

**NEW JERSEY CEMETERY BOARD**  
**Public Session Minutes**  
**JANUARY 10, 2008**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, January 10, 2008. 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 17, 2007 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 Vice-Chair William Nichols 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	Absent
Lawrence Colasurdo	Present
Paul M. Desbiens	Absent
Waheed Khalid	Present
June Nikola	Absent
William Nichols	Present
Genevieve Raganelli	Present
Michael Ticktin	Present

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

## **II. ELECTION OF NEW JERSEY CEMETERY BOARD OFFICERS FOR 2008**

Executive Director Dianne L. Tamaroglio opened nominations for Chairman of the New Jersey Cemetery Board for 2008. Genevieve Raganelli nominated Marion Brozowski for Chairman of the Board. The nomination was seconded by Lawrence Colasurdo. With no further nominations being made, Lawrence Colasurdo made a motion to close nominations; Genevieve Raganelli seconded the motion. A vote was taken and Marion Brozowski was voted Chairman of the Board for 2008 by acclamation.

In Ms. Brozowski's absence, Executive Director Tamaroglio opened nominations for Vice Chairman of the New Jersey Cemetery Board for 2008. Lawrence Colasurdo nominated William Nichols for Vice Chairman of the Board; the nomination was seconded by Michael Ticktin. With no further nominations being made, Waheed Khalid made a motion to close nominations; Lawrence Colasurdo seconded the nomination. A vote was taken and William Nichols was voted Vice-Chairman of the Board for 2008 by acclamation.

## **III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF DECEMBER 13, 2007**

A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the Public Session Minutes of December 13, 2007 as corrected. A vote was taken and the motion was passed by a unanimous vote.

## **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 advised the Board that she has spoken with Ed Vanderberg, President, Deckertown Union Memorial Park Cemetery regarding the status of his completion and filing of the cemetery's 2007 Annual Report and the filing of the cemetery's revised price list. Mr. Vanderberg advised that he is currently working on the report and will provide same as well as the cemetery's revised price list shortly to the Board. This

matter will be carried over.

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

Executive Director Dianne L. Tamaroglio spoke with Fred Schwenger, Pastor, New Asbury Meeting House Church advising him that the Board wanted to conduct a conference call with him during today's Board meeting to discuss the operations of the cemetery. Pastor Schwenger advised that he has no involvement with the cemetery and that the Board should speak with members of the cemetery committee. However, the members of the committee all work and are not available during the day to speak with the Board. The Board's statute and regulations were forwarded to Pastor Schwenger for his review with the cemetery committee. Pastor Schwenger will be asked for the names and addresses of the members of the cemetery committee. This matter will be carried over.

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

Roland G. Hardy, attorney representing Odd Fellows Cemetery has provided to DAG Ginger Provost information requested under the subpoena for the appearance of Frances Lewis and Charles Curry before the Board. The information and documentation provided is not sufficient enough to be used in lieu of the appearance of the two. A motion was made by Genevieve Raganelli and seconded by Waheed Khalid to advise Mr. Hardy that if all of the requested information is not received by February 14, 2008, the subpoenas for the appearance of the two will be in effect for the March 13, 2008 Board meeting. Also, as a second part of the motion, the Board authorized that a Demand for Statement in Writing Under Oath be issued by DAG Ginger Provost to Danny & Glen Moore, the individuals who are involved with the burials at the cemetery regarding their involvement with the operations of the cemetery as well as a list of the funeral directors that they provide burial services for. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

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

As Ralph Hooven, Manager, Barber Burying Ground has yet to provide the Board with an Annual Report for the cemetery, a motion was made by Genevieve Raganelli and seconded by Michael Ticktin to authorize DAG Ginger Provost to issue a subpoena for Mr. Hooven's appearance at the March 13, 2008 Board meeting to answer questions regarding the operations of the cemetery. A vote was taken and the motion was passed by a unanimous vote.

