



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey Cemetery Board
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Attorney General

THOMAS R. CALCAGNI
Director

NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

OCTOBER 13, 2011

Mailing Address:
P.O. Box 45036
Newark, NJ 07101
(973) 504-6553

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, October 13, 2011. 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 2, 2010 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 9:45 A.M.. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Lawrence Colasurdo	Absent
Paul M. Desbiens	Present
Waheed Khalid	Present
June Nikola	Present
William Nichols	Present
Jeffrey Kasko	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 SEPTEMBER 8, 2011

A motion was made by Jeffrey Kasko and seconded by June Nikola to approve the Public Session Meeting Minutes of September 8, 2011 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. OLD BUSINESS

A. Hoboken Cemetery (CA #183)

Deputy Attorney General John Hugelmeyer contacted Jerry Katz, Esquire advising that there may be a legal disqualification regarding the new Board of Trustees for Hoboken Cemetery since Sandy Epstein's daughter is listed as one of the Trustees for the cemetery and she operates a monument company. Mr. Katz advised this will be taken care of. This matter will be held over.

B. Withdrawal of money from the principal of the Trust Fund
Re: Jersey State Memorial Park

The Board authorized Deputy Attorney General John Hugelmeyer to draft a Uniform Penalty Letter to be issued to Anthony Sparno, President, Jersey State Memorial Park with a \$500.00 Civil Penalty for withdrawing \$32,500.00 from the Cemetery's Trust Fund. This matter will be held over pending receipt of the signed Uniform Penalty Letter and the \$500.00 Civil Penalty.

C. Withdrawal from the Maintenance & Preservation Trust Fund
Re: Greenville Cemetery Association (CA #282)

Previously, the Board extended the deadline for Greenville Cemetery to redeposit the balance of \$561.00, which was withdrawn from the cemetery's Trust Fund, to December 31, 2011. This matter will be held over.

D. Correspondence from Debbie L. McClelland, Secretary, Trustee, Odd Fellows Cemetery (CA #39)

At the September 8, 2011 Board meeting it was noted by the Board that if the cemetery does not have a separate Mausoleum Building Fund then it may be in violation of **N.J.S.A. 45:27-14b** if the mausoleum was built after the year 1971. Executive Director Dianne L. Tamaroglio has sent a letter to David L. Eckman, President, Odd Fellows Cemetery to verify the date in which the mausoleum was built but has received no response. A follow up letter will be sent. This matter will be carried over.

E. Application for lease of cemetery property from Mount Rest Cemetery (CA #34) to T-Mobile

Paul Desbiens was recused from this matter and moved away from the table

At the September 8, 2011 Board meeting the Committee of the Board made a recommendation to approve the application for the lease of a portion of Mount Rest Cemetery lands to T-Mobile for the establishment of a cell tower. A motion was made by June Nikola and seconded by Waheed Khalid to approve the Committee recommendation to approve the application. A vote was taken and the recommendation of the Committee was passed by a unanimous vote. This matter is now closed and removed from future Board meeting agendas.

F. Maintenance & Preservation Trust Fund Dwindling
Odd Fellows Cemetery (CA #330)

Board Accountant George Booktor contacted Roland Hardy, Attorney representing Odd Fellows Cemetery asking that he forward the financials for the cemetery to him for review. Executive Director Dianne L. Tamaroglio will follow-up with Mr. Hardy to see if two separate accounts were ever established by the cemetery. To date, Mr. Booktor has not received anything from Mr. Hardy. This matter will be held over.

G. Crematory Discussion

At its September 8, 2011 Board Meeting, the Board discussed whether crematories are allowed to be free standing or only allowed on dedicated cemetery property. After much discussion Deputy Attorney General John Hugelmeyer advised that there is no prohibition in the Board's statute for a crematory being established anywhere. In response to DAG Hugelmeyer's determination Wilson Beebe, Executive Director, New Jersey Funeral Directors Association has written to the Board advising that the Funeral Director's Association disputes DAG Hugelmeyer's interpretation. DAG Hugelmeyer advised the Board that there will be a phone conference with Thomas Calcagni, Director Division of Consumer Affairs, Charles Manning, Regulatory Analyst for the Board, Mr. Beebe, Judith Welshons, Executive Director, New Jersey Cemetery Association as well as DAG Hugelmeyer for the purpose of discussing crematories. This matter will be carried over.

