

**\*NEW JERSEY CEMETERY BOARD\***  
**PUBLIC SESSION MINUTES**  
**JULY 14, 2005**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J., on the sixth floor, on Thursday, July 14, 2005. 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 out 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 Chairman Frank J. DeGeeter, Jr. called the meeting to order at 9:30 AM as a Committee meeting due to lack of quorum. At 9:35 AM, with the arrival of Claribel A. Azcona-Barber, the Board went out of Committee and into a regular Board meeting. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Claribel Azcona-Barber Present  
Marion Brozowski Present  
Lawrence Colasurdo Absent  
Frank J. DeGeeter, Jr. Present  
Paul M. Desbiens Absent  
Stephen F. Hehl Absent  
Waheed Khalid Present Left @ 12:30 PM  
June Nikola Present  
William Nichols Present  
Karen Walsh Pappas Present

Also in attendance were: Dianne L Tamaroglio, Executive Director for the New Jersey Cemetery Board; Deputy Attorney General John Hugelmeyer; Alba Jaramillo, Assistant to the Executive Director; and Jonathan Eisenmenger, Assistant to William Mandeville, Managing Executive Director, Division of Consumer Affairs.

**II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JUNE 9, 2005**

A motion was made by William Nichols and seconded by Marion Brozowski to approve the Public Session Meeting Minutes of June 9, 2005 as amended. A vote was taken and the motion was passed by a unanimous vote.

**III. OLD BUSINESS**

A. Advisement that the County of Ocean is taking a portion of cemetery property  
Re: Greenwood Cemetery (CA #370)

This matter will be held over.

B. Surrender of Certificate of Authority and dissolution of cemetery  
Re: Trinity Cemetery Association (CA #396)

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

The Board has been advised that the property that Trinity Cemetery was to be developed upon has been re-zoned for a 5 lot subdivision. Also, Atlantic View Cemetery has received approval for its expansion. This matter will be carried over.

C. Cemetery and assets absorbed by new entity  
Re: Tri County Lodge #182 Knights of Pythias (CA #367)

Bruce Lapidus, Vice-President Tri County Lodge #182 Knights of Pythias and Sheldon Gould, President Fortitude

Lodge #160 Knights of Pythias appeared before the Board to discuss the takeover of the Tri County Lodge Cemetery by the Fortitude Lodge. Mr. Sheldon will now be the contact person for the cemetery. Mr. Gould explained that the Fortitude Lodge has another small cemetery which never received a Certificate of Authority and probably should have. The Board advised Mr. Gould that this cemetery should probably be merged with the Tri County Lodge Cemetery and both be under the name of Fortitude Lodge #160, Knights of Pythias, CA #367. The name change of the cemetery would have to be filed with the Secretary of State and the Maintenance & Preservation Trust Fund would have to be established in the name of the cemetery. The Board advised Mr. Gould that the cemetery's 2003 & 2004 Annual Reports have not been filed with the Board office and it is now his responsibility to file them. A copy of the 2002 Annual Report (for his guidance), the forms for the 2003 & 2004 reports, and the instructions for completing the reports will be forwarded to Mr. Gould along with a copy of the New Jersey Cemetery Act, 2003 & the Board's regulations. George Booktor, the Board's auditor will assist Mr. Gould. This matter will be carried over.

D. Correspondence from Thomas E. Stover, Esquire

Re: Mt. Hermon Cemetery Association a/k/a Green's Chapel Cemetery Association

This matter will be held over pending receipt of any further correspondence from Thomas Stover, Esquire.

E. Application for Certificate of Authority

Re: Stafford Township Historical Society, Inc., Stafford Township Township Historic Cemeteries

The Board has not heard anything further from Timothy Hart, the attorney representing the Stafford Township Historical Society, Inc. regarding its application for a Certificate of Authority. A phone call will be made to Mr. Hart to find out what the status of this application is. This matter will be carried over.

