

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**MAY 12, 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, May 12, 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:

Marion Brozowski Present  
Frank J. DeGeeter, Jr. Present  
Paul M. Desbiens Present  
Stephen F. Hehl Present  
June Nikola Present  
William Nichols Present  
Marianne Panico Absent  
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 COMMITTEE MINUTES OF APRIL 20, 2005**

A motion was made by June Nikola and seconded by Marion Brozowski to approve the Public Session Minutes of April 20, 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, Jr., President, Friends of Rural Cemeteries will reach out to Richard A. Beran, the attorney representing the cemetery in this matter for an update on the situation. 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)

The cemetery has not yet filed its 2003 or 2004 Annual Reports and are now in violation of N.J.S.A.45:27-15a. The cemetery will be reminded that these reports must be filed immediately. Also, the cemetery will be advised that it must file a name change with the Secretary of State and report the change to the Board once it is finalized. 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

This matter will be held over.

E. Application for Certificate of Authority

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

This matter will be held over pending receipt of amended regulations and Incorporation papers from Stafford Township Historical Society.

F. Purchase of property adjacent to cemetery without Board approval

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

William T. Jackson, Executive Director Bayview-New York Bay Cemetery has provided the Board with documentation pertaining to the cemetery's purchase of property and homes adjacent to the cemetery without New Jersey Cemetery Board approval. One of the requirements for approval by the Board for the purchase of additional property is a copy of the resolution of consent by the municipality where the cemetery is located. Mr. Jackson has advised that he was advised by the cemetery's attorney, Richard Campisano, that as the City of Jersey City zoned these properties for cemetery use, there wasn't a need for a resolution of consent to be provided to the Board. The Board will question how the cemetery could be zoned for cemetery purposes when the property belonged to someone else. Also, the Board will ask for the following required documentation which was not provided: a survey map of the properties; the size of the parcels purchased; and an appraisal of the properties by a licensed real estate appraiser. This matter will be carried over.

G. Cemetery believes it has an exemption from paying \$75.00 Filing Fee for Annual Reports

Re: Hayes Riverview Cemetery (CA #265)

The Investigative Inquiry which was to take place today has been adjourned to the June 9, 2005 Board meeting pending receipt of subpoenaed documentation. This matter will be carried over.

H. Correspondence from Yolanda Romero

Re: Mt. Peace Cemetery Association (CA #315)

Ms. Romero will be contacted to advise her that the Board is waiting for a recent M&P Trust Fund bank statement showing that the cemetery has not removed money from the principal of the Fund. This matter will be held over.

I. Request to rescind Certificate of Authority

Re: North Branch Cemetery Association (CA #131)

The Board has not yet received from North Branch Cemetery Association the required documentation for the dissolution of the cemetery company. A follow up letter will be forwarded. This matter will be carried over.

J. Certification of M&P Trust Funds

The Board is still attempting to find an answer as to why the legal department of Wachovia Bank has advised Trustees and Custodians of Trust Funds to no longer certify transaction summaries and bank statements. Board Vice-Chairman Marion Brozowski will contact Wachovia to try to get an answer to this. The Board will also write to the Department of Banking asking if they have any requirements for banks to certify accounts upon request. This matter will be carried over.

K. Ruffin Cemetery (CA #342)

Re: Who has jurisdiction over this cemetery

The Board is in receipt of correspondence from John G. Mennie, Esquire regarding Ruffin Cemetery. Mr. Mennie represents several neighbors who surround the cemetery. Mr. Mennie advises that Ruffin Cemetery is an

individually owned family cemetery in which only family members have been buried. Mr. Mennie questions whether Louis Cicalese and Michael Baratta have the authority to operate the cemetery. Mr. Mennie claims that the cemetery's Certificate of Authority was issued to Cynthia Ruffin; however, the certificate is issued to Ruffin Cemetery. He also questions whether or not the cemetery was even required to have a Certificate of Authority. Mr. Mennie also included a letter from Gene Ruffin, a direct descendent of the owner of the cemetery, directed to the Mayor of Tinton Falls. Mr. Ruffin's letter informs the mayor that the takeover of the cemetery by Mr. Cicalese and Mr. Baratta is against his family's wishes and the two have no authority on the property. He has asked that permission to do anything with the property not be granted to them. A review of the cemetery's file in the Board office found notes from 1982 of a meeting between Marion Ruffin, Attorney Lawson, counsel to the cemetery, Executive Director Ingling, New Jersey Cemetery Board, and Investigator Opdenaker. As per Mrs. Ruffin, the cemetery had never been incorporated and there were no rules or regulations. At the time, deeds were not issued, only some receipts. It also appears that not just family members have been buried at the cemetery. DAG John Hugelmeyer will contact Mr. Mennie to discuss this matter. This matter will be carried over.

