



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey Cemetery Board  
124 Halsey Street, 6th Floor, Newark, NJ 07102



**PAULA T. DOW**  
Attorney General

**THOMAS R. CALCAGNI**  
Acting Director

**Mailing Address:**  
P.O. Box 45036  
Newark, NJ 07101  
(973) 504-6553

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

### **PUBLIC SESSION MINUTES**

**JUNE 9, 2011**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, June 9, 2011. 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 2, 2010 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 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Lawrence Colasurdo	Absent
Paul M. Desbiens	Present
Waheed Khalid	Present
June Nikola	Present
William Nichols	Present
Jeffrey S. Kasko	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 APRIL 14, 2011**

A motion was made by June Nikola and seconded by Jeffrey Kasko to approve the Public Session Meeting Minutes of April 14, 2011 as corrected. A vote was taken and the motion was passed by a unanimous vote.

#### **II. APPEARANCE CHUCK MANNING, REGULATORY ANALYST**

Regulatory Analyst Charles Manning met with the Board to advise that there were no comments to the Board's proposed Regulations **N.J.A.C. 13:44J** et seq. Upon discussion, a motion was made by Jeffrey Kasko and seconded by Waheed Khalid to approve to re-adopt the Board's regulations without change. A vote was taken and the motion was approved by a unanimous vote.

**III. OLD BUSINESS**

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

*Executive Director Dianne L. Tamaroglio advised the Board that she has been told that there will be a Lot Owners Meeting for Hoboken Cemetery on July 14, 2011 for the purpose of establishing a new Board of Trustees. This matter will be carried over pending notification of the establishment of a Board of Trustees for the cemetery.*

**B. Withdrawal of money from the principal of the Trust Fund  
Re: Jersey State Memorial Park**

***Waheed Khalid was recused from this matter and moved away from the table.***

***Due to a lack of quorum, this matter was reviewed in Committee***

*As a result of an audit of Jersey State Memorial Park's Annual Reports conducted by George Booktor, Board Accountant it was determined that a total of \$32,500.00 was withdrawn from the corpus of the cemetery's Trust Fund. The Board had authorized Deputy Attorney General John Hugelmeyer to draft a Provisional Order of Discipline to Jersey State Memorial Park requiring Anthony Sparno, President, Jersey State Memorial Park to replace the \$32,500.00 back into the corpus of the Trust Fund. Through further review of the cemetery's Annual Reports going back to 2003 along with bank statements and correspondence from Karl Kemm, Treasurer, Jersey State Memorial Park, Mr. Booktor advised that the cemetery's Trust Fund was frozen not by this Board as Mr. Sparno advised but rather by Mr. Kemm. Mr. Kemm froze the Trust Fund due to the fact that the cemetery's former president, Joseph Carlino had been taking money from the Trust and Mr. Kemm wanted to protect it from further withdrawals. During that time no income was withdrawn from the Trust Fund. When this Fund was unfrozen, it appears that Mr. Sparno thought he could remove the income that had not been withdrawn. Upon discussion the Committee of the Board made the recommendation that the Board rescind the Provisional Order of Discipline and authorize DAG John Hugelmeyer to draft a Uniform Penalty Letter with a \$500.00 Civil Penalty to Mr. Sparno for withdrawing \$32,500.00 from the Trust Fund without the Board's permission. The recommendation will be brought to the full Board for a vote at the July 14, 2011 Board meeting. Further discussion regarding Jersey State Memorial Park and the provisions of various bulk sales agreements ensued. In some bulk sale agreements between religious organizations and the cemetery there was the provision that bathrooms be put in place at the cemetery for visitors. Years ago the Board was advised by the cemetery that bathrooms could not be put in place due to the results of perk tests. The Board will ask Mr. Sparno to provide a copy of the results of the perk tests. This matter will be carried over.*

**C. Problems in filing of Annual Reports  
Re: Jacobstown Baptist Cemetery Association (CA #150)**

*George Booktor, Board Accountant met with Dr. David Meirs, II, President of Jacobstown Baptist Cemetery to review with him the proper way to complete the Maintenance and Preservation Trust Fund Annual Reports. Mr. Booktor advised the Board that the cemetery is now in compliance with Board regulations regarding filing of the Maintenance and Preservation Trust Fund reports. This matter is closed and removed from future Board Meeting agendas.*

**D. Withdrawal from the Maintenance & Preservation Trust Fund**  
**Re: Greenville Cemetery Association (CA #282)**

Previously, Ronald P. Vogel, Treasurer, Greenville Cemetery Association advised the Board that \$4000.00 of the \$4,561.00 that was withdrawn from the cemetery's Trust Fund has been deposited back into the corpus of the Trust Fund. The Board suggested to the cemetery that it would be good if the cemetery could deposit the balance of \$561.00 by the end of the cemetery's Fiscal Year, June 30, 2011. Mr. Vogel advised the Board that it would be a hardship for the cemetery to re-deposit the balance of the money by June 30, 2011. Upon review, a motion was made by June Nikola and seconded by Jeffrey Kasko to extend the date to December 31, 2011 for the balance of withdrawal to be re-deposited to the Trust Fund. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

