

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**FEBRUARY 8, 2007**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, February 8, 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 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 Chairperson Marion Brozowski called the meeting to order at 9:30 AM. as a Committee meeting due to lack of quorum. At 10:00 AM, with the arrival of Genevieve Raganelli, the Board went into its regular Board meeting A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski Present  
Lawrence Colasurdo Present  
Frank J. DeGeeter, Jr. Absent  
Paul M. Desbiens Present Arrived 10:15 AM  
Waheed Khalid Absent  
June Nikola Present  
William Nichols Present  
Genevieve Raganelli Present Arrived 10:00 AM

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 JANUARY 11, 2007**

A motion was made by William Nichols and seconded by Lawrence Colasurdo to approve the Public session Meeting minutes of February 8, 2007 as amended. A vote was taken and the motion was passed by a unanimous vote.

## **III. OLD BUSINESS**

### **A. Provisional Orders issued June, 1999 for non-filing of Annual Reports**

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

The Board has not received a revised price list from Deckertown Cemetery nor has there been any communication with regard to completion of the cemetery's Annual Reports by its new management. Executive Director Dianne L. Tamaroglio will make a phone call to Ed Vanderberg, the new President of the cemetery for an update on the status of the Annual Reports as well as the revised price list. This matter will be carried over.

#### **Perrineville Cemetery (CA #41)**

Ruth Briggs continues to file the cemetery's delinquent Annual Reports. She is working diligently in trying to bring the cemetery up to date with its filings. This matter will be carried over.

#### **Salem Cemetery (CA #276)**

Geraldine Patillo has contacted the Board office advising that she is working on getting all of the documentation together necessary for the completion of the cemetery's delinquent reports. The Board will hold up on issuing a subpoena for her appearance at its March meeting. This matter will be held over.

New Asbury Meeting House Cemetery (CA #349)

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

Odd Fellows Cemetery (CA #330)

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

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)

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

Executive Director Dianne L. Tamaroglio has spoken to Tammy DePaolis, Mount Hebron Cemetery Association, regarding the application for this lease approval. Ms. DePaolis advised that they are still trying to get all of the documentation together to forward to the Board. This matter will be carried over.

D. Cemetery has never filed Annual Reports

Re: Barber Burying Ground Association (CA #285)

Executive Director Dianne L. Tamaroglio has made contact with Ralph Hooven, the individual who takes care of Barber Burying Ground on a volunteer basis. Mr. Hooven advised that this responsibility was more or less handed down to him and that he doesn't really have the time for this responsibility. He advised that the cemetery does maybe one burial a year and has about \$10,000.00. When asked about filing of the Annual Reports, Mr. Hooven advised that he doesn't have the time to do the reports nor does he want to give any money to the Board. The Board will have Board Accountant George Booktor meet with Mr. Hooven to go over the cemetery's records. Also, New Jersey Cemetery Association Executive Director Judith Welshons has advised that the Association is trying to get someone from the Association to assist Mr. Hooven. This matter will be carried over.

E. Addition of grave spaces

Re: Maple Grove Park Cemetery (CA #168)

DAG Ginger Provost has advised the Board that upon review of this matter, it appears that the addition of grave spaces at Maple Grove Cemetery is in compliance with the Board's regulations and would not limit access to existing graves. To accomplish this, the cemetery will use oversized paths, those that are six feet, and create an area with 3'x8' single row graves, double depth, and leave a remaining three foot pathway. A motion was made by June Nikola and seconded by William Nichols to approve the addition of grave spaces at Maple Grove Park Cemetery. A vote was taken and the motion was passed by a unanimous vote. Due to the fact that many cemeteries are on the verge of running out of space, altering the layout of the cemeteries may be the way to go in the future. This matter is closed and removed from future Board meeting agendas.

F. Application for sale of land

Re: Eglinton Cemetery (CA #98) to Michael J. Butcher, an individual

This matter will be held over pending an on-site inspection of the area to be sold by New Jersey Cemetery Association Executive Director Judith Welshons.

G. Should this cemetery have a Certificate of Authority?

Re: Musconetcong Cemetery

An on-site inspection of Musconetcong Cemetery was conducted by William Nichols, Board Vice-Chairman. Mr. Nichols advised that the cemetery is approximately 2 acres in size and surrounds a Presbyterian Church. The cemetery appears to be fairly well maintained. A letter will be sent to the Church asking if in fact the cemetery is a part of the church; does the cemetery bury only those of the Presbyterian faith; and any other information it can provide. This matter will be carried over.