F. Purchase of property adjacent to cemetery without Board approval

Re: Bay View-New York Bay Cemetery (CA #7)

Richard Campisano, attorney representing Bay View-New York Bay Cemetery, has supplied the Board with current appraisals of the two parcels of property purchased by the cemetery without Board approval.. Mr. Campisano along with William T. Jackson, Executive Director of the cemetery appeared before the Board today to answer any questions the Board members may have had regarding these land purchases. Upon review of all of the documentation pertaining to the land purchases, the Board advised the two that an affidavit showing that this was an arms length transaction, whereby the owners of the properties had no affiliation with the cemetery must be provided to the Board. A motion was made by June Nikola and seconded by Marion Brozowski to approve these land purchases pending receipt of the required affidavit and to impose a Civil Penalty in the amount of \$250.00 for each parcel of land purchased for violation of N.J.A.C.13:44J-13(5) and N.J.S.A. 45:27-25(e). This matter will be carried over pending receipt of the required affidavit.

G. Cemetery believes it has an exemption from paying \$75.00 Filing Fee for Annual Reports

Re: Hayes Riverview Cemetery (CA #265)

A committee of the Board reviewed information previously provided by Louis A. Colaguori, Esquire regarding the sale of a portion of Hayes Riverview Cemetery's property that took place without the Board's approval. Mr. Colaguori advises that the cemetery is willing to deposit 15% of the proceeds of the sale into the cemetery's M&P Trust Fund. Upon the review of the documentation provided by Mr. Colaguori, the Committee of the Board came to the conclusion that 15% of the proceeds of the sale would not generate sufficient income to properly care for the cemetery. Also, the Committee believes that although the sale has already taken place, the cemetery must provide the required documentation for land sale as outlined in N.J.A.C. 13:44J-13.4. A copy of this regulation will be provided to the cemetery. The cemetery will be advised that as per N.J.S.A. 45:27-34e, a deposit of 15% to the Trust Fund is the minimum deposit. Also, the amount to be deposited is at the discretion of the Board and will be determined upon review of all of the required documentation. This matter will be carried over pending receipt of the required documentation.

H. Certification of M&P Trust Funds

This matter will be held over pending a response from the New Jersey State Department of Banking and from Wachovia Securities.

I. Ruffin Cemetery (CA #342)

Re: Who has jurisdiction over this cemetery

John G. Mennie, Esquire has written to DAG John Hugelmeyer advising that whatever determination the Board makes regarding the jurisdiction of Ruffin Cemetery, the Ruffin Family is taking the position that Mr. Cicalese, Mr. Barrata, and the other officers of Ruffin Cemetery, Inc., were not given authority by the Ruffin family to manage, develop, sell plots, or operate the privately owned burial ground. Further, Mr. Mennie advises that if any attempt is made to commercialize the cemetery, the Ruffin family intends on pursuing an Order to Show Cause to cease and desist any such activity. Mr. Mennie contends that the cemetery has always been a private burial ground for members of the Ruffin family. DAG John Hugelmeyer has responded to Mr. Mennie advising that Ruffin Cemetery received a Certificate of Authority from the New Jersey Cemetery Board on or about September 2, 1976 to operate as a "cemetery company". Also, DAG Hugelmeyer provided Mr. Mennie with a copy of minutes from an August 30, 1972 meeting between Mrs. Marion Ruffin, together with her counsel, Mr. Lawson, and the then Executive Director of the State Cemetery Board, William Ingling, concerning the "general operation of Ruffin Cemetery in regards to several violations of the New Jersey Cemetery Act." DAG Hugelmeyer further advised Mr. Mennie that the Board is currently looking into the source of the authority to operate Ruffin Cemetery claimed by Ruffin Cemetery, Inc., and has taken no position in that regard at this time. Louis Cicalese, President, Ruffin Cemetery, Inc. has written to DAG Hugelmeyer providing some background on his involvement with Ruffin Cemetery and to correct what he believes to be misconceptions by Mr. Gene Ruffin. Mr. Cicalese advises that in November, 2004 he met with the only two living heirs of Cynthia Ruffin, Margaret Conover and Lily Jackson; Gene Ruffin was asked to attend the meeting but did not. According to Mr. Cicalese, both Margaret and Lily have told him that Gene has no authority to speak for the family or the cemetery. Mr. Cicalese as per the wishes of Margaret and Lily is in the process of rebuilding the cemetery's data to establish proper cemetery records. In addition, the "family" has requested that a fence be erected to surround the family grave sites to allow for the development of the remaining land in order to build up the Maintenance & Preservation Trust Fund. To date, Mr. Cicalese has personally loaned over \$10,000 to the cemetery for surveys, planning, accounting and other work associated with this effort because no one else would or could provide the necessary funds. Mr. Cicalese advises that unless the New Jersey Cemetery Board tells him otherwise, it is the intent of the cemetery's Board of Trustees to continue to restore and then begin the sales effort at Ruffin Cemetery. The Board will ask Mr. Cicalese to provide any maps of the cemetery he may have; especially those showing plot layouts. This matter will be carried over.

