

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**JUNE 12, 2008**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, June 12, 2008. 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 17, 2007 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 Vice-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 Absent  
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.

## **II. ELECTION OF BOARD CHAIR**

Due to the passing of Board Chair Marion Brozowski on May 5, 2008, as per the Board's statute, an election was held for the election of a new Board Chair and Vice Chair for the remainder of 2008.

Executive Director Dianne L. Tamaroglio opened nominations for Chair of the New Jersey Cemetery Board. Michael Ticktin nominated William Nichols for Chair of the Board. The nomination was seconded by Lawrence Colasurdo. With no further nominations being made, Lawrence Colasurdo made a motion to close nominations, seconded by Michael Ticktin. A vote was taken and William Nichols was voted as Chair of the Board for the remainder of 2008.

Board Chair William Nichols opened nominations for Vice Chair of the New Jersey Cemetery Board for the remainder of 2008. Lawrence Colasurdo nominated Paul M. Desbiens. The motion was seconded by Michael Ticktin. With no further nominations being made, Michael Ticktin made a motion to close nominations seconded by Lawrence Colasurdo. A vote was taken and Paul Desbiens was voted as Vice-Chair of the Board for the remainder of 2008.

## **III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MAY 8, 2008**

A motion was made by Michael Ticktin and seconded by Paul M. Desbiens to approve the Public Session Meeting Minutes of May 8, 2008 as corrected. A vote was taken and the motion was passed by a unanimous vote.

## **IV OLD BUSINESS**

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

Deckertown Union Memorial Park Cemetery (CA #155)

The Board has yet to receive any Annual Reports from Deckertown Union Memorial Park or its revised price list. Executive Director will make another phone call to Ed Vanderberg, President, stressing the urgency of this. This matter will be carried over.

#### New Asbury Meeting House Cemetery (CA #349)

The Board previously ask Rod Gilman to provide a sworn statement stating that burial at New Asbury Meeting House Cemetery is still restricted to those of the Methodist religion and their families. Mr. Gilman called concern about the burial practices prior to his involvement with the cemetery. Mr. Gilman will be advised that the Board is concerned with going forward. This matter will be carried over.

#### Odd Fellows Cemetery (CA #330)

Roland Hardy, attorney representing Odd Fellows Cemetery, along with Frances Lewis & George Lee, both cemetery Trustees appeared before the Board to discuss the operations of the cemetery. Ms. Lewis has been a member of the Board for over 20 years as well as being the Treasurer. When Ms. Lewis receives a call for a burial, she refers them to the grave digger Danny Moore. Mr. Moore does not receive any compensation from the cemetery but rather from the funeral director who brings in the funeral for burial. He receives money for the opening and closing and in turn, turns it over to the cemetery. The cemetery's only service charge is \$350.00 for a grave; there are no opening and closing fees. The cemetery has one bank account that all monies are deposited into. All expenses are paid from this fund. Ms. Lewis advised that no deeds have been issued by the cemetery; people take the cemetery at its word. Mr. Lee has been a member of the Board of Trustees for 15-20 years; he is not involved in the day to day operations of the cemetery. Mr. Lee advised that they are trying to get younger individuals involved in the cemetery. The cemetery doesn't have very accurate records and is now attempting to get records in order. Ms. Lewis will ask former Trustee, now deceased Charles Curry's wife if any of the cemetery's records were kept at their house. Mr. Roland advised that up until now, the cemetery has not been in compliance with the Board's statute and regulations and he is going to try to address that with the Board of Trustees. Danny Moore was subpoenaed to appear at today's meeting but he did not appear nor has he responded to the Demand for Statement in Writing Under Oath. The Board will move this matter to Executive Session for advice of Counsel.

#### B Correspondence from Stuart Wisse, Acting Administrator Re: Barber Burying Ground Association (CA #285)

Stuart Wisse, Acting Administrator, Barber Burying Ground has written to the Board with a list of questions pertaining to cemetery operations and cemetery law. DAG Ginger Provost will reach out to Mr. Wisse to assist him. This matter is closed and removed from future Board meeting agendas.

