

\*NEW JERSEY CEMETERY BOARD\*  
PUBLIC SESSION MINUTES  
SEPTEMBER 11, 2008

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, September 11, 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 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 Absent  
Michael Ticktin Present

Also in attendance were: Dianne L. Tamaroglio, Executive Director, New Jersey Cemetery Board and Deputy Attorney General Ginger R. Provost.

### **I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JULY 10, 2008**

A motion was made by June Nikola and seconded by Michael Ticktin to approve the Public Session Meeting Minutes of July 10, 2008 as corrected. A vote was taken and the motion was passed by a unanimous vote.

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

#### **Re: Crematories**

The Board previously discussed with Regulatory Analyst Chuck Manning its desire to regulate crematories. The State Department of Health and Senior Services by virtue of its statute has the authority to regulate crematories but it has never enacted rules to implement its statute. In April, 2008, a letter was sent to the Department of Health from this Board requesting a meeting between that Department and this Board to discuss the regulation of crematories. To date, the Board has not received a response from the Department of Health. The Board discussed this matter once again today with Mr. Manning. The Industry members of the Board advised that when a casket comes to a cemetery for cremation, the cemetery has no control over what has been put into the casket but does have control over its emissions. The Board made the determination to send a follow up letter to the Department of Health and Senior Services; the letter will be copied to the Governor's Counsel.

### **III. OLD BUSINESS**

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

##### **Deckertown Union Memorial Park Cemetery (CA #155)**

Ed Vanderberg, President, Deckertown Union Memorial Park Cemetery has not yet provided the Board with any Annual Reports for the cemetery. Executive Director Dianne L. Tamaroglio will contact Mr. Vanderberg and ask him what the hold up is and advise him that it is imperative that he file the cemetery's Annual Report.

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

This matter will be held over pending receipt of a sworn statement from Rod Gilman stating that from here forward burial at the cemetery will be restricted to those of the Methodist faith and their families.

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

DAG Ginger Provost advised the Board that she has not filed the Subpoena Enforcement Action yet as Roland Hardy, the attorney representing Odd Fellows Cemetery said he would reach out to Danny Moore asking that he cooperate with the Board's requests. This matter will be held over.

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

DAG Provost has advised the Board that there appears to be a settlement in this matter however, the provisions of the settlement have not been made public as of yet. Both sides have agreed to the settlement. This matter will be carried over.

#### C. Old Tappan Cemetery

Re: Compliance with State Regulations of Cemeteries

Grace T. Meyer, Esquire has advised the Board that she is no longer representing Old Tappan Cemetery and the family that owns it. A motion was made by Paul M. Desbiens and seconded by Lawrence Colasurdo to issue a cease and desist to the Trustees of the cemetery advising that there must be no burials or grave sales until such time they are issued a Certificate of Authority from this Board. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

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

The Board reviewed the revised Annual Report form that it would like to be used for those cemeteries whose Trust Funds generate \$1,000.00 or less in yearly income. The suggestion was made to change the Affidavit at the end of the report to a Certification, attesting that everything on the form is accurate and true. A motion was made by Paul Desbiens and seconded by Lawrence Colasurdo to approve the EZ Annual Report form with the suggested change. A vote was taken and the motion was approved by a unanimous vote. A new set of instructions for filling out this new form will be prepared.

#### E. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

John Cipriano, President/Trustee for Mercer Cemetery advised the Board some time ago that he wants to give up his position with the cemetery as he is getting up in years and can no longer perform the duties required. The Board has tried on more than one occasion to establish a new Board of Trustees but to no avail. The Board questions where the cemetery records are as well as where the cemetery's Trust Fund is. A motion was made by June Nikola and seconded by Lawrence Colasurdo to authorize DAG Ginger Provost to issue a Demand for Statement in Writing Under Oath to Mr. Cipriano asking where the Trust Fund is held; is he still in possession of the cemetery's records; and is he a signer on the Trust Fund? A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

#### F. Delinquent in filing Annual Reports from 2002 through 2007

Re: Newell Cemetery (CA #375)

The Board has not yet received a response from Paul Brembt, Newell Cemetery regarding how the cemetery will deposit to its Trust Fund \$4,787.00 that is owed to the Fund for the years 2002-2007. A motion was made by Paul Desbiens and seconded by Michael Ticktin to authorize DAG Ginger Provost to issue a subpoena to Mr. Brembt for his appearance before the Board at its November 13, 2008 Board meeting. A vote was taken and the motion was carried by a unanimous vote. This matter will be carried

over.