#### C. Cemetery has no money and no activity Re: Wantage Cemetery (CA #161)

The Board has received correspondence from Sylvia Krugman regarding Wantage Cemetery. Mrs. Krugman advises that the cemetery is maintained by Wantage Cemetery, Inc., a New Jersey corporation, that bears the entire cost of care and maintenance of the cemetery. The last burial in the cemetery occurred well over 50 years ago and there are at present, no outstanding gravesites which have been sold or are being offered for sale. The cemetery previously submitted plans for expansion to the Township of Wantage but has been met with some resistance from the local planning board. The land owned by Wantage is approximately 220 acres, with the cemetery comprising less than 5 acres. The balance of the land is presently farm land. James Krugman, Sylvia's son has advised that he will be preparing the cemetery's late Annual Reports and forward same to the Board office. This matter will be carried over.

#### D. Old Tennent Cemetery (CA #201)

This matter will be held over.

#### E. Correspondence from Thomas E. Stover, Esquire Re: Green's Chapel Cemetery Association/Mt. Herman Cemetery Association Mt. Hermon United Methodist Church to Seventh Day Adventis Church

March, 2005

This matter will be held over at the request of DAG Ginger R. Provost.

F. Correspondence from Martin Brothers, Licensed Cemetery Broker  
Re: Gravesolutions

The Board reviewed the Enforcement Bureau's Investigative Report regarding Gravesolutions. This company provides a web-site for individuals to sell graves as well as to purchase gravesites. From the investigation it appears that this company has not violated any of the provisions of the Board's statute or regulations. As such a motion was made by Genevieve Raganelli and seconded by Michael Ticktin that there appears to be insufficient cause for action to be taken against the company. Also, as it appears that Gravesolutions is acting as a broker of land without a real estate license, it is suggested that the Board refer this matter to the Real Estate Commission for review. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

G. Transfer of operations of cemetery  
Re: Parkview Cemetery?Medford Cemetery Association, Inc. (CA #374)

On October 11, 2007, the Board approved the transfer of Parkview/Odd Fellows Cemetery to the Medford Cemetery Association, Inc. based upon the subsequent receipt of a resolution from the Medford Lodge #100 of the Independent Order of the Odd Fellows approving the transfer as well as the cemetery's revised Certificate of Incorporation with the Board's suggested minor change. With the Board's receipt of these items, the approval process is complete. A new Certificate of Authority will be issued in the name of Medford Cemetery Association, Inc. This matter is closed and removed from future Board meeting agendas.

H. Should this cemetery have a Certificate of Authority?  
Re: First Presbyterian Church of Springfield

Robert Halsey, President, Board of Trustees, First Presbyterian Church of Springfield and Gary Haydu, attorney for the Church appeared before the Board for discussion as to whether or not this church cemetery should have a Certificate of Authority. While the cemetery in the past has not asked what faith the deceased was, as the Church's mission has been to service the needs of the community, it is possible that in years past, the church may have buried those outside of its faith but those burials would be in the minority. Mr. Halsey and Mr. Haydu advise that in the last 10 years, there have been no graves sold outside of the church nor to their knowledge have there been any burials outside of the faith. There are only about 30 graves left for sale at the cemetery which in all probability will be sold only to church members. Mr. Halsey and Mr. Haydu advise that from here forward only members of the faith will be buried at the cemetery. A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo that the Board not require First Presbyterian Church Cemetery to obtain a Certificate of Authority. A vote was taken with four Board members voting in the affirmative and one Board member, Genevieve Raganelli abstaining from voting. As this motion was not carried, it will be carried over to the March 13, 2008 Board meeting. The Board will ask that the church provide the Board with a history of the church and, certification of how business was conducted in the past at the cemetery and a resolution stating from here forward the cemetery will only bury members of the church's faith.

I. Overpayments to the Trust Fund and a request for credit  
Re: The Cemetery at Cold Spring Presbyterian Church (CA #324)

This matter will be held over pending a response from the cemetery.

