

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**JUNE 11, 2009**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, June 11, 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 9:35 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. OLD BUSINESS**

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

New Asbury Meeting House Cemetery (CA #349)

Odd Fellows Cemetery (CA #330)

Both of the above matters were moved to Executive Session for advice of counsel.

**B. Old Tennent Cemetery (CA #201)**

Michael T. Warshaw, Esquire has filed a new map rendering Old Tennent properties. DAG Ginger Provost advised the Board that she is still waiting for a letter from the cemetery stating that the financial condition of the cemetery won't be adversely affected by the reached settlement. This matter will be carried over.

**C. Reconstitution of Board**

Re: Mercer Cemetery (CA #266)

DAG Ginger Provost has sent a letter to Honorable Douglas H. Palmer, Honorable Brian M. Hughes, & the Mercer County Veterans Council stressing the necessity for them to appoint individuals willing to serve on the Board of Trustees of Mercer Cemetery. To date, there has been no response. Board member Genevieve Raganelli has offered to make some phone calls to see if she can't get things moving along. The suggestion was made to perhaps set up a meeting with a Committee of the Board and the three above named individuals to try to work things out. The suggestion was made that perhaps the cemetery could become a Municipal Cemetery. Board member Michael Ticktin offered to assist Ms. Raganelli. This matter will be carried over.

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

Re: Certificates of Indebtedness

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

This matter will be held over.

E. Correspondence from Claire J. O'Keefe  
Re: Mountain Top Cemetery

This matter will be held over.

F. Machpelah Cemetery (CA #200)

A follow up letter will be sent to Bradley Dickey, President, Machpelah Cemetery requesting that the cemetery's Annual Reports for 2006, 2007, & 2008 be filed within 15 days of receipt of the letter. This matter will be carried over.

G. Application for a Certificate of Authority

1. Antonacci Family Memorial & Burial Ground

Richard Schatzman, attorney representing the Antonacci Family Memorial & Burial Ground has provided the Board with additional documentation to be reviewed as a part of the cemetery's application for the Certificate of Authority. Upon review, the Board had the following concerns that it will address to Mr. Schatzman:

1. The Resolution by the Township of Montgomery is in the name of Vanard Realty Co. which must be changed to the name of the cemetery. Mr. Schatzman will be asked to provide a copy of the deed to the property showing the change;

2. The Rules and Regulations for the cemetery submitted to the Board are much too broad; there is too much contained that wouldn't pertain to this burial ground. Mr. Schatzman will be asked to provide a revised copy, leaving only what is specific to the Antonacci Family Memorial & Burial Ground;

3. Mr. Schatzman will be advised that under the Cemetery Act there are specific requirements for dissolution that are not the same as that under 501(c)3 corporation. Under #9 of the Certificate of Incorporation, it must read that dissolution will be in accordance with the provisions of the New Jersey Cemetery Act, 2003. Also, the assets of the cemetery must be preserved for the future maintenance of the cemetery. There must be a plan in place for the future of the cemetery; who will continue to care for the cemetery? Also, in the case of dissolution, what will happen to the Maintenance & Preservation Trust fund?;

4. Provisions must be made for clear access to the cemetery and the access must be maintained forever; once the cemetery receives its Certificate of Authority it becomes a public entity, open to all;

5. In the cemetery's Rules and Regulations, it must be stated that interment or entombment is restricted to family members only; and

6. Mr. Schatzman will be asked to provide to the Board a copy of the minutes from the cemetery's Board of Trustees' meeting approving the establishment of the irrevocable Trust Fund.

This matter will be carried over.

2. Old Tappan Cemetery

The Board is in receipt of the Resolution from Old Tappan's Mayor and Council approving Old Tappan Cemetery's continuing operation as a cemetery. The cemetery's Certificate of Authority will not be considered until all documentation is in and the application considered complete. The cease and desist for future burials remains in force. This matter will be carried over.

#### H. Hoboken Cemetery (CA #183)

This matter will be carried over.

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

The Board has not yet received an application for a certificate of Authority from Eldridge Cemetery. A follow up letter will be sent to Richard S. Toone, Executive Secretary, Eldridge Cemetery Association.

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

This matter will be carried over pending a response from Riverside Cemetery as to whether or not they have a "new" burial section in the cemetery as Mr. Russell claims.

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

DAG Ginger Provost has sent a letter to Greenlawn Cemetery regarding adverse position and advising of the Board's position in this matter, that being that a claim of adverse possession should be rejected by the Court as the authority to transfer cemetery land lies solely within the Board's domain. This matter will be carried over.

