

**\*NEW JERSEY CEMETERY BOARD\***

**PUBLIC SESSION MINUTES**

**MAY 13, 2010**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, May 13, 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 14, 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 9:30 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

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

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

**I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF NOVEMBER 11, 2009**

A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the Public Session Meeting Minutes of November 11, 2010 as corrected. A vote was taken and the motion was passed by a unanimous vote.

**II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JANUARY 7, 2010**

A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the Public Session Meeting Minutes of January 7, 2010 as corrected. A vote was taken and the motion was carried by a unanimous vote.

**III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MARCH 11, 2010**

A motion was made by Michael Ticktin and seconded by June Nikola to approve the Public Session Meeting Minutes of March 11, 2010 as corrected. A vote was taken and the motion was passed by a majority of the Board; Lawrence Colasurdo abstained from voting as he was not in attendance at the March 11<sup>th</sup> Board meeting.

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

**Re: Governor's Executive Order**

**Adoption of NJAC 13:44J-2.1, 5.3, 5.4, 5.7, 7.1, 7.2, 8.2, 10.5, 15.1, & 15.2**

As per Governor Christie's Executive Order #2, all State agencies are required to: "...identify those regulations and processes that impede responsible economic development as a result of: i) providing insufficient or contradictory guidance (inter and intra-agency) to applicants for permits, thus leading to a delay or denial of the permit applications; or ii) exceed legislative intent or federal standards without well-documented cause, thus placing the state at a competitive disadvantage in attracting investments and jobs." DAG John Hugelmeier & Executive Director Dianne L. Tamaroglio previously met with Regulatory Analyst Charles Manning to review the Board's regulations and to recommend to the Board what if any provisions of its regulations would fall under the Executive Order #2 criteria. Mr. Manning met with the Board today to review the following recommendations:

Delete Subchapter 4

Organizational structure of Board, specifically election of officers as this is already covered in the Board's governing statute.

Amend **NJAC 13:44J-5.2(g)**

Future Services, reflect P.L. 2009, c. 155

(g) Any monies paid to a cemetery company for future services shall be subject to the requirements of **N.J.S.A. 2A:102-13** through **17**

Amend **NJAC 13:44J-6.2(a)**

Maps

Take out the second sentence

(a) Every cemetery company shall maintain a map of the cemetery readily available for inspection at its main office. **Any change in the physical layout of the cemetery shall be reflected annually on the map.** The map shall show the location of interment spaces or niches with roadways, paths & building areas.

Upon discussion, a motion was made by Michael Ticktin and seconded by Genevieve Raganelli to approve the deletion of Subchapter 4, approve the amendment to **NJAC 13:44J-5.2(g)** and to not approve the deletion of the second sentence in **NJAC 13:44J-6.2(a)**. A vote was taken and the motion was passed by a unanimous vote.

On November 16, 2009, the Board proposed amendments to **N.J.A.C. 13:44J-2.1, 5.3, 5.4, 5.7, 7.1, 7.2, 8.2, 10.5, 15.1, & 15.2**. The comment period ended on January 15, 2010 with no comments. Upon review with Mr. Manning, a motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to move to adopt the proposed amendments. A vote was taken and the motion was passed by a unanimous vote.

**V. OLD BUSINESS**

**A. Reconstitution of Board**

**Re: Mercer Cemetery (CA #266)**

*Through the efforts of Board member Genevieve Raganelli, a meeting was held in Trenton on April 12, 2010 for the purpose of reconstituting a Board of Trustees for Mercer Cemetery. In attendance were DAG John Hugelmeyer, Ms. Raganelli, John Cipriano, former President, Mercer Cemetery, officials from the City of Trenton as well as officials from Mercer County. New Trustees were identified at this meeting; the cemetery now has a functioning Board. Mr. Cipriano turned over the cemetery records that were in his possession to the new Trustees; records that were in the possession of the City of Trenton were also turned over. The Board thanked Ms. Raganelli for all of her work in getting the new Trustees in place. This matter is now closed and removed from future Board meeting agendas.*

**B. White Cedars Memorial Park (CA #400)**

**Re: Certificates of Indebtedness**

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

*The issue of whether or not a mausoleum is considered a capital improvement has been a stumbling block in the Board's ability to determine whether or not it should approve the issuance of Certificates of Indebtedness from White Cedars Memorial Park to CIT, LLC. The Board reviewed correspondence provided by George T. Dougherty, Attorney representing White Cedars pertaining to capital improvements. Upon review a motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the issuance of Certificates of Indebtedness from White Cedars Memorial Park to CIT, LLC in the amount of \$550,000.00 @ 6% annual interest. A vote was taken and the motion was approved by a unanimous vote. This matter is closed and removed from future Board meeting agendas.*