J. Old Tappan Cemetery  
Re: Compliance with State Regulations of Cemeteries

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

K. Correspondence from Peter Platten, Esquire  
Re: Request for Reissue of Certificate of Authority  
Eglington Cemetery (CA #98)

This matter will be held over at the request of DAG Ginger R. Provost.

M. Correspondence from St. James Episcopal Church  
Re: Establishment of a Memorial Garden

A follow up letter will be sent to St. James Episcopal Church regarding the Board's inquiry as to whether there will be restrictions placed on the faith of the cremains the church will accept.

N. Notification of Lot Owners Annual Meeting  
Re: Denville Cemetery Association (CA #402)

This matter will be held over pending receipt of notification of Denville Cemetery's Special Lot Owners Meeting.

O. FY 2007 Final Budget Report

Darlene Kane, Fiscal Officer, Division of Consumer Affairs met with the Board to address any concerns the Board had regarding its Fiscal Year 2007 Final Budget Report. This matter is closed and removed from future Board meeting agendas.

P. Requesting approval for continuation of lease  
Re: Bound Brook Cemetery (CA #8) Board approved Feb. 9, 2006

On February 9, 2006, the Board approved a lease of a portion of Bound Brook Cemetery's property to the Casa de Esperanza for a period of one year. The Casa de Esperanza is an outreach program that offers social services to immigrants in the surrounding area. The land leased includes a house which the group uses for its program. As this is a year to year lease the organization has come to the Board for approval for continuation of the lease for one year. A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the requested extension of the lease. This matter is closed and removed from future Board meeting agendas.

## **V. NEW BUSINESS**

A. Cancellation of February 14, 2008 Board meeting

Due to the anticipated lack of a quorum for the February 14, 2008 Board meeting, a motion was made by Michael Ticktin and seconded by Waheed Khalid to cancel said meeting. A vote was taken and the motion was passed by a unanimous vote. The Board's next scheduled meeting will be Thursday, March 13, 2008.

B. Review of E-Z Maintenance & Preservation Trust Fund Annual Report Form

Review of this new Annual Report form will be held over to the March 13, 2008 Board meeting.

C. Application for a Certificate of Authority  
Re: Central Jersey Crematory Associates a/k/a Crematory at Holy Cross Burial Park

The Board reviewed an application for a Certificate of Authority from the Diocese of Metuchen. The Diocese is building a crematory on the grounds of Holy Cross Burial Park, a Catholic cemetery not under the jurisdiction of this Board. The crematory will be accepting remains of persons of all faiths for cremation, not just Catholic; therefore the necessity of obtaining a Certificate of Authority. The CA will only be for the crematory, not the cemetery. Upon review, it was suggested by the Board that the crematory's By-Laws should include a statement that the crematory is under the jurisdiction of the New Jersey Cemetery Board and as such must abide by the provisions of the Board's statute and regulations. The Diocese will supply the Board with a letter stating same and

it will become a part of the CA application. As per the provisions of the Board's statute, most specifically NJSA45:27-7(d), the Board shall not act on an application for 60 days after receipt of an application, and shall only act after public notice of the application has been provided. If the Board receives a written objection to the application, it shall hold a hearing on notice to the objector and the applicant before it acts on the application. This application shall be open for review to the public through March 10, 2008 after which the Board can act upon it. This matter will be carried over.

D. Correspondence from Bernard Ouziel, Esquire  
Re: Requesting clarification of NJSA45:27-12

The Board has received an inquiry from Bernard Ouziel, an attorney representing the Sephardic Jewish Brotherhood of America, Inc.. This religious organization owns burial plots in Cedar Park Cemetery, a cemetery under the jurisdiction of this Board. Mr. Ouziel questions the statutorily mandated contribution to the cemetery's Trust Fund with regard to bulk sales advising that this should not pertain to this organization as it does not transfer or assign graves to its members. When a member dies, they inter the member in one of their graves and never transfer title or any ownership rights to the family of the deceased. The Board will advise Mr. Ouziel that when a grave is sold, transferred, or assigned (regardless of whether or not title has transferred from the organization to the individual) as per NJSA45:27-13c(6), 15% of the current gross sales price of equivalent graves, less any amounts previously paid to the Maintenance & Preservation Fund on sales of that grave must be deposited to the cemetery's Trust Fund. In Mr. Ouziel's correspondence he advised that he would hope that the Board would agree with his conclusion in this matter so that no class action litigation would be required to enforce the Association's rights. The Board stands behind its interpretation of its statute. This matter is closed and removed from future Board meeting agendas.