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

An on-site inspection of Wantage Cemetery was conducted by Board member Frank J. DeGeeter, Jr. Mr. DeGeeter advised that the cemetery is about 100'x150' in size, about 3/4 fenced, lots of sections missing, gates broken and a small sign showing the name of the cemetery. It appears that the cemetery is about 2/3 full and very old. Ninety percent of the monuments were worn and not readable. The latest death date Mr. DeGeeter saw was 1930. There was no evidence of any fresh or recent burials. Grass was cut to a reasonable length and he only saw one monument tipped over. Apparently, someone must be maintaining the cemetery to some extent. The cemetery appears to be completely inactive. Board member Paul M. Desbiens also conducted an inspection of the cemetery. Mr. Desbiens found a burial date of 1962. As Fairview Cemetery is in close proximity to Wantage Cemetery, a letter will be sent to Fairview asking if they can offer any information about the cemetery. This matter will be carried over.

I. Old Tennent Cemetery (CA #201)

The Board is receiving an inordinate amount of correspondence with regard to this matter. The Church still contends that this is a Church cemetery when in reality the cemetery is a Certificate of Authority cemetery. There is so much confusion on the part of all parties in this matter. One of the reasons for all of this confusion is that none of the parties are using attorneys with specific expertise in New Jersey Cemetery Law. The Board will continue to monitor the situation and may have to at one point intervene. David Coates, attorney representing the Session of the Old Tennent Church and the Presbytery of Monmouth and its Administrative Commission contends that the Church is the lead agency in this issue and therefore, the Session of the Old Tennent Church must now be considered Trustees of the cemetery. A motion was made by Paul M. Desbiens and seconded by William Nichols to authorize DAG Ginger Provost to write to Mr. Coates to try to clear this situation up. A vote was taken and the motion was approved by a unanimous vote. This matter will be carried over.

J. Hillside Cemetery (CA #398)

D. F. Moore Craig, attorney representing Hillside Cemetery has advised the Board that the paving of the road has not been completed yet for the following reasons: the installation of Belgium block curbing and the need to remove two very large trees that were intertwined with the high voltage power lines, both of which had to be completed before the road paving could proceed. The curbing took longer than anticipated because the work was done by volunteer help. The tree removal required the use of heavy equipment. By the time this work was completed, the weather had turned colder and the cemetery advised to hold off the actual paving of the road until the Spring of 2007. Mr. Craig also advised that the cemetery has received the \$5,000.00 from the Grantee as a provision of the Amended right of Way Easement Agreement. Mr. Craig will be asked if the cemetery received the money from the Romano Estate for the paving and he will also be asked to advise the Board when the paving is completed.

K. Correspondence regarding Coytesville Cemetery & C.T. Development Corporation

The Board previously visited this matter at its December 14, 2006 Board meeting. At that time, there was some concerns that homes may have been built over existing graves without removal of the remains. Consumer Lauren J. Eastwood has written to the Board giving the following information: the builder of these homes is C.T. Development Corp which is an active company in Englewood Cliffs. The offices are located at 640 Palisade Avenue, Englewood Cliffs, NJ. The Board will forward this information to David M. Coyte, Coytesville Cemetery Foundation, Inc., the individual who brought this cemetery to the attention of the Board. Mr. Coyte's Foundation wants to preserve and maintain the cemetery and not do any future burials. This matter is closed and

removed from future Board meeting agendas.

L. Diocese of Metuchen

Re: Establishment of crematorium

The Board has received information advising that the Diocese of Metuchen is planning the establishment of a crematorium for the cremation of persons of all religious faiths on the grounds of Holy Cross Burial Park. Deacon Russell B. Demkovitz, Director, Office of Cemeteries, Diocese of Metuchen has advised the Board that the Diocese will be applying to the Board for a Certificate of Authority. Mr. Demkovitz advises that the Diocese has formed a separate corporation, Central Jersey Crematory Associates for the construction and operation of the crematory. Discussion of religious cemeteries cremating members of all faiths brought about the following concern to the Board: when a religious entity says burial is for members of the faith and their immediate families, how far down the line do we go with family members. DAG Ginger Provost will research this point. This matter will be carried over.

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

##### **A. Approval of Bulk Sales**

1. Washington Cemetery Management Corporation, (CA #172), Monmouth Junction, NJ to Chevra Kadisha D’Khal Minchas Eluzer D’Munkacs, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 602 adult interment spaces for \$361,200.00 (\$600.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Washington Cemetery Management Corporation.

