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Governor

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# New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey Cemetery Board  
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## **\*NEW JERSEY CEMETERY BOARD\***

### **PUBLIC SESSION MINUTES**

**JUNE 10, 2010**

**Mailing Address:**  
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A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, June 10, 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	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; Deputy Attorney General John Hugelmeyer; and Ellen Green, Board Secretary.

#### **I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MAY 13, 2010**

A motion was made by Michael Ticktin and seconded by June Nikola to approve the Public Session Meeting Minutes of May 13, 2010 as corrected. A vote was taken and the motion was passed by a unanimous vote.

#### **II. OLD BUSINESS**

##### **A. 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**

The Board has not yet received a copy of the revised By-Laws from Eldridge Cemetery. Executive Director Dianne Tamaroglio will reach out to Richard Toone, President, Eldridge Cemetery for the status of the revised By-Laws. This matter will be carried over.

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

Jerome M. Katz, Attorney representing Hoboken Cemetery has forwarded to the Board, on behalf of Marion Yovan, Receiver for the cemetery, the requested documentation regarding the termination of her receivership and the restoration of the Cemetery to management by a Board of Trustees. Mr. Katz states in his correspondence to the Board that Ms. Yovan is currently in the process of putting together a slate of Trustees to take office and become functional upon the termination of her receivership. Ms. Yovan will also submit a draft of an amended Certificate of Incorporation to reflect the current law under both titles, 15A and 45, of the New Jersey statutes for consideration and approval of the Board. The Board will advise Mr. Katz that a Lot Owners Meeting should be held to approve the Trustees. Upon approval of the new Trustees, the Board should be so advised. This matter will be carried over.

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

Riverside Cemetery was to supply the Board with a map of the "new" section of the cemetery by February, 2010. Said map has now been received by the Board, therefore this matter is closed and removed from future Board meeting agendas.

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

The Board received correspondence from Charles J. Girard, Esquire regarding the taking over of the operations and management of the cemetery. This matter is closed and removed from future Board meeting agendas.

### **E. Old Cemetery Improvement Association (CA #207)**

This matter will be held over pending receipt of proof of the establishment of the cemetery's Maintenance and Preservation Trust Fund as well as an Operating Account.

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

Ms. Rita J. Jones has forwarded to the Board copies of the Marksboro Cemetery Association's active assets account statements for both the Operating Account and Trust Fund Account in hope that this would clear up the misunderstanding that the Cemetery had only one account. Upon review, the Board unanimously agreed that this matter be closed and removed from future Board meeting agendas.

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

*The Board has not yet received a copy of the amended lease between Bound Brook Cemetery and Casa de Esperanza. Executive Director, Dianne Tamaroglio will reach out to Ms. Antila Phipps, Esquire for the status of same. This matter will be carried over.*

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

*Mr. Edwin C. Landis, Jr., Attorney representing Mountain Top Cemetery, has forwarded to the Board the new Certification from Wachovia Bank showing how the cemetery's Trust Fund is titled. The title of the Trust Fund as shown on the documentation is "Maintenance and Preservation Fund". Upon review a motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve the issuance of the Certificate of Authority contingent upon verification that the Maintenance and Preservation account is in a trust account even though the word "Trust" is not in the title. A vote was taken and the motion was approved by a unanimous vote. This matter will be carried over.*

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

*The Board received correspondence from Norman Zweiacher, Secretary/Treasurer of Cedarwood of Keyport Cemetery referencing the withdrawal of \$20,847.98 from their Trust Fund in order to repair a section of a wall. Unfortunately, in accordance with the New Jersey Cemetery Board Statute, the Board is not allowed to authorize an invasion of principle of the Maintenance and Preservation Trust Fund. The Board will ask Board Accountant, George Booktor, to review the cemetery's past Annual Reports to see if perhaps there is some retained income that could be used for the repair of the wall. This matter will be carried over.*

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

*At the May 13, 2010 Board meeting the Board approved the removal of the deteriorated and unsafe walkways in the Hermon Benevolent Society section of Cedar Park Cemetery and the planting of grass with the understanding that the cemetery would not prohibit burials in the Hermann Benevolent Society's area due to non-payment of expenses. The Board has since received a letter from Lawrence W. Rose, General Manager of Cedar Park Cemetery advising that the cemetery would not prohibit future burials in this area and would not request reimbursement from the families at the time of burial. This matter is closed and removed from future Board meeting agendas.*

**III. NEW BUSINESS**

**A. Withdrawal of fees from corpus of Trust Fund  
Re: Stillwater Cemetery Association (CA #363)**

*The Board reviewed Stillwater Cemetery Association's Maintenance and Preservation Annual Reports for 2007, 2008 and 2009. Upon review it was apparent that the cemetery has withdrawn from the corpus of the fund, Trust Tax and Fees. The Board will advise the cemetery that it is not permitted to remove any money from the corpus of the Trust Fund; the only money that can be withdrawn is the interest generated. Also, the cemetery will be advised that it is required to make deposits to the Fund on a monthly basis. The Board will ask the cemetery to submit its plan of action to re-deposit a total of \$4,078.29 to its Trust Fund. This matter will be carried over.*

**B. Approval of Bulk Sale**

**Mount Moriah Cemetery, Fairview, NJ (CA #36), to the Sephardic Congregation of Fort Lee, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$22,500.00 (\$225.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Mount Moriah Cemetery.*

**C. Adjournment of July 8, 2010 and August 12, 2010 New Jersey Cemetery Board Meetings**

*Executive Director Dianne L. Tamaroglio asked for an adjournment of the July 8, 2010 and August 12, 2010 Board meetings due to a lack of quorum for both meetings. A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to adjourn both meetings. A vote was taken and the motion was passed by a unanimous vote. The next scheduled Board meeting is September 2, 2010.*

**IV. DISCIPLINARY ACTION**

**A. Settlement Letter issued to Fairview Cemetery (CA #75) in violation of NJSA 45:27-15 for failure to file Annual Reports on time; \$500.00 Civil Penalty**

*Executive Director Dianne L. Tamaroglio is in receipt of the signed Offer of Settlement issued to Fairview Cemetery along with the payment of \$500.00 for the Civil Penalty. This matter is now closed and will be removed from future Board meeting agendas.*

**V. FOR YOUR INFORMATION**

**A. New Jersey Register**

**Adopted Amendments: N.J.A.C. 13:44J-2.1, 8.4 & 14.3**  
**Adopted New Rule: N.J.A.C. 13:44J-13.7**  
**Adopted Amendment: N.J.A.C. 13:44J-13.6**  
**Adopted New Rule: N.J.A.C. 13:44J-5.4A**

**B. Newspaper Article**

***Boy Scout maps out graves of veterans to place flags  
Herald News May 30, 2010***

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

**VI. PUBLIC COMMENT**

*Keeping in mind, July 4<sup>th</sup>, Len Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery and Washington Cemetery Management Company wanted to publicly thank all of our Veterans and wished everyone a Happy 4<sup>th</sup> of July.*

**VII. ADJOURNMENT**

*A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to adjourn Public Session at 10:10 AM and move into Executive Session at 10:15 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 and/or violations of the Board's regulations:*

- 1. Six (6) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Nine (9) 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 June 10, 2010. A vote was taken and the Board meeting was adjourned at 12:15 PM.*

*Respectfully Submitted,*

*Dianne L. Tamaroglio  
Executive Director*