**C. Application for a Certificate of Authority**

**1. Antonacci Family Memorial & Burial Ground**

*This matter will be held over pending receipt of a copy of the deed showing the transfer of the property from Vanard Realty Co. to the Antonacci Family Memorial & Burial Ground.*

**2. Eldridge Cemetery**

*Richard Toone, President Eldridge Cemetery has provided the Board with documentation pertaining to the cemetery's Maintenance & Preservation Trust Fund and a copy of the cemetery's Articles of Incorporation. Upon review of the cemetery's Articles of Incorporation, it was noted that **NJSA 45:27-8a (1) or (2)** should be added to the section of the charter devoted to the purposes of the cemetery company. Mr. Toone will be so advised. Previously upon review of the cemetery's By-Laws, it was pointed out that Article IV, stated that the Township of Mount Laurel, Burlington County, New Jersey will become the successor in interest to maintain the cemetery operation upon the dissolution of Eldridge Cemetery, Inc..... Mr. Toone was asked if the Township acknowledges its responsibility as successor. Mr. Toone advised Executive Director Dianne L. Tamaroglio that the Township was not aware of this and that the statement*

would be removed. Mr. Toone will be reminded to provide the Board with a copy of its revised By-Laws. This matter will be carried over.

With regard to the cease and desist from burials until Eldridge Cemetery obtains its Certificate of Authority from the Board, Mr. Toone advises that there is a lot owner who may be in need of burial soon. A motion was made by Waheed Khalid and seconded by Michael Ticktin to authorize Executive Director Tamaroglio or Board Chair William Nichols to give permission for this burial should the need arise. A vote was taken and the motion was passed by a unanimous vote.

**D. Hoboken Cemetery (CA #183)**

Jerome M. Katz, Attorney representing Hoboken Cemetery has advised the Board that on behalf of Marion Yovan, Receiver for the cemetery he will be providing the Board with its requested documentation very shortly. Mr. Katz also provided the Board with a copy of a newspaper article from March 11, 1987 that described the City of Hoboken asking the Superior Court to place the cemetery in temporary receivership. This matter will be carried over.

**E. Riverside Cemetery (CA #43)**

Riverside Cemetery was to supply the Board with a map of the "new" section of the cemetery by February, 2010. As it has not been received, Executive Director Dianne L. Tamaroglio will reach out to the cemetery to find out the status of the map. This matter will be carried over.

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

The Board has been advised by Robert R. Donovan, Esquire as well as by Charles J. Girard, P.C. that at a Trustee meeting held on May 3, 2010, three new Trustees were appointed to the Oak Hill Cemetery, Earl Stahl, Keri Pyse, & Kennard Pyse. With the new Trustees in place, the cemetery's operations can continue. A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo that the Board has no objection to the appointment of the new Trustees. 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. Old Cemetery Improvement Association (CA #207)**

Old Cemetery Improvement Association set up years ago a Maintenance Account but it was not established in a Trust Account. The cemetery has been withdrawing monies from that account as though it was an Operating Account. At the March 11, 2010 Board meeting, the Board asked the cemetery to comeback to the Board with a figure they feel would be substantial enough to generate enough income for maintenance of the cemetery for perpetuity. The Board reviewed the cemetery's proposal for the re-allocation of its funds; \$700,000.00 to the Maintenance & Preservation Trust Fund, \$700,000.00 to the Operating Account, and \$300,000.00 to the Whitenack Trust Fund (money left from a family involved in the cemetery for its maintenance). Upon review and discussion of the cemetery's proposal a motion was made by June Nikola and seconded by Michael Ticktin to approve the cemetery's proposal. A vote was taken and the motion was approved by a unanimous vote.

Association asked the Board about the feasibility of the cemetery loaning between \$12,000.00 & \$15,000.00 to the New Cemetery Association, an active cemetery, with no debt but little money. Mr. Sutphen was advised that New Cemetery could apply to the Board for the approval to issue Certificates of Indebtedness to Old Cemetery Improvement Association in the amount needed; Old Cemetery would then have 1 vote at New Cemetery's Lot Owners meetings for every \$250.00 in Certificates issued. New Cemetery would have to make the application to the Board and if approved, the money would have to come out of the cemetery's Operating Account.