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

Re: The Atlantic City Cemetery (CA #95)

A subpoena was issued to John Murray, Treasurer, Atlantic City Cemetery to appear before the Board for failure to provide the Board office with back up documentation to verify the book value of the cemetery's Trust Fund as shown on the 2007 Annual Report. Upon receipt of the subpoena, Mr. Murray contacted DAG Ginger Provost and advised that he would provide the requested information. Upon receipt of the documentation, Board Accountant George Booktor reviewed and advised that the documentation matches up to the figures on the Annual Report. This being the case, Mr. Murray's appearance before the Board is no longer necessary. This matter is closed and removed from future Board meeting agendas.

H. Correspondence from Nathan Van Embden, Esquire

Re: Haleyville Methodist Cemetery

Having heard nothing further from Nathan Van Embden, Esquire with regard to the Haleyville Methodist Cemetery, the matter will be closed and removed from future Board meeting agendas.

I. Pleasant Hill Cemetery Association, Plaintiff v Jerry F. Smith & Christina M. Smith, Defendants

Docket No. MRS-L-883-08

Executive Director Dianne L. Tamaroglio has advised that the revised Annual Reports for Pleasant Hill Cemetery Association are being worked on and should be received shortly. The Board continues to monitor this matter.

J. Correspondence from W. Bryan Dempsey, Borough Administer, Borough of Tinton Falls

Re: Ruffin Cemetery (CA #342)

The Board has received correspondence from W. Bryan Dempsey, Borough Administrator, Borough of Tinton Falls inquiring if the Board has made a determination with regard to who has the right to operate the cemetery. This matter will be moved to Executive Session for advice of Counsel.

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

A. Approval of 2009 New Jersey Cemetery Board meeting dates

A motion was made by June Nikola and seconded by Lawrence Colasurdo to approve the New Jersey Cemetery Board meeting dates for 2009. A vote was taken and the motion was passed by a unanimous vote. The following are the 2009 meeting dates:

Thursday January 8, 2009

February, 2009 No meeting

Thursday March 12, 2009

Wednesday April 8, 2009

Thursday May 14, 2009

Thursday June 11, 2009

Thursday July 9, 2009

Thursday August 13, 2009

Thursday September 10, 2009

Thursday October 8, 2009

Thursday November 12, 2009

Thursday December 10, 2009

B. Approval of Bulk Sales

1. Princeton Memorial Park, (CA#134), Robbinsville, NJ to the Taishan Friendship Association, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 288 interment spaces for \$201,600.00 (\$700.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Princeton Memorial Park.

2. Laurel Grove Cemetery, (CA #30), Totowa, NJ to the North Hudson Islamic Education Center, Union City, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 154 interment spaces for \$192,500.00 (\$1250.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

3. Anglo American Benevolent Association of Monroe Township, NJ, Beth Israel Cemetery, (CA #1), Woodbridge, NJ to the Congregation Neve Shalom, Metuchen, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 128 interment spaces for \$38,400.00 (\$300.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery.

4. Forest Lawn Memorial Gardens, Clover Leaf Memorial Park, (CA #14), Iselin, NJ to Bayshine Management, Inc. Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 216 interment spaces for \$226,800.00 (\$1050.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Clover Leaf Memorial Park.

5. Laurel Grove Cemetery, (CA #30), Totowa, NJ to the National Islamic Association, Newark, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 212 interment spaces for \$265,000.00 (\$1250.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

6. Laurel Lawn Cemetery Association, (CA#62), Bridgeton, NJ to the Church of the Immaculate Conception, Bridgeton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 200 interment spaces for \$50,000.00 (\$250.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Laurel Lawn Cemetery.

