withdraw as Trustees. Mr. Carr further advises that the reason for going to Court to have Trustees appointed is that it has been done in such manner in the past. As Mr. & Mrs. Carr were appointed Trustees by the Court initially, Mr. Carr will ask the Court to release them by a Court Order. While there is no specific requirement for the cemetery to advise the Board of this situation, Mr. Carr will be thanked for his advisement.

B. Correspondence from Merendino Contracting, Inc.
Re: Use of the word "cemetery"

Paul Desbien was recused from this matter and moved away from the table.

Deborah Young, Attorney representing Merendino Contracting, Inc. (MCI) has written to the Board seeking permission for the landscaping company that services exclusively to cemeteries in the tri-state area to use the word "cemetery" in its name. The reason for this request is to more accurately reflect its true business purpose as it grows its business to better serve its client cemeteries. Upon discussion, a motion was made by Michael Ticktin and seconded by Waheed Khalid to advise Ms. Young that the Board does not have a concern regarding the use of the word "cemetery". However, the stipulation is that all words must have equal prominence; if "cemetery" is in capital letters, all other words must be also. A vote was taken and the motion was carried by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

IV. FOR YOUR INFORMATION

A. Assembly Bill, No. 2406

B. Assembly Bill, No. 3016

**C. Notification of proposal in New Jersey Register
NJAC 13:44J-2.1, 5.3, 5.4, 5.7, 7.1, 7.2, 8.2, 10.5, 15.1., & 15.2**

**D. Notification of Verified Complaint
Re: State of New Jersey, by the commissioner of Transportation,
Plaintiff, vs Hillside Cemetery Association, a Defunct New Jersey Non-
Profit Corporation; New Jersey Cemetery Board; Township of Lyndhurst, in
the County of Bergen, a Municipal Corporation of New Jersey; Defendants**

**Notification of appearance of Richard J. Allen, Jr., on behalf of Hillside
Cemetery**

E. Articles

**N.J. woman's search for relatives' burial sites in Union hits a hurdle
N.J. com 12/3/2009**

**2 in Burlco accused of the theft from graves
Courier Post Online.com 12/7/2009**

**Creeps Loot Vet's Graves
The Trentonian 12/7/2009**

**Former Treasurer for Cemetery in Chester sentenced to Seven Years in
prison for stealing \$600,000.00 from Cemetery Association
Division of Criminal Justice News 12/4/2009**

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

V. PUBLIC COMMENT

No Public comments were made today.

VII. ADJOURNMENT

*A motion was made by Michael Ticktin and seconded by Genevieve
Raganelli to adjourn Public Session at 11:50 PM and move into Executive Session at 12:15 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; and*

PUBLIC SESSION MEETING MINUTES–JANUARY 7, 2010

PAGE 6

- 2. Eleven (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. A motion was made by Waheed Khalid and seconded by Larry Colasurdo to adjourn the Board meeting of January 7, 2010. A vote was taken and the Board meeting was adjourned at 1:15 PM.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*