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

*This matter will be held over pending receipt of requested documentation pertaining to Marksboro Cemetery's financial accounts.*

**I. Correspondence from Joyce Antila Phipps, Esquire**  
**Re: Continuation of lease between Bound Brook Cemetery & Casa de Esperanza**

*This matter will be held over pending receipt of a amended lease between Casa de Esperanza and Bound Brook Cemetery.*

**J. Application for a Certificate of Authority**  
**Re: Mountain Top Cemetery**

*This matter will be held over pending receipt of documentation showing how the cemetery's Trust Fund is titled.*

**K. Request for withdrawal of funds from the Trust Fund**  
**Re: Cedarwood of Keyport Cemetery (CA #113)**

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

**L. Correspondence from Garry J. Miller, Executive Director, Crescent Memorial Park (CA #56)**  
**Re: Chapter 155-Pre-Paid Services**

*Garry Miller, Executive Director, Crescent Memorial Park has written to the Board once again with regard to the recently passed Chapter 155. Mr. Miller objects to the fact that the Board has advised that Trusting under this law is retroactive to all pre-paid openings and closing. Mr. Miller believes this practice would invalidate previous contracts between consumers and cemeteries. It is the opinion of DAG John Hugelmeyer that this law which is an amendment to clarify an existing law covers any moneys paid for pre-need services from the past as well as going forward. Mr. Miller will be advised that this Board cannot give him legal advice and that he should seek legal counsel for advice. This matter is closed and removed from future Board meeting agendas.*

**A. Requesting permission from Board for removal of deteriorated & unsafe concrete walkways**  
**Re: Cedar Park Cemetery (CA #13)**

Lawrence W. Rose, General Manager, Cedar Park Cemetery has written to the Board requesting permission for the removal of deteriorated and unsafe concrete walkways located in the Hermann Benevolent Society section of the cemetery. On May 15, 2009 the cemetery wrote to the contact person it has for the Society advising that the unsafe conditions had to be remedied but the correspondence was returned to the cemetery as undeliverable; it is believed that the contact person is deceased. In September, 2009 the cemetery then contacted the New York Secretary of State, Division of Corporations who advised that they do not have a current contact person for the Society. On January 6, 2010, the cemetery again wrote to the Hermann Benevolent Society advising of the situation and once again the mail was returned to the cemetery as undeliverable. As all attempts to contact the Society have been unsuccessful Mr. Rose requests the Board's authorization to remove the dangerous and unsafe walkways and to plant grass in the areas where the walkways are removed. The cemetery will keep a record of all expenses incurred in the event that the Society contacts it. Upon discussion, a motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the removal of the deteriorated and unsafe walkways and plant grass with the understanding that the cemetery will not prohibit burials in the Hermann Benevolent Society's area due to non-payment of expenses. A vote was taken and the motion was passed by a unanimous vote.

**B. Correspondence from William C. Passodelis, CMS Mid-Atlantic, Inc.**  
**Re: Name confusion in burial of stillborn**

William C. Passodelis, CMS Mid-Atlantic, Inc. has written to the Board with regard to the burial of a stillborn fetus. Laurel Grove Cemetery received a stillborn baby for burial from New York; a permit to Dispose of or Transport Human Remains was prepared on a New York City Department of Health and Mental Hygiene form. The doctor in New York put the mother's name on the form as that of the deceased. Mr. Passodelis questioned the New York City Department of Health and Metal Hygiene who advised him in the case of a stillborn, it is normal that the mother's name be put on the burial permit. The family then gave the cemetery the family name which was different than that of the mothers and therefore, the cemetery's interment authorization did not match the burial record. The New York City Department of Health and Mental Hygiene, the Allen Pavilion of New York Pavilion Hospital and the Pyramid Funeral Service all advised that this was the appropriate permit to bury the stillborn. Mr. Passodelis asks the Board that if this procedure is incorrect to please notify him immediately. The Board will advise Mr. Passodelis that he should check with the New Jersey State Registrar of Vital Statistics as well as the local registrar.

**C. Request to withdraw funds from the Maintenance & Preservation Trust Fund**  
**Re: Machpelah Cemetery (CA #200)**

Bradley Dickey, President, Machpelah Cemetery has written to the Board requesting permission to withdraw funds from the cemetery's Maintenance & Preservation Trust Fund to cover the cost of two months maintenance. A motion was made by June Nikola and seconded by Waheed Khalid to deny Mr. Bradley's request. A vote was taken and the motion was passed by a unanimous vote.