7. East Ridgelawn Cemetery, (CA #18), Clifton, NJ to the Eng Suey Syn Association, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$150,000.00 (\$1500.00 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of East Ridgelawn Cemetery.

C. Correspondence from Richard Schatzman, Esquire  
Re: Stout's Cemetery & the establishment of a Private Mausoleum

Richard Schatzman is an attorney representing the Vanard Realty Co., Inc., a New Jersey Corporation consisting of family members of the Antonacci family. The Corporation owns property consisting of a farm and various dwellings; the property is assessed under the Farmland Assessment Act. On the property is a cemetery, 66 feet by 66 feet that dates back to the 16th century which is known as the Stout's Cemetery. The principal of the Corporation, Luke Antonacci wants to expand the cemetery and erect a mausoleum

after getting any land use approvals under the Municipal Land Use Law of New Jersey and thereby provide for the entombment and/or burial for himself, his wife, and his children. The Board will advise Mr. Schatzman that his clients would have to apply to this Board for a Certificate of Authority and comply with all requirements necessary to receive a CA to become a "cemetery company". An application for a Certificate of Authority along with the Board's statute and regulations will be forwarded to Mr. Schatzman. This matter will be carried over.

D. Correspondence from John C. Walker, Superintendent, Cedar Lawn Cemetery (CA #163)  
Re: Cemetery renovation

Board Vice Chair Paul Desbiens was recused from this matter and moved away from the table.

John C. Walker, Superintendent, Cedar Lawn Cemetery & Crematory has written to the Board requesting its approval to remove the south part of a circle in a road in the cemetery between sections 15 & 18. The cemetery is just about out of land and the land could be used for future interments; there is enough land for approximately 55 2 grave lots. The Board will advise Mr. Walker that the information provided is inadequate for the Board to make a determination in the matter. The Board will ask for pictures of the area in question; a better map of the area; how will the land be laid out; will access be taken away from existing graves; and for any other information the cemetery can provide that will assist the Board in making a determination in the matter. Also, the Board will ask if a premium was paid for graves that are on the front of the road and require a resolution from the cemetery's Board of Trustees that gives permission to Mr. Walker to act as the spokesperson for the cemetery with regard to this matter. This matter will be carried over.

E. Correspondence from Andrea E. Batcho Re: Privacy rights of the deceased

Andrea E. Batcho a professional genealogist has written to the Board asking if it has any policy regarding the privacy of persons interred in a cemetery. Ms. Batcho will be advised that the New Jersey Cemetery Board does not have any such policy. Ms. Batcho will also be advised that all cemeteries have the right to their own rules and regulations and that anyone who visits a cemetery must abide by the rules and regulations of the particular cemetery. This matter is closed and removed from future Board meeting agendas.

F. Correspondence from George Dougherty, Esquire  
Re: White Cedars Memorial Park (CA #400)

June Nikola was recused from this matter and moved away from the table which resulted in a lack of quorum. This matter was therefore reviewed in Committee.

Attorney George Dougherty has written to the Board on behalf of White Cedars Memorial Park requesting the Board's consideration for approval of the issuance of Certificates of Indebtedness in the aggregate amount of \$550,000.00 bearing 6% annual interest to CIT, LLC. Indebtedness arose in 2004 when the proposed holder of the certificates had been the owner of the land which was dedicated to Trinity Cemetery, a new six acre cemetery which had been approved by the Township of Wall. Due to misunderstandings which had arisen as to Trinity's site plan features, Wall Township re-zoned the land site for Trinity Cemetery, essentially revoking its early land use approvals. The resulting litigation, including an appeal to the Supreme Court of New Jersey and a remand for a new trial on the issues before the Supreme Court, the investors in Trinity were unable to justify pursuit of Trinity and entered into an agreement to rescind the dedication of the land to enable it to be resold for residential development and to dissolve Trinity Cemetery Association. The Board at that time approved of the plans for the distribution of the assets of the undedicated cemetery land which included the commitment of the principal investor, CIT, LLC, to re-invest \$550,000.00 of the proceeds into the newly formed White Cedars Memorial Park. The CIT funds were in fact received by White Cedars and put into construction of its mausoleum which is in place. Upon review of the Certificate of Indebtedness as presented, the Board questioned the statement, that no interest will be payable on this Certificate, which we will question Mr. Dougherty about. This matter will be held

over for further discussion to the October Board meeting or such time when we have a quorum.