##### **B. Ordinance No 54-2006 Amending Land Development Ordinance Authorizing Mausoleum Land Use Controls Re: Township of Old Bridge**

The Township of Old Bridge has passed an ordinance amending the Land Development Ordinance with respect to Mausoleum Land Use Controls. The stated purpose of this ordinance is to regulate mausoleums and columbarium in the Township of Old Bridge as a conditional use. The Board is very opposed to this ordinance and believes it could create similar ordinances being passed throughout the State. The Board discussed the provisions of the Ordinance and believes the provisions are beyond the Township’s scope and would restrict business for cemeteries. A motion was made by June Nikola and seconded by Paul M. Desbiens to advise the Township of Old Bridge that the Ordinance has been brought to the attention of the Board, the Board has discussed the Ordinance and believes that it is too restrictive. A vote was taken and the motion was passed by a unanimous vote. We will forward to the Township copies of the Board’s Statute and regulations for their review.

##### **C. Request for comment**

Re: Assembly, No. 3899

The Board reviewed Assembly Bill, No. 3899 which clarifies time by which public bodies are required to make minutes of meetings available to the public. As per this Bill, minutes would be made available on the 30 calendar day next following the meeting at which the minutes were taken. The Board opposes this bill as written and believes that the minutes should be made available within 30 days following approval of same. Before the minutes are approved by the Board there may be additions and corrections that have to be made. Therefore, if the minutes are posted before being approved they could possibly be posted incorrectly and create possible problems for the Boards. It may be impossible and impractical for minutes to be approved within 30 days of the Board meeting since most Boards meet on a monthly basis and some every other month.

##### **D. Amended and Restated Certificate of Incorporation**

Re: Rosedale Cemetery (CA #42)

Rosedale Cemetery, Orange, NJ has submitted to the Board for its approval a proposed, Amended and Restated

Certificate of Incorporation for The Proprietors of the Rosedale Cemetery. Upon review the Board had the following concerns:

1. Why are lot owners now being called Proprietors?;
2. #2 under Article 3 of the Amended Incorporation papers states that the Corporation shall be able to make contributions, grants, loans, guarantees and other payments of money and extensions of credit to any organization, public, or private, or individual; this is not clear and the Board is requesting a more thorough explanation of this statement;
3. #5 under Article 3 of the Amended Incorporation papers states that the Corporation shall have the power to sell, exchange, convey, mortgage, lease, transfer, or otherwise dispose of, any such property, both real and personal, as the objects and purposes of the Corporation may require, subject to such limitations as may be prescribed by law or the Certificate of Incorporation; this is not clear and the Board is requesting a more thorough explanation of this statement; and
4. #7 under Article 3 of the Amended Incorporation papers should be amended to state that all investments for the cemetery's Maintenance & Preservation Trust Fund must be carried out according to the provisions of the New Jersey Cemetery Act as well as in accordance with the Prudent Investor Act.

These concerns must be addressed by the Officers and Trustees of the cemetery and the requested explanations and a draft of a revised Amended and Restated Certificate of Incorporation must be presented to the Board. This matter will be carried over.

E. Establishment of a Memorial Garden  
Re: Packanack Community Church of Wayne

Robert L. Nebeling, Chairman, Church Council, Packanack Community Church of Wayne has written to the Board for advice concerning the Church's proposed establishment of a Memorial Garden. Upon review and discussion of the Church's proposed plans, the Board has the following questions which it will address to the Church before any advice can be given:

1. Is the Packanack Community Church of Wayne of one religious denomination or is the Church more ecumenical? and
2. Is the Packanack Community Church of Wayne registered as a religious corporation under Title 16?

This matter will be carried over pending a response from Mr. Nebeling.

## **V. PUBLIC COMMENT**

There were no Public Comments made today.

## **VI. FOR YOUR INFORMATION**

A. Notification to Office of the Attorney General  
Re: Election of New Jersey Cemetery Board Officers for 2007

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

B. Notification from Office of the Attorney General to Larry DeMarzo, Director of Consumer Relations  
Re: Approval of Board officers for 2007

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

B. Newspaper articles

Cemeteries moving toward mausoleums January 22, 2007

Flooded cemetery in Hazlet makes for water-logged visits

A tougher body-parts theft ban Star Ledger January 30, 2007

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

C. Legislative Report October 1, 2006---December 31, 2006

This was considered informational for the Board giving the status of pending Bills that have already been reviewed. The Board requested to review again S2355.

D. Notification of Final Judgement

Re: Candace M. Sabo, et als, Plaintiff vs Princeton Memorial Park, et als, Defendant

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

E. The Forum January, 2007

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

## **VII. ADJOURNMENT**

A motion was made by Paul M. Desbiens and seconded by June Nikola to adjourn Public Session at 12:50 PM and move into Executive Session at 1:30 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. Eight (8) 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