III. NEW BUSINESS

A. Approval of Bulk Sales

Greenwood Cemetery Association, Trenton, NJ (CA #28) to San Kiang Charity Association, New York, N.Y.

Executive Director Dianne L. Tamaroglio approved the bulk sale of 1000 interment spaces for \$550,000.00 (\$550.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Greenwood Cemetery.

B. Correspondence from Lisa Polascak, Funeral Director

Lisa Polascak, Funeral Director has written to the Board asking the Board to answer some questions she has regarding crematories. The questions are as follows:

1. If land was purchased and designated as a scattering garden, would it then be considered a cemetery?
2. If so could a crematory be erected on that land, provided it was the appropriate by zoning regulations?
3. Since in a scattering garden, there are no graves per say, would a licensed sales person be needed?

Upon discussion it was determined by the Board to schedule an ad hoc Committee meeting to discuss Ms. Polascak's questions and crematories in general. The ad hoc Committee will be Board Chair William Nichols, Board members June Nikola and Jeffrey Kasko. The Committee will report its findings at the next Board meeting. This matter will be carried over.

**C. Correspondence from William F. Rockafellow, Superintendent
Fair View Cemetery (CA #75)
Re: Removal of personal items from graves**

William F. Rockafellow, Superintendent Fair View Cemetery has written to the Board regarding the removal of personal items such as statues, toys, & ornamental items from graves. Mr. Rockafellow advises that he has had some items stored for three years and he will be discarding them now. Mr. Rockafellow is of the impression that there is a provision in the Cemetery Act that requires him to keep personal items for one year and that he would have to notify this Board sixty days prior to discarding them. Mr. Rockafellow will be advised that there are no provisions in the Board's statute or regulations as to the length of time personal items must be kept before discarding them nor does the Board have to be notified. The Board will further advise that ninety days is more than sufficient time before discarding personal items. This matter is closed and removed from future Board meeting agendas.

**D. Application for the lease of a portion of cemetery property for a cell tower
Re: Hillside Cemetery (CA #116) & Verizon Wireless**

William Nichols was recused from this matter and moved away from the table.

The Board has received an application from The Hillside Cemetery Association for the lease of a portion of its property to Verizon Wireless for Verizon Wireless Equipment. This property is adjacent to land that was leased to T-Mobile Northeast LLC. This previous lease was approved by the Board on November 13, 2009. One of the requirements for the lease of cemetery property is an on-site inspection of the property. As this property was previously inspected, another inspection was deemed not necessary. Based upon review of the documentation provided a motion was made by June Nikola and seconded by Jeffrey Kasko to approve the lease of a portion of Hillside Cemetery property to Verizon Wireless. A vote was taken and the motion was approved by a unanimous vote. With this approval the Board understands that 15% of the monthly income will be deposited into Hillside Cemetery's Maintenance and Preservation Trust Fund. This matter is now closed and removed from future Board meeting agendas.

E. Correspondence from Robert Bachman, Secretary/Treasurer, Mt. Pleasant Cemetery (CA #33)

Robert Bachman, Secretary/Treasurer, Mt. Pleasant Cemetery has written to the Board asking for permission to withdraw \$8,000.00 from the Cemetery's Maintenance and Preservation Trust Fund in order to replace a broken tractor which will cost \$6,000.00 and \$2,000.00 to maintain the cemetery for the rest of the year. The Board does not have the statutory authority to grant such a request. Mr. Bachman will be so advised. This matter is closed and removed from future Board meeting agendas.

F. Application for a Certificate of Authority

Dover Cemetery Association a/k/a Orchard Street Cemetery

Brenda Deming, Secretary/Treasurer, Dover Cemetery Association a/k/a Orchard Street Cemetery has submitted to the Board an application for a Certificate of Authority. The Dover Cemetery Association is a non-sectarian cemetery that was established in 1854 but had never obtained a Certificate of Authority as required by statute of the New Jersey Cemetery Board. Following review of the application it was noted by the Board that the Dover Cemetery Association is not responsible for paying a \$500.00 application fee because they are grand-fathered in regard to this regulation. The Board will advise Ms. Deming to revise the price list with somewhat more detail and to include a fee for the pouring of foundations. An inspection of the cemetery grounds will be done by Board Vice-Chair Paul Desbiens. No action shall take place on this application for sixty days from receipt of same to allow for Public review and comments. This matter will be carried over pending the completion of the application process.