**E. Correspondence from Peter J. Van Dyke, Esquire**  
**Re: Riverside Cemetery (CA #43)**

At the March 10, 2011 Board meeting the Board received a letter from Peter J. Van Dyke, Attorney representing Riverside Cemetery. Mr. Van Dyke advised that the cemetery's income from its Trust Fund is inadequate to keep the cemetery operating for much longer. Mr. Van Dyke was looking to the Board for advice pertaining to dissolution. The Board asked that Mr. Van Dyke along with Trustees from the cemetery appear before the Board to discuss the cemetery's future. Kathleen C. Moriarty, Esquire appeared today on behalf of Mr. Van Dyke as well as the cemetery's Trustees. Ms. Moriarty advised that the cemetery has limited space for future burials and in a few years the cemetery will become insolvent. The Board advised Ms. Moriarty that the Trustees cannot just walk away from the cemetery; new Trustees must be put in place. The Board asked Ms. Moriarty if there were any historical figures buried at the cemetery; if so, it is possible that the cemetery could apply for some grant money from the Historical Preservation Office. The Board also advised that the cemetery may want to raise some of its service fees. Ms. Moriarty was told that the Board does not have funds nor the statutory authority to take over cemeteries. This matter is closed and removed from future Board Meeting agendas.

**F. Correspondence from Debbie L. McClelland, Secretary, Trustee, Odd Fellows Cemetery (CA #39) (March 10, 2011 meeting agenda)**

At the March 10, 2011 Cemetery Board meeting the Board reviewed correspondence from Odd Fellows Cemetery wherein the cemetery asked the Board for approval to liquidate a portion of its Building Fund and transfer it in a lump sum to the principal of the Trust in order to repay \$29,510.00 that was withdrawn from the corpus of the cemetery's Trust Fund. At that time the Board approved this transaction. Debbie L. McClelland, Secretary, Trustee for the cemetery provided the Board with documentation showing the transfer. Upon review of the documentation received, it was noted that the money was withdrawn from a Mausoleum Building Fund. A letter will be sent to the cemetery advising that the Board was under the impression that the request to withdraw money was from an unrestricted Building Fund. However, it now appears that the money was taken from a Mausoleum Building Fund an Irrevocable Fund where only income can be used. The cemetery will be advised that the money has to be re-deposited and will be asked for a repayment plan. This matter will be carried over.

**IV. NEW BUSINESS**

**A. *Correspondence from Board of Trustees, Atlantic City Cemetery Association (CA #95)*  
*Re: Establishment of a Crematory***

*The Board received correspondence from The Atlantic City Cemetery Association seeking advisement regarding the establishment of a crematory on the property of the cemetery. The Board reviewed and discussed the correspondence. Upon review the Board will inform the Cemetery that they are following proper procedures for the establishment of the crematory and should they encounter any difficulties in the process to please contact the Board. This matter is closed and removed from future Board Meeting agendas.*

**B. *Approval of Bulk Sales***

***Laurel Grove Cemetery, CA #30), Totowa, NJ to the Albanian American Islamic Center of New York & New Jersey, Inc., Garfield, NJ***

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 165 interment spaces for \$226,875.00 (\$1375.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.*

***Mt. Hebron Cemetery d/b/a Liberty Grove Memorial Gardens, Matawan, NJ (CA #312) to St. Mary & St. George Coptic Church, Staten Island, NJ***

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 59 double crypt spaces & 64 single crypt spaces for \$375,000.00 (\$3048.78 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Mt. Hebron Cemetery.*

**V. FOR YOUR INFORMATION**

**A. *Notification of Civil Actions***

***Theresa Costanza and Mary Costanza, Plaintiffs v Hillside Cemetery, Defendants (CA #166)***

***State of New Jersey, by the Commissioner of Transportation, Plaintiff v Harleigh Cemetery Association, a New Jersey Non-Profit Corporation, (CA#61); New Jersey Cemetery Board; Borough of Collingswood, in the County of Camden; a Municipal Corporation of New Jersey; City of Camden, in the County of Camden, a Municipal Corporation of New Jersey, Defendants***

***CMS Mid-Atlantic, Inc., Plaintiff v Richard A. Farber, Roseanne V. Farber, Janice Valerioti, and the Estate of John Valerioti, Defendants***

***Rosalyn Morehead, Rosa Martinez, Cesar LaFontaine, Bal Maraj & Indra Maraj, Plaintiffs-Appellants, v The Board of Adjustments of the Borough of Fort Lee; the Mayor & Council of the Borough of Fort Lee; the Construction Official & Zoning Officer of the Borough of Fort Lee & The Madonna Cemetery & Mausoleum, Defendants-Respondents***

- B. Correspondence from William C. Passodelis, Hollywood Memorial Park & Cemetery (CA #101)  
Re: Mausoleum Chapel of Love & Remembrance**
- C. Correspondence from William C. Passodelis, The Alpine Cemetery Association (CA #193)  
Re: The Mausoleum at Alpine Cemetery (CA #193)**
- D. Approval of Chapter 45**
- E. Report on Pamphlet Laws from Legislative Affairs**

*The above matters were considered informational for the Board requiring no discussion or decision making.*

**VI. PUBLIC COMMENT**

*No public comments were made at today's meeting.*

**VII. ADJOURNMENT**

*A motion was made by Paul Desbiens and seconded by Waheed Khalid to adjourn Public Session at 10:45 A.M. and move into Executive Session at 10:50 A.M.. 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. 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. A motion was made by Waheed Khalid and seconded by Jeffrey Kasko to adjourn the Board meeting of June 9, 2011. A vote was taken and the Board meeting was adjourned at 1:20 P.M.*

*Respectfully Submitted,*

*Dianne L. Tamaroglio  
Executive Director*