

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
MAY 14, 2009

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, May 14, 2009. 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 16, 2008 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 9:40 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Lawrence Colasurdo Present
Paul M. Desbiens Present
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 and Deputy Attorney General Ginger R. Provost.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MARCH 12, 2009

A motion was made by Michael Ticktin and seconded by June Nikola to approve the Public Session Meeting Minutes of March 12, 2009 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. OLD BUSINESS

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

Deckertown Union Memorial Park Cemetery (CA #155)

A Final Order of Discipline to be issued to Deckertown was signed today by Board Chair William Nichols. The Final Order finalizes the provisions of the previously issued Provisional Order of Discipline and suspends the \$500.00 Civil Penalty due to the financial condition of the cemetery. With the filing of the cemetery's 2007 & 2008 Annual Reports, this matter is now closed and removed from future Board meeting agendas.

New Asbury Meeting House Cemetery (CA #349)

This matter will be held over pending receipt of a revised resolution from the Board of Trustees stating that to the best of their recollection, the cemetery buried only those of the faith in the past.

Odd Fellows Cemetery (CA #330)

This matter will be held over.

B. Old Tennent Cemetery (CA #201)

DAG Ginger Provost advised the Board that it appears that all parties have agreed to the provisions of the settlement reached in this matter. This matter will be held over pending receipt of a certification from the

cemetery's Board stating that the financial condition of the cemetery is sound and will not be adversely affected by the settlement.

C. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

DAG Ginger Provost has prepared a letter to be sent to the Mayor of Trenton, the County Executive, and the Mercer County Veterans Council expressing the necessity that they appoint individuals willing to serve on the Board of Trustees for Mercer Cemetery as per the provisions of the 1986 Judgment Approving Trustee Board Reorganization. If the City of Trenton does not cooperate with this matter, Board Member June Nikola brought up the idea of perhaps placing the cemetery in Receivership. Board Member Michael Ticktin believes that the cemetery is Public Property and therefore does not have to be under the jurisdiction of this Board. This matter will be carried over.

D. Correspondence from George Dougherty, Esquire

Re: White Cedars Memorial Park (CA #400)

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

A letter has been sent to George T. Dougherty, Attorney representing White Cedars Memorial Park by DAG Ginger Provost requesting additional information to assist the Board in making a determination in this matter. Upon receipt of the documentation, the Committee of the Board, William Nichols, & Paul Desbiens along with DAG Provost and Executive Director Dianne L. Tamaroglio will review same and report the findings at the next Board meeting. This matter will be carried over.

E. Correspondence from Claire J. O'Keefe

Re: Mountain Top Cemetery

Rocque D. Dameo has responded to the Board advising that he has been maintaining this cemetery property since 1960. He and his family tried locating the owners of the cemetery; finding none, they staked out burial plots for the family. In 1978 Rocco Dameo was buried there. When questioned by a neighbor as to the legality of this burial, Mr. Dameo advised that the family attorney, the Attorney General, and the Bridgewater Board of Health sanctioned the burial and use of the cemetery. In 1980, an heir to the property, Philip Schneider, produced the original deed to the property. In 1981 Mr. Schneider and Natalie Dameo entered into an irrevocable consent agreement for 18 burial plots. In 2002 Janet Ozzard executed this same consent agreement with Edward Schneider, the current heir. Mr. Dameo claims that this is a private cemetery, has never been declared historic, and plots at the cemetery are not for sale. In response to the Board's inquiry, the Township of Bridgewater advises that the death records requested were not found to be on file in the local municipality's death registry. The Board will ask that Mr. Dameo provide contact information for Edward Schneider, the current heir/owner of the cemetery. Also, Mr. Dameo will be advised that the consent agreements he made mention to are null and void as the cemetery was never an authorized "cemetery company" and that he provide copies of these agreements to the Board. Mr. Dameo will also be asked where the burial records and any other records for the cemetery are kept. The letter to Mr. Dameo will be copied to the Township of Bridgewater as well as to the Director of Human Services, Township of Bridgewater. This matter will be carried over.

F. Machpelah Cemetery (CA #200)

Bradley Dickey has advised the Board that he has not yet found anyone to take over for him at the cemetery. Also, he advises that the persons living in the dwelling on the cemetery property are still there and that he will have to hire an attorney to have them removed. Further, Mr. Dickey advises that the cemetery's Annual Reports will be filed as soon as he receives the bank statements. This matter will be carried over.