L. Should this cemetery have a Certificate of Authority

Re: Mahwah Cemetery

Mahwah Cemetery has advised the Board that it is indeed a non-sectarian cemetery burying those of all faiths. An application for a Certificate of Authority along with copies of the Board's statute and regulations have been sent to the cemetery. This matter will be carried over pending receipt of the cemetery's application for a Certificate of Authority.

#### **IV. APPEARANCE CHARLES MANNING, REGULATORY ANALYST**

##### **Re: Proposed re-adoption of rules**

On September 9, 2004, the Board voted to approve revisions to its regulations, N.J.A.C.13:44J et seq to coincide with the New Jersey Cemetery Act, 2003. Regulatory Analyst Charles Manning worked on the prefatory language and submitted same to the Division of Law for review. Mr. Manning appeared before the Board today to discuss Sunsetting of the Board's Regulations which will occur on November 6, 2005. Mr. Manning suggested to the Board that it should re-adopt its current regulations for Sunsetting. DAG John Hugelmeyer's advised that this was not a good idea as the current reg's are in great conflict with the Board's new statute. The Board members questioned where in the process of review the revised reg's are that were voted upon in September. Mr. Manning then advised he had forwarded same to DAG Hugelmeyer some time ago for review. DAG Hugelmeyer at this point could not remember receiving them but advised he would search for them and get the review process moving forward. A motion was made by William Nichols and seconded by June Nikola to re-adopt the regulations with changes. A vote was taken and the motion was passed by a unanimous vote.

#### **V. NEW BUSINESS**

A. Correspondence from Robert Fahrenholz, General Manager, Hillside Cemetery Association

Re: Clarification of N.J.S.A. 45:27-28

William Nichols was recused from this matter and moved away from the table.

Robert Fahrenholz, Manager, Hillside Cemetery Association has written to the Board requesting clarification of N.J.S.A. 45:27-28, Transfer of an interment space. Mr. Fahrenholz questions if in a family plot, grave 1 has human remains buried in, can the remaining unoccupied graves be transferred. Mr. Fahrenholz will be advised that these graves can be transferred but permission must be received from the owner(s) of the plot or the heirs. The graves can also pass through the residuary clause of a will. With regard to a niche, if the niche contains cremains, it then becomes inalienable. Mr. Fahrenholz also asks if the language under N.J.S.A.45:27-28,2(c), should read, "after human remains have been buried in a grave, lot, crypt, or niche, that "grave, lot or niche shall not be....". Mr. Fahrenholz will be advised that we cannot suggest language other than what is written in the statute. Mr. Fahrenholz also asked two additional questions:

1. Do single graves in a row or series individually deeded and owned by the same individual constitute a plot? It

appears to meet the definition. Answer: Yes

2. If an individual who owns individual vacant graves, lots, etc. dies and is buried elsewhere, do the vacant graves pass under the individual's residuary clause of his will or under the intestate laws if he left no will? Answer: Yes

This matter is closed and removed from future Board meeting agendas.

#### B. Request for waiver of Annual Report filing fee

##### 1. Workmen's Circle Branch #95 (CA #386)

Ira Dunst, President Workmen's Circle Branch #95 has requested that the \$75.00 Filing Fee for the 2004 Annual Report be waived as the cemetery's Trust Fund has a zero balance and has no sales force. A motion was made by Marion Brozowski and seconded by William Nichols to waive the \$75.00 Filing fee for the 2004 Annual Report 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.

#### C. Requesting extension for filing of Annual Report

##### 1. Woodlawn Cemetery (CA #234)

Robert D. Elliott, CPA has requested a 60 day extension (until June 30, 2005) for the filing of Woodlawn Cemetery's 2004 Annual Report. A motion was made by William Nichols and seconded by June Nikola to grant the 60 day extension. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

##### 2. Fair Lawn Memorial Cemetery (CA #108)

Thomas Mizzone CPA has requested a 30 day extension (until June 1, 2005) for the filing of Fair Lawn Memorial Cemetery's 2004 Annual Report as the cemetery's primary office manager has been out of work for the past several months on disability and some of the data required to complete the report is with her. A motion was made by William Nichols and seconded by Marion Brozowski to grant the 30 day extension. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

##### 3. Medford Oddfellows Parkview Cemetery (CA #330)

Jerry S. Albrecht, CPA has requested a 60 day extension for the filing of Medford Oddfellows Parkview Cemetery's 2004 Annual Report as additional time is needed to obtain necessary information required to complete the report. A motion was made by William Nichols and seconded by Marion Brozowski to grant the 60 day extension. A vote was taken and the motion was passed by a unanimous vote. This matter is now closed and removed from future Board meeting agendas.