**G. Should this cemetery have a Certificate of Authority?
Re: Elwood Cemetery**

Mr. John Szuba contacted the Board regarding Elwood Cemetery expressing his concerns with the operation of the cemetery. Mr. Szuba stated that the private road to the cemetery was being used as a public road and was not being maintained. It has been determined that Elwood Cemetery does not have a Certificate of Authority but is an active cemetery having one or two funerals per year burying persons of all faiths. Mr. Szuba along with other neighbors of the cemetery attended today's Board meeting to discuss the future operation of the cemetery. Also in attendance was Francis Paulsgraf, a volunteer trying to upkeep the cemetery grounds. Mr. Szuba brought to the Board's attention that the Mayor of Elwood and counsel have been involved in trying to address the matter of the cemetery road being used as a public road and the maintenance of that road. Following discussion, a motion was made by Waheed Khalid and seconded by Paul Desbiens to contact both the Elwood Board of Health and the Mayor and Council to advise that no funerals will be allowed at Elwood Cemetery until the cemetery receives a Certificate of Authority. Another option would be for the municipality taking over the operations of the cemetery. A vote was taken and the motion passed with a unanimous vote. This matter will be carried over.

**H. Application for the reclamation of graves
Re: Washington Cemetery (CA #209) & NY San Qing Dao Jiao Xie Hui, Inc.**

This matter has been adjourned from today's Board Meeting agenda at the request of both parties involved. This matter will be held over.

**I. Correspondence from Kathleen M. Maticotta, Secretary/Treasurer,
Frankford Plains Cemetery Association (CA#238)**

Kathleen M. Maticotta, Secretary/Treasurer, Frankford Plains Cemetery Association has written to the Board asking for the provision in the Cemetery Board Statute which dictates that monuments are installed on a foundation. The Board has asked Executive Director Dianne L. Tamaroglio to respond to Ms. Maticotta advising that no such provision exists. Ms. Maticotta will be advised that each cemetery has the right to its own regulations pertaining to this matter as well as others. However, until the cemetery amends its regulations to have this stipulated as well as amending its price list to reflect the cost for the foundation and until these are filed with the Board office this rule cannot be enforced. This matter is now closed and removed from future Board meeting agendas.

J. Request for adjournment of the November 3, 2011 Board Meeting

Executive Director Dianne L. Tamaroglio asked that the November 3, 2011 Board meeting be adjourned due to lack of a quorum. A motion was made by Board Chair, William Nichols and seconded by Board Vice-Chair, Paul Desbiens to adjourn the Cemetery Board meeting of November 3, 2011. A vote was taken and the motion was passed by a unanimous vote.

IV. FOR YOUR INFORMATION

A. Notification of Civil Action

***Fairview Mausoleum Co., et al. v PNC Bank, N.A., et als.
Docket No. BER-L10286-10***

***Washington Cemetery Association of Washington, NJ (CA #209) v NY San Qing
Dao Xie Hui, Inc., et als.
Docket No.: C-91-11***

***Fairview Mausoleum Co., et al. v PNC Bank, N.A., et als.
Docket No. BER-L10286-10***

Case Management Order

B. NJ Board of Mortuary Science

Notification of meeting change

C. ARTICLES

Police investigate 2nd cemetery assault in South Jersey

A new way to final rest

The above articles were considered informational for the Board requiring no discussion or decision making

V. PUBLIC COMMENT

No public comments were made at today's meeting.

VI. ADJOURNMENT

A motion was made by Paul Desbiens and seconded by Jeffrey Kasko to adjourn Public Session at 10:20 A.M. and move into Executive Session at 10:40 A.M.. A vote was taken and the motion was passed by a unanimous vote. The Committee moved into Executive Session to discuss the following matters involving investigations and/or violations of the Board's regulations:

- 1. Three (3) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Twelve (12) matters where additional information has been submitted to the Board pending investigations.*

The substance of these investigations will 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 Paul Desbiens and seconded by Jeffrey Kasko to adjourn the Board meeting of September 8, 2011. A vote was taken and the Board meeting was adjourned at 2:30 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*