G. Beth David Memorial Park (CA #308)

Re: Settlement Letter and response from Sanford Epstein

Sanford B. Epstein, President, Beth David Memorial Park has signed the Settlement Letter's acknowledgment of wrongdoing and has provided the Board with copies of stationary, advertisement etc., for Raiken-Epstein Monuments, Inc. showing that his name has been removed from all. This matter is closed and removed from future Board meeting agendas.

H. Application for a Certificate of Authority

Re: Antonacci Family Memorial & Burial Ground

This matter will be held over pending receipt of revised By-Laws for the Antonacci Family Memorial & Burial Ground as well as documentation showing the title of the Maintenance & Preservation Trust Fund being in the name of the cemetery.

I. Establishment of a parking area

Re: Evergreen Cemetery (CA #92)

Previously, Doris Hawkins, Superintendent, Evergreen Cemetery wrote to the Board advising that the cemetery was interested in establishing a small parking area away from the main office entrance. Ms. Hawkins was requesting an opinion from the Board with regard to this project. The Board requested that a map of the area in question be provided for review which Ms. Hawkins provided. Ms. Hawkins will be advised that the Board does not have to give approval for this project nor will it issue an opinion on this project because it does not affect the layout of the burial spaces. It is understood by this Board that no pathways or burial spaces will be taken away or compromised by the creation of this parking area. The Board will thank Ms. Hawkins for her advisement of this project. This matter is closed and removed from future Board meeting agendas.

J. Hoboken Cemetery (CA #183)

Sanford B. Epstein, President, Sanford Epstein, Inc. has written to the Board advising that when the time comes for Marion Yovan to relinquish Receivership of Hoboken Cemetery, he would like to be considered to take over the operations of the cemetery. With two persons now making known their desire to take over the operations of Hoboken Cemetery, the questions arises as to whether or not the cemetery is viable enough to be taken out of Receivership. The Board will ask Mrs. Yovan for an accounting of the activities for the cemetery for the past 12 months which would include but not be limited to the # of burials, # of grave sales, an accounting of all bank accounts, etc. Also, Mrs. Yovan will be asked if she as the Receiver believes that Hoboken should remain in Receivership. This matter will be carried over.

K. Tree Removal Ordinance

Previously, Louis Cicalese, President Cemetery Decelopment Co., Inc. wrote to the Board requesting that it promulgate a new regulation clarifying that a cemetery has the right and obligation to remove trees and other plant growth in all areas within its grounds that are plotted for graves and depicted on maps filed with the Board office. A Committee of the Board, Michael Ticktin and Lawrence Colasurdo was formed to review the Board's regulations to determine whether or not a new rule is warranted. Upon review of the Board's statute and regulations, the Committee believes that the Board does not have the statutory authority over this matter. As individual municipalities have given the approval for the establishment of cemeteries for the purpose of burials, the cemeteries and the municipalities would have to work together to a resolution. The Board has also received a letter from Judith Welshons, Executive Director , New Jersey Cemetery Association regarding the tree removal issue. Ms. Welshons advises as the NJCA seeks to assist its member with this issue, it would be helpful to have clarification from the Board as to the rights of cemeteries to remove trees under our regulatory statute. Ms. Welshons will be advised that the Board has general jurisdiction over cemeteries, not specific and there is nothing in the Board's statute that gives it the authority over this matter. The Board will suggest that the Association bring this issue to the attention of the Legislature.

L. Correspondence from Richard S. Toone & Charles L. Walton
Re: Eldridge Cemetery

This matter will be held over pending receipt of this cemetery's application for a Certificate of Authority.

M. Faxed burial transit permits

At the March 12, 2009 Board meeting Leonard Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery & Washington Cemetery Management Company asked the Board with today's changes in and the uses for technology, if it is permissible to accept faxed burial transit permits from a funeral director. Mr. Auerbach was advised that yes, it is okay as far as the provisions of the Board's statute and regulations may apply. Board member Genevieve Raganelli re-opened this matter and advised Mr. Auerbach that he should submit his question to the State Registrar of Vital Statistics.

III. NEW BUSINESS

A. Approval of Bulk Sales

Jersey State Memorial Park (CA #291), Millstone, NJ to the Islamic Center of Ocean County, Toms River, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 50 interment spaces for \$15,000.00 (\$300.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Jersey State Memorial Park.

Greenwood Cemetery Association, (CA #28), Hamilton, NJ to the Muslim American Society of Queens, Astoria, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$70,000.00 (\$700.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Greenwood Cemetery Association.