J. Should this cemetery have a Certificate of Authority

Re: Mahwah Cemetery

The Board has not yet received the application for a Certificate of Authority from Mahwah Cemetery. A follow up will be made to the cemetery regarding its application.

K. Cedar Heights Cemetery (CA #263)

Re: Withdrawal of \$4,786.00 from Trust Fund

The Board has not yet received an explanation from Cedar Heights Cemetery regarding the removal of \$4,786.00 from its M&P Trust Fund. This matter will be held over one more month for a response.

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

Re: Carson & Rebecca Jackson March 10, 2005 Board agenda

William C. Pasodelis, CMS Mid-Atlantic, Inc. previously wrote to the Board on behalf of Greenwood Cemetery looking for guidance. Carson and Rebecca Jackson selected a mausoleum location in a new building in Greenwood Cemetery. A down payment was made and payments were made from July, 2004 through December, 2004. Reverend Jackson passed away in January, 2005 and was placed in a temporary crypt as the building they

purchased the crypt in had not yet been constructed. The family of the Jacksons requested that the cemetery alter the contract with Reverend and Mrs. Jackson for interment in the Veteran's section of the cemetery. The cemetery was leery of making this change which it believes would thwart the Jacksons' final wishes yet it did not want to ignore the wishes of the family. The Board advised the cemetery to find out if Reverend Jackson left a will that may have had specific instructions regarding his burial; was someone appointed to control his funeral and his final disposition ; was there a Power of Attorney appointed. If the answer is no to these questions, the cemetery will have to follow the provisions of N.J.S.A. 45:27-22, Control of funeral, disposition of remains. Then this becomes a contract issue for the cemetery. Mr. Passodelis has advised the Board that at the written request of Rebecca Jackson, a new contract was prepared. Reverend Carson Jackson will now be entombed in the Veteran's Mausoleum in Greenwood Cemetery and Mrs. Jackson's location will be the crypt directly next to Reverend Jackson's. Mrs. Jackson has received a credit from the broken contract and has paid in full under the new contract. All issues have been resolved to the satisfaction of Mrs. Jackson and Greenwood Cemetery Association. This matter is closed and removed from future Board meeting agendas.

#### **IV. NEW BUSINESS**

##### **A. Approval of Bulk Sales**

Forest Lawn Memorial Gardens (Clover Leaf Memorial Park, CA #14), Iselin, NJ to Muslim Majlis of Staten Island, Inc., Staten Island, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 graves for \$42,500.00 (\$425.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Clover Leaf Memorial Park.

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

Charles J. Girard, Esquire has written to the Board at the request of Louis Lugiano, President, Oak Hill Cemetery. It appears that the only active volunteer for the cemetery is Mr. Lugiano, who as of June 14, 2005 has resigned his position at the cemetery. Mr. Lugiano has resigned due to the fact that he can no longer operate the cemetery as a one man team; no one from the lot owners has come forward to volunteer assistance to Mr. Lugiano. Mr. Lugiano and Mr. Girard are looking for guidance from the Board. A Committee of the Board (Frank J. DeGeeter, Jr. & William Nichols) will visit the cemetery and speak with Mr. Girard & Mr. Lugiano regarding this situation. This matter will be carried over.

##### **C. Request for waiver of \$75.00 Annual Report Filing Fee Old Meeting House, Inc. (CA #388)**

Barry F. Cavileer, Secretary, Old Meeting House, Inc., has requested a waiver of the \$75.00 filing fee for the 2004 Annual Report. Based upon the poor financial condition of the cemetery, a motion was made by Marion Brozowski and seconded by William Nichols to grant the waiver of the filing fee for fiscal year 2004. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

##### **D. Requesting Board approval for sale of land Re: The Fair Mount Cemetery (CA #176)**

Frederick W. Engel, Esquire has submitted an application to the Board for approval for the sale of a house and property that the cemetery owns adjacent to the cemetery. Mr. Engel advises that no part of the property for sale is dedicated for cemetery purposes. A Committee of the Board (Frank J. DeGeeter, Jr. & William Nichols) will visit the cemetery and conduct an on-site inspection of the area in question and report their finding to the Board at its September 8, 2005 Board meeting. This matter will be carried over.