#### C. Cemetery has no money and no activity Re: Wantage Cemetery (CA #161)

James Kruggman has filed Wantage Cemetery's Annual Reports for 2005, 2006, & 2007. This matter is closed and removed from future Board meeting agendas.

#### D. Old Tennent Cemetery (CA #201)

DAG Ginger Provost and Board Chair William Nichols attended a Settlement Conference on June 9, 2008 regarding Old Tennent Cemetery and Church. Another Settlement Conference is scheduled for June 24, 2008; DAG Provost will attend once again on behalf of the Board. In the interim time, the cemetery will research its records to possibly see what land it is entitled to. This matter will be carried over.

#### E. Old Tappan Cemetery Re: Compliance with State Regulations of Cemeteries

Grace T. Meyer, attorney representing Old Tappan Cemetery was advised that a completed application for a Certificate of Authority must be filed with the Board before a determination can be made as to how much should be placed in the Maintenance & Preservation Trust Fund for the cemetery. Ms. Meyers advised Executive Director Dianne L. Tamaroglio that she didn't believe her clients would file such application not knowing what

the dollar amount for establishment of the Trust Fund would be. The Board will request from Ms. Meyers a list of the individuals who have or who will be serving as Trustees of the cemetery. The Board will also advise that the cemetery cannot operate as a cemetery unless it receives a Certificate of Authority from this Board; therefore an application must be filed. A motion was made by June Nikola and seconded by Michael Ticktin to move this matter to Executive Session for advice of Counsel. A vote was taken and the motion was passed by a unanimous vote.

F. Requesting approval for continuation of lease

Re: Bound Brook Cemetery (CA #8) Board approved Feb. 9, 2006

The Board is in receipt of the requested amendments to the lease between the Casa de Esperanza and Bound Brook Cemetery. With receipt of the amendments, this matter is finalized and the lease is approved for the period February 1, 2008 through January 31, 2010. This matter is closed and removed from future Board meeting agendas.

G. Review of E-Z Maintenance & Preservation Trust Fund Annual Report Form

Board Vice Chair Paul M. Desbiens and Board member June Nikola have prepared EZ Annual Report forms for those cemeteries having very little activity and therefore generating very little income. The Board will review these forms at its July 10, 2008 Board meeting.

H. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

This matter will be held over.

I. No one to care for the cemetery

Re: Jersey City/Harsimus Cemetery (CA #220)

Sister Johanna Quinto was in attendance at today's meeting and addressed the Board with her concerns regarding Jersey City and Harsimus Cemetery. DAG Ginger Provost advised that a Special Lot Owners Meeting is being held tonight in Jersey City for the purpose of establishing a new Board of Trustees for the cemetery as well as a new slate of officers. With a new Board in place, this Board is hoping that the cemetery will be operational again. This matter will be carried over.

J. Delinquent in filing Annual Reports from 2002 through 2007

Re: Newell Cemetery (CA #375)

Paul Brembt, Treasurer, Newell Cemetery has filed the cemetery's Annual Reports for the period 2002-2007. The audit of the Reports conducted by Board Accountant George Booktor revealed that the appropriate deposits to the cemetery's Trust Fund for those years were never made; the total due the Fund is \$4,787.00. Mr. Brembt will be advised that this money must be deposited to the Fund immediately. This matter will be carried over.

K. Cemetery not providing back up documentation with filing of Annual Reports

Re: The Atlantic City Cemetery (CA #95)

The Board requested John Murray, Treasurer, Atlantic City Cemetery to appear before the Board at today's meeting. Mr. Murray has ignored the letters sent from the Board office requesting back up documentation to verify the book value of the cemetery's Trust Fund as shown on the 2007 Annual Report. Mr. Murray did not acknowledge the Board's invitation nor has he provided the requested documentation. A motion was made by Lawrence Colasurdo and seconded by Michael Ticktin to authorize DAG Gnger Provost to subpoena Mr. Murray's appearance for the July 10, 2008 Board meeting. A vote was taken and the motion was passed by a unanimous vote.