Greenwood Cemetery Association, (CA #28), Hamilton, NJ to the Islamic Society of Bay Ridge, Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$70,000.00 (\$700.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Greenwood Cemetery Association

Laurel Grove Cemetery (CA #30), Totowa, NJ to the Islamic Foundation of New Jersey, Paterson, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 57 interment spaces for \$86,925.00 (\$1525.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

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

Executive Director Dianne L. Tamaroglio approved the bulk sale of 134 interment spaces for \$140,700.00 (\$1050.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Lawn Memorial Gardens

B. Application for a One-Year Extension for completion of construction of mausoleum
Re: Hollywood Memorial Park (CA #101), The Chapel of Love and Remembrance

William C. Passodelis has written to the Board on behalf of Hollywood Memorial Park requesting a one-year extension of time for completion of the construction of its Chapel of Love and Remembrance Mausoleum. The reason for the request was that construction was put on hold due to the weather conditions this past winter. The cemetery anticipates a finish date of December 31, 2010. There are 7 families comprising 9 separate entombments which have occurred prior to December 31, 2000; all of these families have been notified of the delay. Upon discussion, a motion was made by Lawrence Colasurdo and seconded by Michael Ticktin to grant the one-year extension of time. 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. Seeking additional property for cemetery purposes
Re: Denville Cemetery Association (CA #402)

Arthur Korn, Denville Cemetery Association has written to the Board advising that in the very near future its available burial plots will be exhausted. Mr. Korn further advises that there is an abandoned cemetery nearby, the John O. Hill Cemetery that has not had a burial since the 1930's; there is room there for approximately 200 additional interments. Denville Cemetery would like to re-open this cemetery, establish a Maintenance & Preservation Trust Fund, and maintain the cemetery and charge fees for burial services. Mr. Korn is seeking guidance from the Board. The Board will advise Mr. Korn that the cemetery has a few options to consider; Denville can take over the cemetery and consider it an enlargement of its existing cemetery and merge the two under one Certificate of Authority after Board approval or they can apply for a new Certificate of Authority for the John O. Hill Cemetery. Regardless of which option Denville Cemetery chooses, municipal records must be obtained regarding the deed history for the property the cemetery is on. Also, Denville Cemetery would have to go to the municipality for its approval for whichever option they decide upon. The Board will advise the cemetery to seek legal counsel.

D. Correspondence from Marcus H. Russell
Re: Riverside Cemetery (CA #43)

Marcus H. Russell has written to the Board inquiring about a "new" section for burials at Riverside Cemetery, Toms River, NJ. Mr. Russell advises that there is a new burial section at the cemetery and that no map has been filed with the municipality. In 1999, Riverside Cemetery came to the Board asking to fill in a road to create more grave spaces; the Board denied this request due to the fact that it appeared that grave spaces had been sold on either side of the roadway in question. It appears as though this is the section Mr. Russell questions. Executive Director Tamaroglio advises that she has spoken with the cemetery and is advised that there is no "new" burial section at the cemetery. Mr. Russell asks if the Board has a map on file of this section; he will be advised that a map was submitted with the cemetery's 1999 request. He also asks how a burial plot is conveyed; he will be advised that burial plots are conveyed by way of a deed. Copies of the Board's statutes and regulations will be provided to Mr. Russell. The cemetery will be asked to provide in writing a statement attesting to the fact that there is no "new" section at the cemetery.

E. Requesting extension of time for filing of Annual Report
Oheb Sholom Cemetery Association (CA #136)

Robert A. Sochor, Secretary, Oheb Sholom Cemetery Association has written to the Board requesting a "reasonable" extension of time for the filing of the cemetery's 2008 Annual Report. Mr. Sochor cites the fact that the United States Return of Organization Exempt Form Income Tax Form 990 is not due until four months after the end of the organization's fiscal year; this should have no bearing on the filing of the cemetery's Annual Report. Upon review of the cemetery's file in the Board office, it is noted that the cemetery has requested this extension many times in the past. A motion was made by Waheed Khalid and seconded by Michael Ticktin to grant an extension until June 10 2009 for the cemetery's filing. Also, the cemetery will be advised that in the future the Annual Reports must be filed on time. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

F. Correspondence from Phyllis R. Black
Re: Daughters of the American Revolution

Phyllis R. Black has written to the Board regarding a cemetery that the Daughters of the American Revolution have in Readington Township. There have been no burials there since 1930. Ms. Black advises that her organization would like to be able to have burials performed there once again. Ms. Black will be advised that before burials can take place at the cemetery, they would have to apply to the Board for a Certificate of Authority. An application for a C/A, along with copies of the Board's statute and regulations will be forwarded to Ms. Black. This matter will be removed from future Board meeting agendas and returned should we receive the application for the C/A.