##### 4. Oheb Sholom Cemetery Association (CA #136)

Robert A. Sochor, Secretary, Oheb Sholom Cemetery Association has requested a "reasonable" extension of time to file the cemetery's 2004 Annual Report. A motion was made by Steven Hehl and seconded by William Nichols to grant no more than a 60 day extension for the filing of the report. A vote was taken and the motion was passed by a unanimous vote.

##### 5. Christ Episcopal Church (CA #264)

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

Rev. Paul E. Walker, Vicar, Christ Episcopal Church has requested an extension from May 1, 2005 to July 1, 2005 to file its cemetery's 2004 Annual Report. A motion was made by William Nichols and seconded by Karen Walsh Pappas to grant the requested extension. This matter is now closed and removed from future Board meeting

agendas.

#### D. Approval of 2006 New Jersey Cemetery Board meeting dates

A motion was made by Karen Walsh Pappas and seconded by William Nichols to approve the following Board meeting dates for 2006:

January 12, 2006  
February 9, 2006  
March 9, 2006  
April 13, 2006  
May 11, 2006  
June 8, 2006  
July 13, 2006  
August 10, 2006  
September 14, 2006  
October 12, 2006  
November 9, 2006  
December 14, 2006

A vote was taken and the motion was passed by a unanimous vote.

#### **VI. PUBLIC COMMENT**

Pat Dempsey, NJ State Funeral Directors Association, is writing an article on Abandoned Cemeteries and asked the Board if this is a large issue statewide. DAG John Hugelmeyer advised Ms. Dempsey that most abandoned cemeteries are not Certificate of Authority cemeteries; many are family burial grounds which come under the jurisdiction of the Courts and the Attorney General's office. If human remains are to be removed from these burial sites, the Courts would have to grant permission. The Board advised that it has gotten lot owners involved in the maintenance of some cemeteries. Also, the Friends of Rural Cemeteries is assisting many cemeteries throughout the State. Ms. Dempsey also asked what would be the reason for a Receiver to be appointed to take over the management of a cemetery. Ms. Dempsey was advised that a Receiver would be appointed if there was no management overseeing the operations of the cemetery or if the management was in violation of cemetery law or fiduciary laws.

#### **VII. FOR YOUR INFORMATION**

A. Karl T. Kemm & Jersey State Cemetery Management, Inc. a New Jersey Corporation v Joseph Carlino, Anthony Sparno, Delma Benevuti, Jersey State Memorial Park Association and the Board of Trustees of Jersey State Memorial Park Association

Docket No.:MON-C-33-05  
Re: Avoidance of Service

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

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

B. Karl Kemm v Joseph Carlino, et als

Docket No.:C-33-05

Re: Application for Injunctive Relief with regard to First Colony Life Insurance Co., Policy No. 5633604

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

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

C. Notification of Second Amendment to Complaint  
Re: City of Elizabeth v Rosemount Memorial Park Associates  
Docket No: UNN-L-2410-03

The Board will advise Rosemount Memorial Park that when this matter is concluded to please advise the Board so that a determination can be made as to what amount from the proceeds of the condemnation should be deposited into the cemetery's M&P Trust Fund.

#### D. Newspaper Articles

Cheating Death

Cemetery to Begin Vertical Burials

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

Bar owner charged in bank fraud

Cemetery president indicted for alleged 1995 bank fraud

Ex-Marlboro Mayor: I took \$245K in Bribes

Spalliero Charged

These articles regard Joseph Spalliero, President, Marlboro Memorial Cemetery (CA #395) who has been charged with bank fraud and with paying bribes to elected officials in exchange for expediting his projects as a developer. The Board will have an audit conducted of the cemetery's Trust Fund, to be sure the Funds haven't be tampered with.

#### E. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes–March 11, 2005

This 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 William Nichols to adjourn Public Session at 11:35 AM and move into Executive Session at 11:45 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:

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

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director