E. Request for extension of time for filing of 2007 Annual Report

Laurel Memorial Park (CA #360)

Nicholas A. Droboniku, CPA has requested an extension of time until January 31, 2008 for filing of Laurel Memorial Park's 2007 Annual Report, A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to grant the requested extension. A vote was taken and the motion was approved by a unanimous vote. Mr. Droboniku will be advised that in the future the cemetery's Annual Reports should be filed in a timely manner. This matter is closed and removed from future Board meeting agendas.

West Ridgelawn Cemetery (CA #124)

Cresthaven Cemetery Association (CA #181)

King Solomon Memorial Park (CA #184)

A request had been sent to the Board for an extension in the filing of the above named cemeteries Annual Reports. However, all of the reports were filed with the Board office prior to the Board meeting.

F. Inquiry from The Union Cemetery Association (CA #47)  
Re: Natural or Green Burials

The Board has received an inquiry from The Union Cemetery Association regarding Natural and/or Green Burials. Natural or Green burials allow bodies to be buried naturally, without a concrete vault, without embalming and wrapped in a shroud or a biodegradable casket, such as cardboard, or untreated wood or wicker caskets that would decompose rapidly and naturally. The cemetery is asking if such burials are permitted under the provisions of the Board's statute. The Board will advise the cemetery that yes, this is permitted; in many religions, this is nothing new and has been their practice for many years such as in Muslim burial and Jewish burial. The cemetery will be advised that an un-embalmed body is not permitted to remain longer than 48 hours in a receiving vault. Also, the minimum depth from the top of the remains to the surface of the ground is four (4) feet; however, an un-embalmed body can be no less than five (5) feet below the ground's surface.

## G. Request to remove funds from Maintenance & Preservation Trust Fund

Re: Cedarwood Cemetery of Keyport (CA #113)

Norman Zweiacher, Secretary/ Treasurer, Cedarwood Cemetery of Keyport has written to the Board requesting the withdrawal of \$5000.00 from the cemetery's Maintenance & Preservation Trust Fund held at Community Foundation for the purpose of replacing a section of the cemetery wall that is deteriorating due to age. A review of the cemetery's 2006 Annual Report shows the account at that banking institution is in the name of Elizabeth Wilson. Before a decision can be reached, the Board will ask if this account is part of the cemetery's Trust Fund; is it a separate endowment Fund; and what does the Trust Agreement between Elizabeth Wilson and the financial institution state. This matter will be carried over.

## VI. PUBLIC COMMENT

No public comments were made today.

## VII. FOR YOUR INFORMATION

Newspaper and/or Magazine Articles

Eco-friendly burials save green

The Record Dec. 21, 2007

Maryland Law Struck Down as Unconstitutional

Cemetery News & Briefs

A grave mistake holds up his burial

The Press of Atlantic City Dec. 27, 2007

"Green funerals" feature biodegradable coffins CNN.com

Death goes digital: The electronic tombstone

The Forum

January, 2008

Hundreds of Tombstones Toppled in New Jersey Cemetery

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

## VIII. ADJOURNMENT

A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to adjourn Public Session at 12:20PM and move into Executive Session at 12:50 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. Four (4) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and
2. Twelve (12) 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 Genevieve Raganelli to adjourn the

Board meeting of January 10, 2008. A vote was taken and the Board meeting was adjourned at 2:35 PM.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director

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