## II. NEW BUSINESS

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

Charles J. Girard, Esquire has sent a letter to the Trustees of Oak Hill Cemetery advising that with the resignation of the cemetery President and a Trustee, there are now only three remaining Trustees and that they should hold a meeting to decide the course of action for the cemetery. The letter was copied to the Board. Mr. Girard will be advised that the Trustees of the cemetery have an obligation to find new Trustees to operate the cemetery. The current Trustees should call a Special Lot Owners meeting for this purpose. Such meeting should be noticed in a local newspaper and a sign placed at the cemetery. Mr. Girard will be asked to keep the Board apprized of its progress.

#### B. Approval of Bulk Sale

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

Executive Director Dianne L. Tamaroglio approved the bulk sale of 70 interment spaces for \$73,500.00 (\$1050.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Lawn Memorial Gardens.

#### C. Correspondence from Medford Cemetery Association (CA #374)

Earl Stahl, President, Medford Cemetery Association, previously known as Parkview Cemetery/Odd Fellows Cemetery has come to the Board advising an audit of the cemetery's records disclosed problematic documentation and inconsistencies and ambiguities in the cemetery records pertaining to grave sales and grave ownership. As a result Medford Cemetery Association is confronted with dual ownership of some graves and unknown ownership of others. Questions exist as to whether cemetery records show the correct grave for each purchaser as the records show that there have been sales to two purchasers of the right to burial in the same interment space. Also, there are questions as to whether certain grave purchasers,

approximately 350 were notified of a change in their assigned interment space, Cemetery records show sales to two purchasers of the right to burial in the same interment space. The records also show that the duplicate sales were recognized as a mistake because the prior cemetery administration changed the cemetery's records to record a grave different than the original grave purchased by one owner. To attempt to straighten this out, Mr. Stahl advises that the cemetery intends to publish for two consecutive weeks in two newspapers of local circulation in Medford, a notice to all individuals having a deed establishing a right to interment in a burial space at Parkview Cemetery/Odd Fellows Cemetery now known as Medford Cemetery Association. The notice would request those individuals provide MCS by certified mail a copy of the deed and proof of payment. The Board acknowledges that Mr. Stahl is making every effort to correct an adverse situation.

#### D. Fireman's Memorial Park, Union City, NJ

The Board office received a phone call from Union City advising that it was in the process of an excavation project at the Fireman's Memorial Park when a tombstone and a bone were unearthed; Union City was seeking advice as to how it should proceed. DAG Ginger Provost advised that they should have a radar probing of the area done to ascertain whether or not there are bodies buried there. If so the City would have to go to Court to have the remains removed and interred in another burial ground. The bone that was discovered should be examined to determine if it was from a human or an animal.

### III. DISCIPLINARY MATTERS REPORTED OUT FROM EXECUTIVE SESSION

A Final Order of Discipline was issued to Deckertown Union Memorial Park Cemetery (CA #155) to finalize the Provisional Order of Discipline of June 10, 1999 for violation of NJSA 45:27-15; Annual Reports for 2007 & 2008 have now been filed. Due to the limited financial condition of the cemetery, the \$500.00 Civil Penalty was waived.

A Final Order of Discipline was issued to Montague Reformed Church Cemetery (CA #246) to finalize the Provisional Order of October 30, 2008 for violation of NJSA 45:27-15; Annual Reports for the period 2003-2008 have now been filed with the Board office. Due to the limited financial condition of the cemetery, the \$500.00 Civil Penalty was reduced to \$100.00.

### IV. FOR YOUR INFORMATION

#### A. State Board of Mortuary Science

Open Session Meeting Minutes--April 7, 2009

Open Session Meeting Minutes--May 5, 2009

#### B. Newspaper Article

Justices: Towns can charge for tree cutting The Star Ledger

#### C. Internet Article

Honoring Forgotten Heroes

North Jersey.com May 15, 2009

#### D. 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

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

## V. PUBLIC COMMENT

No Public comments were made today.

## VI. ADJOURNMENT

A motion was made by Michael Ticktin and seconded by Genevieve Raganelli to adjourn Public Session at 11:30 AM and move into Executive Session at 11:40 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. One (1) new matter or complaint 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 Michael Ticktin and seconded by Waheed Khalid to adjourn the Board meeting of June 11, 2009. A vote was taken and the Board meeting was adjourned at 2:00 PM.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director