G. Adopted Amendments: NJAC13:44J-3.1, 14.1, & 14.2

Adopted New Rule: NJAC 13:44J-14.4

This was considered informational for the Board advising of the adopted amendments NJAC13:44J-3.1, 14.1, & 14.2 and the adopted new rule, NJAC 13:44J-14.4.

H. Correspondence from Paul M. Desbiens, Board Vice-Chair

Re: Maple Grove Cemetery (CA #168)

Board Vice Chair Paul Desbiens was recused from this matter and moved away from the table which resulted in a lack of quorum. This matter was therefore reviewed in Committee.

Maple Grove Park Cemetery is currently reviewing the cemetery's land usage for its future. The cemetery is looking at three of its sections for future burial space. In each of the sections, there exists what appears to be visitor roads on the provided map, which are in fact only pedestrian access areas unsuitable to have ever been used for traffic. Each area goes nowhere, with no turn around, which the cemetery has never permitted for visitor traffic. The Cemetery is planning on continuing to define these areas as Pathways, existing seventeen feet wide, and re-plot them as to leave a 30" swath on either side, with rows of graves up the center. Board Chair William Nichols will conduct an on-site inspection of the area in question and report his findings back to the Board. This matter will be held over.

I. Cemeteries delinquent in filing of 2007 Annual Reports

Executive Director Dianne L. Tamaroglio advised the Board that the following cemeteries have not filed their respective 2007 Annual Reports; some of these cemeteries are habitually late in their respective filing:

Amwell Ride Cemetery Association CA #174

Blawenburg Reformed Church Cemetery CA #271

Brotherwood Cemetery CA #300

Calno Cemetery CA #377

Dayton Cemetery Association CA #57

Evergreen Cemetery CA #389

Fairmount Cemetery CA #21

Fairview Cemetery CA #75

Fairview Mausoleum Co. CA #268

Glendola Cemetery CA #125

Greenmount Cemetery Association CA #27

Greenwood Cemetery Association CA #83

Laurel Lawn Cemetery CA #62

Long Hill Cemetery Association CA #307

Mahwah Cemetery CA #411

Mount Bethel Baptist Church Cemetery CA #167

Mount Olive Union Cemetery CA #385

Mount Peace Cemetery Association CA #302

N Gretna Old Home Society CA #290

St. John's Methodist Church Cemetery CA #277

St. Stephen's Episcopal Cemetery CA #228

Stewartville Cemetery Association CA #243

Union Cemetery Association CA #50

Unionville Cemetery Association CA #321

Walpack Cemetery Association CA #371

## **V. PUBLIC COMMENT**

Leonard Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery & Washington Cemetery Management Company asked the Board if the Public could request clarification on specific regulations. Mr. Auerbach was advised that questions may be asked during Public Comment.

## **VI. FOR YOUR INFORMATION**

A. Legislative Report 2nd quarter

B. Notification of summons, complaint, and answer  
Re: Callahan v. Liberty Grove Memorial Gardens Crematory

C. State Board of Mortuary Science

Open Session Meeting Minutes–June 3, 2008

Open Session Meeting Minutes–July 1, 2008

D. Articles

Grand Jury inducts three in cemetery fraud case  
Mlive.com July 15, 2008

Until they meet again  
APP.com July 21, 2008

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

## **VII. ADJOURNMENT**

A motion was made by Paul Desbiens and seconded by Lawrence Colasurdo to adjourn Public Session at 11:55 PM and move into Executive Session at 12:30 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. Seven (7) 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 Lawrence Colasurdo and seconded by Michael Ticktin to adjourn the Board meeting of September 11, 2008. A vote was taken and the Board meeting was adjourned at 4:30 PM.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director