L. Pleasant Hill Cemetery Association, Plaintiff v Jerry F. Smith & Christina M. Smith, Defendants Docket No.

The Board previously requested that Pleasant Hill Cemetery Association submit new Annual Reports for the years 1999 through the present along with certified statements. This matter will be held over pending receipt of same.

## V. NEW BUSINESS

A. Correspondence from John J. DeVincens, Esquire  
Re: St. Joseph Cemetery/Mausoleum

John J. DeVincens, attorney representing St. Joseph Cemetery and Mausoleum a religious cemetery, not under the jurisdiction of the Board has written to the Board requesting permission to sell mausoleum crypts to an individual who is not Catholic. In 2003, the cemetery was cited by the Board for agreeing to sell a crypt/burial space to a non-Catholic; the cemetery agreed to cease and desist from such practice. Mr. DeVincens will be advised that the New Jersey Cemetery Board does not have the statutory authority to grant an exemption for this purchase. If the cemetery chooses to sell grave/crypt space to non-Catholics or bury non-Catholics, it would first have to apply to the Board for a Certificate of Authority to operate as a "cemetery company". This matter is closed and removed from future Board meeting agendas.

B. Requesting an extension in filing of Annual Report  
Re: First Presbyterian Church of Ewing (CA #121)

Ann Martz has written to the Board on behalf of First Presbyterian Church Cemetery requesting a 30 day extension for the filing of the cemetery's 2007 Annual Report. A motion was made by Paul M.Desbiens and seconded by Lawrence Colasurdo to grant an extension until June 30, 2008. A vote was taken and the motion was passed by a unanimous vote.

C. Correspondence from Nathan Van Embden, Esquire  
Re: Haleyville Methodist Cemetery

Attorney Nathan Van Embden represents the Haleyville Methodist Cemetery, a cemetery in existence since 1850. Mr. Van Embden advises that the cemetery is closely associated but not a part of the Haleyville Methodist Church. Mr. Van Embden has been asked by both entities to separate them out and identify a lot attributable just to the church and the remaining parcel to be attributed solely to the cemetery. Mr. Van Embden is asking for the Board's status of the cemetery and would also like the Board's input as to what will be necessary to create a new non-profit entity. The Board will advise Mr. Van Embden that as the cemetery does not have a Certificate of Authority issued by this Board to operate as a "cemetery company", we have no information pertaining to it. Mr. Van Embden will be advised that the information provided is not adequate enough for the Board to offer any assistance. Some of the information that the Board would need to know is: does the cemetery restrict burial to members of the Methodist faith and families; would the cemetery remain a religious entity; and would it be controlled by the Church? The statutory definition of "cemetery company" will be sent to Mr. Van Embden. This matter will be held over pending receipt of any further communication from Mr. Van Embden.

D. Approval of Bulk Sales

Ewing Church Cemetery (CA #20), Ewing, NJ to the NY United Chinese Memorial Fund, Inc., Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 2400 interment spaces for \$1,200,000.00 (\$500.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Ewing Church Cemetery.

E. Request for Comment  
Re: S1815

This Bill reduces the statute of limitations period for certain actions against professional who are licensed persons

as defined in NJSA 2A:53A-26. Specifically, the bill amends current law to reduce the six year limitations period to two years for actions against certain licensed professionals. The Board made no comment to this Bill as it believes it does pertain the Board.