G. First Park Baptist Church Cemetery

The Board office had been advised on April 21, 2009 that the property of the First Park Baptist Church Cemetery was to be auctioned off on April 23, 2009. There was a foreclosure on the property on or about March 3, 2009 at which time "title" was transferred from the First Park Baptist Church to Lillian Zhang. The foreclosure resulted from tax certificates which Ms. Zhang purchased stemming from unpaid sewer fees from 2004 and for several years thereafter. Through the intervention of DAG Ginger Provost, this property was removed from the scheduled auction. The cemetery and the municipality will try to work this out.

H. Correspondence from Greenlawn Cemetery Association (CA #394)

Greenlawn Cemetery has advised the Board that for a number of years, Henry Rose, whose property borders the eastern boundary of the cemetery, has parked a vehicle on cemetery property. When cemetery Trustees requested that he discontinue this practice, Mr. Rose has refused. The cemetery sent a Certified letter to Mr. Rose asking that he stop parking the car on the property; when this didn't accomplish anything, the cemetery filed a trespassing complaint with the Long Branch Court. Mr. Rose then hired counsel and the cemetery was notified that Mr. Rose was claiming ownership of the property by Adverse Possession. Through mediation, Greenlawn has agreed to allowing the use of the property for as long as Mr. & Mrs. Rose own and reside at the property, and a provision that, in the unlikely event that someone came forward with a documented claim to cemetery plots on the property in question, alternate arrangements would have to be made. The cemetery will be advised that as per NJSA 45:27:21-b, cemetery property cannot be alienated; it is not possible to take cemetery property through adverse possession. DAG Ginger Provost will send a letter advising that the Board is opposed to the terms of the settlement.

I. Concerns with Annual Report
Re: Fairview Mausoleum Company (CA #268)

Through the audit of Fairview Mausoleum Company's 2008 Annual Report some questions arose which the Board will address to Anthony Mauro, Treasurer, Fairview Mausoleum Company:

1. The Maintenance & Preservation Trust Fund is not titled in the name of the cemetery which must be changed;
2. On PNC's Investment statement, there is listed a mortgage on the cemetery property; the Board will ask for all of the details of this mortgage;
3. The Board will ask the cemetery to provide a copy of the Annual meeting where the Trustees approved the mortgage as well as a copy of the Trustees Resolution approving same; and
4. The Board will ask for the back up bank documentation that was not included with the Annual Report.

This matter will be carried over and moved to Executive Session.

J. Application for a Certificate of Authority
. Re: Old Tappan Cemetery

The Board has received the signed acknowledgment of wrongdoing for the Settlement Letter issued to Old

Tappan Cemetery. On behalf of the cemetery, Attorney Grace T. Meyer has written to the Board advising that the Settlement Letter has caused great fear and stress for many of the senior members of the Eckerson family as they recognize the nearness of death and the fact that at this point they will not be able to be buried in the cemetery with their family members. In her letter, Ms. Meyer advises that local friends, family and neighbors have been buried in the cemetery and some local people still express the desire to be buried there. Ms. Meyer requests that the cemetery be "grandfathered" in. On April 28, 2009, an application for a Certificate of Authority was filed with the Board office along with the \$500.00 application fee and proof of the cemetery's bank account. Upon review of the application, the Board has the following concerns which it will address to the cemetery:

1. On the application is stated that Annual Lot Owners Meeting will only be held if necessary; the Board will advise the cemetery that as per the Board's governing statute, an Annual Lot Owners must be held;
2. The Maintenance & Preservation Trust Fund must be held in the name of the cemetery;
3. The Board will accept as an initial deposit to the Trust Fund \$20,000.00 made mention to In Grace Meyers' March 19, 2008 letter to the Board; however, upon review of receipts for expenditure, this amount will not generate enough income for the maintenance of the cemetery for very long, so that it is not a final determination;
4. The Board will require a map to be filed of where individuals are buried in the cemetery; and
5. The Board will require a price list for openings and closings.

This matter will be carried over.