**D. Inquiry from Warren H.Carr, Esquire**  
**Re: Green Burials**

Warren H. Carr, Esquire has written to the Board seeking information regarding Green Burials. Mr. Carr represents a group that is interested in this type of burial. Judith Welshons, Executive Director, New Jersey Cemetery Association advised that she would forward information regarding Green Burials to Executive Director Tamaroglio who will forward same to Mr. Carr.

**E. Approval of Bulk Sale**

**Forest Lawn Memorial Gardens, Iselin, NJ, Clover Leaf Memorial Park (CA #14), to the Bayshine Management, Inc., Brooklyn, NY**

Executive Director Dianne L. Tamaroglio approved the bulk sale of 108 interment spaces for \$116,640.00 (\$1080.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Lawn Memorial Gardens.

**Forest Lawn Memorial Gardens, Iselin, NJ, Clover Leaf Memorial Park (CA #14), to the Brooklyn Garment Workers (ASIA) Units, Brooklyn, NY**

Executive Director Dianne L. Tamaroglio approved the bulk sale of 103 interment spaces for \$108,150.00 (\$1050.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Lawn Memorial Gardens.

**Alpine Cemetery , Perth Amboy, NJ, (CA #193) to the Mei Fu Elderly Center, Inc., New York, NY**

Executive Director Dianne L. Tamaroglio approved the bulk sale of 350 interment spaces for \$280,000.00 (\$800.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Alpine Cemetery.

**F. Request for extension in filing of 2009 Annual Report  
Re: Floral Park Cemetery Management Corp (CA #172)**

John D. Sheridan, CPA has written to the Board requesting an extension for the filing of Floral Park Cemetery's 2009 Annual Report to May 31, 2010. Mr. Sheridan advises that as a result of the March storms, Bergen County was declared a disaster area and the April 15, 2010 deadline for all federal and state tax filings was extended to May 11, 2010. A motion was made by June Nikola and seconded by Michael Ticktin to grant the requested extension. A vote was taken and the motion was passed by a unanimous vote.

**G. Application for a Cemetery Salesperson's License  
Re: Annette Kantor  
Clover Leaf Memorial Park (CA #14)**

Annette Kantor's application for a Cemetery Salesperson's License for Clover Leaf Memorial Park was reviewed in Executive Session and brought to Public Session for a vote as to whether or not a Cemetery Salesperson's License should be issued to her. A motion was made by Michael Ticktin and seconded by Waheed Khalid to issue a Cemetery Salesperson's License to Annette Kantor. A vote was taken and the motion was carried by unanimous vote.

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**VII. FOR YOUR INFORMATION**

**A. State Board of Mortuary Science**

**Open Session Meeting Minutes**

**January 5, 2010**

**B. Articles**

**Body Parts Found at Kansas Medical Waste Company**  
**The New York Times**                      **March 30, 2010**

**Did I Mention the Graves Out Back**  
**The New York Times**                      **April 20, 2010**

**Florham Park man charged with attempted murder after shots fired in**  
**Morristown**  
**Daily Record**                                      **April 13, 2010**

**Man wanted in shooting of NJ correction officers commits suicide in**  
**Mercer cemetery**  
**NJ.com**    **April 22, 2010**

**C. Correspondence from William C. Passodelis, Executive Vice President &**  
**Chief Operating Officer, CMS Mid-Atlantic, Inc., to Janet L. Bucknell,**  
**United States Department of Agriculture**

**D. Assembly Bill, No. 2456**

**E. Senate Bill, No. 936**

**F. Notification of Civil Action**  
**Re: Brian Sullivan, Plaintiff v CMS Mid-Atlantic, Inc, Defendants**  
**Docket No. L 1777-10**

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

**VIII. PUBLIC COMMENT**

*Judith Welshons, Executive Director, New Jersey Cemetery Association asked if the Board would be promulgating regulations for Chapter 155. Ms. Welshons was advised that this is not the Board's law and therefore, it would not be preparing regulations.*

**IX. ADJOURNMENT**

*A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to adjourn Public Session at 11:30 PM and move into Executive Session at 12:00 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; and*
- 2. Ten (10) 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 May 13, 2010. A vote was taken and the Board meeting was adjourned at 1:15 PM.*

*Respectfully Submitted,*

*Dianne L. Tamaroglio  
Executive Director*