**F. Inquiry from Millard Wilkinson, Jr., Superintendent, Berlin Cemetery Association (CA #292)**

Millard Wilkinson, Jr., Superintendent, The Berlin Cemetery Association has written to the Board requesting guidance pertaining to the transfer of ownership of mausoleum crypts. The owner of the crypt now deceased, has one son and three living daughters; as per the deceased's will, two of her children (son & 1 daughter) have been disinherited. One of the daughters wishes to have the crypt transferred to her and she advises her other sister will agree to this. Upon review of a copy of the deceased's will, there is no specific mention of the crypt. Mr. Wilkinson will be advised that without the will specifically mentioning the crypt, he would have to adhere to NJSA45:27-28©. Mr. Wilkinson will be advised that the cemetery should seek the advice of legal counsel with regard to this situation, especially since there are disinherited children. This matter is closed and removed from future Board meeting agendas.

**G. Application for a Cemetery Salesperson's License**

Re: Charles Chatfield

Hollywood Memorial Park (CA #101)

The Board reviewed Charles Chatfield's application for a Cemetery Salesperson's License for Hollywood Memorial Park in Executive Session. A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to issue a Cemetery Salesperson's License to Charles Chatfield. A vote was taken and the motion was carried by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

**VI. Disciplinary matter from Executive Session**

A Settlement Letter was issued to Salem-Evergreen Cemetery for violation of NJSA 8A:4-12, NJSA45:27-13, & NJSA45:27-12. The Settlement Letter was issued to finalize the provisions of a Provisional Order issued in June, 1999 and carried a Civil Penalty of \$500.00 which the Board reduced to \$250.00 which will be suspended provided the cemetery complies with all other terms of the Settlement Letter. The other terms of the Order are that the cemetery deposits \$2,000.00 proceeds from a Certificate of Deposit into the cemetery's Trust Fund; the cemetery deposits \$2,000.00 proceeds from two series H Bonds into the cemetery's Trust Fund; and that the cemetery makes deposits to its Trust Fund in the amount of \$150.00 per month until the balance owed to the Fund is satisfied. The cemetery has signed the acknowledgment of wrongdoing and is making the required deposits to the Trust Fund. Geraldine Patillo, President of the cemetery will be asked to provide copies of the bank statements that would show the two \$2,000.00 deposits to the Trust Fund. This matter will be held over pending receipt of said bank statements.

**VII. PUBLIC COMMENT**

Bob Rush and Wayne Doreemer, Fairmount Cemetery questioned the Board regarding the provisions of NJSA45:27-33, Reclamation of graves. Leonard Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery & Washington Cemetery Management Corporation wished everyone a Happy 4th of July.

**VIII FOR YOUR INFORMATION**

**A. Old Newspaper Articles**

2 linked to cemetery fraud  
September 8, 2007 Democrat and Chronicle

Guilty plea in larceny case  
April 5, 2008 Democrat and Chronicle

Theft at cemetery alleged  
March 28, 2007 Democrat and Chronicle

Louis Cicalese, President, Cemetery Development Company, Inc., advised the Board that Nancy Hilliard who was named in the above mentioned articles, works in the capacity of the Operations Manager for Harleigh Cemetery and has no dealing with the finances of the cemetery. Mr. Cicalese does not have a copy of her probation report which was requested by the Board.

B. Letter of condolence from Robert J. Lenrow, Esquire

The Board has received an expression of sympathy on the passing of Board Chair Marion Brozowski from Robert J. Lenrow, Esquire.

C. 2007 Activity Survey Data from Cemetery Consumer Service Council

This was considered informational for the Board deeming no discussion or decision making.

D. Newspaper Article

Cemetery Blues  
May 20, 2008 Jersey Journal

This article was regarding the plight of Jersey City and Harsimus Cemetery which the Board is in the process of addressing. There were some inaccuracies in the article.

E. State Board of Mortuary Science

Open Session Meeting Minutes March 4, 2008

The Board will ask for a copy of the article, Cemetery owner facing charges listed in these minutes.

Open Session Meeting Minutes April 1, 2008

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

## **IX. ADJOURNMENT**

A motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to adjourn Public Session at 12:00 PM and move into Executive Session at 12:45 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. Six (6) 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 Lawrence Colasurdo to adjourn the Board meeting of June 12, 2008. A vote was taken and the Board meeting was adjourned at 3:00 PM.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director