K. Correspondence from Mary Lou Monihan
Re: Lakeview Memorial Park (CA #4)

Mary-Lou Monihan, Trustee, Lakeview Memorial Park asked to address the Board looking for guidance regarding internal-conflict amongst the Trustees and Officers of the cemetery. Ms. Monihan outlined all of her concerns to the Board and her genuine fear for the future of the cemetery. The Board advised Ms. Monihan that it has general jurisdiction over cemeteries and cannot manage individual cemeteries. The issues she brought to the Board are managerial issues and not violation of the Cemetery Act or the Board's regulations. Ms. Monihan was advised that these issues must be addressed at the cemetery level by bringing the members of Lakeview's Association together for the purpose of discussion and to resolve the problems.

L. Request for waiver of \$75.00 Annual Report Filing Fee

Waretown Cedar Grove Cemetery Association (CA #190)

Anne Gerken, Treasurer, Waretown Cedar Grove Cemetery Association has written to the Board requesting a waiver of the \$75.00 Annual Report Filing Fee due to the financial condition of the cemetery. A motion was made by Larry Colasurdo and seconded by Michael Ticktin to grant the request. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

Evergreen Cemetery (CA #72)

Maria J. Costa, Controller, Evergreen Cemetery has written to the Board requesting a waiver of the \$75.00 Annual Report Filing Fee for 2008 due to the financial condition of the cemetery and the fact that the cemetery is in Receivership. A motion was made by Michael Ticktin and seconded by June Nikola to grant the waiver. However, upon a more thorough review of the cemetery's Annual Report, Larry Colasurdo voted to rescind the 1st motion, seconded by Waheed Khalid due to the fact that the cemetery's Trust Fund generated \$19,376.00 in interest for 2008. A vote was taken and the motion was approved. A motion followed by Lawrence Colasurdo and seconded by Waheed Khalid to deny the cemetery's request. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

M. Jersey City and Harsimus Cemetery (CA #220)

Re: Unauthorized burial of cremains

DAG Ginger Provost advised the Board that she received a phone call from Jersey City and Harsimus Cemetery advising that they found the unauthorized burial of cremains at the cemetery along with memorialization on a monument without authorization. The cemetery has filed a police report with the local police department. If the cemetery can find out which monument dealer did the inscription on the monument, they can charge them the appropriate posted fees. If not, the cemetery does have the right to remove the monument.

N. Application for a Cemetery Salesperson's License

Re: Larry Farber

Hollywood Memorial Park (CA #101)

Larry Farber's application for a Cemetery Salesperson's License for Hollywood Memorial Park was discussed in Executive Session. A motion was made by Lawrence Colasurdo and seconded by Michael Ticktin to grant a Cemetery Salesperson's License to Mr. Farber. A vote was taken and the motion was passed by a unanimous vote.

IV. FOR YOUR INFORMATION

A. Correspondence from William C. Passodelis, Greenwood Cemetery Association

Re: Completion of Mausoleum

B. Newspaper Article

Cemetery must halt new burials

The Record 4/11/2009

Taking a walk in a hidden gem

The Gazette 5/13/2009

C. Internet Article

Senator's widow wears his cremated remains as a diamond ring

D. Legislative Report

E. Notification of Civil Action

Re: Laquita Blacks, Plaintiff, v Greenwood Cemetery Association; Greenwood Cemetery, Inc., & Lawson Funeral Home, Inc., John and/or Jane Doe (1-10), & XYZ Corporations (1-10), Defendants

Docket #MON-L-580-09

F. State Board of Mortuary Science

Open Session Meeting Minutes December 2, 2008

Open Session Meeting Minutes January 6, 2009

Open Session Meeting Minutes February 3, 2009

Open Session Meeting Minutes March 3, 2009

All of these matters were considered informational for the Board deeming no discussion or decision making.

V. PUBLIC COMMENT

Leonard Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery & Washington Cemetery Management company thanked Executive Director Dianne L. Tamaroglio for speaking at the New Jersey

Cemetery Association's Convention on May 6th. Earl Stahl, Medford Cemetery Association, Inc., Park View Cemetery advised the Board that with regard to the Tree Ordinance matter the Board has been discussing, the Township of Medford has exempted non-profits from permit fees for the removal of trees.

VI. ADJOURNMENT

A motion was made by Lawrence Colasurdo seconded by June Nikola to adjourn Public Session at 1:05 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. Six (6) new matter or complaint 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 Michael Ticktin and seconded by June Nikola to adjourn the Board meeting of May 14, 2009. A vote was taken and the Board meeting was adjourned at 4:40 PM.

Respectfully Submitted,

Dianne L. Tamaroglio
Executive Director