##### **E. Requesting an extension for filing Annual Report**

### Medford Oddfellows Parkview Cemetery (CA #330)

The Board at its May 12, 2005 Board meeting granted a 60 day extension for the filing of Medford Oddfellows Parkview Cemetery's 2004 Annual Report. Jerry S. Albrecht, CPA has now requested an additional 30 day extension for the filing. A motion was made by William Nichols and seconded by Claribel A. Azcona-Barber to grant the additional 30 day extension. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

### Woodlawn Cemetery (CA #234)

The Board at its May 12, 2005 Board meeting granted a 60 day extension for the filing of Woodlawn Cemetery's 2004 Annual Report. Robert D. Elliott, CPA has now requested an additional 30 day extension for the filing. A motion was made by William Nichols and seconded by Claribel A. Azcona-Barber to grant the additional 30 day extension. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

### Lakewood Hope Cemetery (CA #310)

Robert D. Elliott, CPA has requested a 30 day extension for the filing of Lakewood Hope Cemetery's 2004 Annual Report. A motion was made by William Nichols and seconded by Claribel A. Azcona-Barber to grant the extension until July 31, 2005. 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. Is it necessary to do Federal Criminal History Background Checks on applicants for licensure?

All applicants for a Cemetery Salesperson's License must go through a State Police Criminal History Background Check. Executive Director Dianne L. Tamaroglio asked the Board members if they felt the need to conduct Federal Background Checks as well. The Board members felt this was not necessary as we get adequate information through the State Police Check. This matter will be closed and removed from future Board meeting agendas.

## **V. PUBLIC COMMENT**

Marianne Carroll of the New Jersey State Funeral Director's Association asked when the Board's revised regulations would be ready. DAG John Hugelmeyer advised that the revised regulations will be tied into Sunsetting of the Board's current regulations which occurs on November 6, 2005 and we are not quite sure when they will be published. The revised regulations are currently in the review stages. Ms. Carroll also questioned the Board's decision regarding Ruffin Cemetery. DAG John Hugelmeyer advised that the matter of who has jurisdiction over the cemetery is currently under investigation. Leonard Auerbach, General Manager, Washington Cemetery Management Corp., Floral Park Management Corp; and Oaklawn Memorial Park Cemetery Corp., welcomed the recently appointed Cemetery Board members and wished Marianne Carroll good luck in the future birth of her baby.

## **VI. FOR YOUR INFORMATION**

### A. New Jersey State Board of Mortuary Science

Open Session Meeting Agenda–June 7, 2005

Open Session Meeting Minutes–January 11, 2005

Open Session Meeting Minutes–February 1, 2005

Open Session Meeting Minutes–March 11, 2005

Open Session Meeting Minutes–April 5, 2005

Open session Meeting Minutes–May 3, 2005

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

#### B. Newspaper Articles

Officials nix pet memorial park project

Graveyard fighting to remain a place to rest in peace

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

#### C. Correspondence from George T. Dougherty, Esquire

Re: City of Elizabeth v Rosemount Memorial Park Associates

Docket No: UNN-L-2410-03

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

George T. Dougherty, Esquire has advised the Board that the condemnation of a portion of Rosemount Memorial Park's property brought about by the City of Elizabeth has resulted in \$2.1 million to the cemetery to be paid in installments. Mr. Dougherty advises that as installments are received, the cemetery will deposit 15% of each gross receipt into its Maintenance & Preservation Trust Fund.

#### D. Correspondence from William C. Passodelis, CMS Mid-Atlantic, Inc.

Re: Thornton v CMS Mid-Atlantic, Inc. & Hollywood Memorial Park

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

### **VII. ADJOURNMENT**

A motion was made by Karen Walsh Pappas and seconded by William Nichols to adjourn Public Session at 12:20 PM. A vote was taken and the motion was passed by a unanimous vote. A motion was made by William Nichols and seconded by June Nikola to move into Executive Session at 1:10 PM to discuss the following matters involving investigations, violations, and/or the Board's regulations:

1. Six (6) new matters or complaints filed with the Board which require review and recommendations in regard to investigation and/or actions.
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.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director