



**CHRIS CHRISTIE**  
Governor

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# New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey Cemetery Board  
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**\*NEW JERSEY CEMETERY BOARD\***

**PUBLIC SESSION MINUTES**

**SEPTEMBER 2, 2010**

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A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, September 2, 2010. 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 14, 2009 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 9:30 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	Absent

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 JUNE 10, 2010**

A motion was made by Lawrence Colasurdo and seconded by Waheed Khalid to approve the Public Session Meeting Minutes of June 10, 2010 as corrected. A vote was taken and the motion was passed by a unanimous vote.

**II. OLD BUSINESS**

**A. Application for a Certificate of Authority**

**1. Antonacci Family Memorial & Burial Ground**

The Board is in receipt of the deed showing the transfer of the property from Vanard Realty Co. to the Antonacci Family Memorial & Burial Ground. With all requirements having been met a motion was made by Lawrence Colasurdo and seconded by Paul Desbiens to approve a Certificate of Authority for the Antonacci Family Memorial & Burial Ground. A vote was taken and the motion was approved by a unanimous vote.

**2. Eldridge Cemetery**

The Board is in receipt of the revised By-Laws from Eldridge Cemetery. With all requirements having been met a motion was made by Waheed Khalid and seconded by Lawrence Colasurdo to approve a Certificate of Authority for Eldridge Cemetery. A vote was taken and the motion was approved by a unanimous vote.

**B. Hoboken Cemetery (CA #183)**

This matter will be held over pending receipt of a draft of an amended Certificate of Incorporation to reflect the current law under both titles, 15A and 45, of the New Jersey statutes for consideration and approval by the Board. Also, the Board is waiting for a list of Trustees for the cemetery.

**C. Old Cemetery Improvement Association (CA #207)**

This matter will be held over pending receipt of proof of the establishment of the cemetery's Maintenance and Preservation Trust Fund as well as an Operating Account.

**D. Correspondence from Joyce Antila Phipps, Esquire**

**Re: Continuation of lease between Bound Brook Cemetery & Casa de Esperanza**

The Board has not yet received a copy of the amended lease between Bound Brook Cemetery and Casa de Esperanza. Executive Director, Dianne Tamaroglio will contact Bound Brook Cemetery for the status of same. This matter will be carried over.

**E. Application for a Certificate of Authority**

**Re: Mountain Top Cemetery**

This matter will be held over pending verification that the Maintenance and Preservation account is in a trust account even though the word "Trust" is not in the title. Executive Director, Dianne Tamaroglio will contact Mountain Top Cemetery for said verification to be forwarded to the Board.

**F. Request for withdrawal of funds from the Trust Fund**

**Re: Cedarwood of Keyport Cemetery (CA #113)**

A review of Cedarwood Cemetery's Annual Report showed that there was no retained income that could be used to repair a section of the wall at the cemetery. The Board will advise Cedarwood Cemetery that it cannot withdraw money from the principal of its Maintenance and Preservation Fund and it must seek other avenues for the repairs.

**G. Withdrawal of fees from corpus of Trust Fund**

**Re: Stillwater Cemetery Association (CA #363)**

Through the review of Stillwater Cemetery's 2007, 2008 and 2009 Annual Reports the Board noted that Trust Tax and Fees were being withdrawn from the principal of the cemetery's Trust Fund. The cemetery was advised that the fees must come out of the interest generated only and that it must re-deposit \$4,078.29 to the Trust. Donna Clouse, Treasurer/ Secretary of the cemetery advises that it is re-depositing the money to the Trust and seeks advise as to how to get the bank to change its way of removing the fees. The Board will advise Ms. Clouse to tell the bank to deduct the fees from the interest before it is deposited into the Operating Account.

**III. NEW BUSINESS**

**A. Approval of New Jersey Cemetery Board Meeting Dates for 2011**

*The Board reviewed the proposed New Jersey Cemetery Board Meeting Dates for 2011. Upon review a motion was made by Lawrence Colasurdo and seconded by June Nikola to approve the Meeting Dates for 2011 as proposed. A vote was taken and the motion was approved by a unanimous vote.*

**B. Approval of Bulk Sale**

**Hollywood Memorial Park, Union, NJ (CA #101), to the Zhang Family Memorial Gardens, Inc., Newark, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 192 interment spaces for \$240,000.00 (\$1250.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Hollywood Memorial Park.*

**Mount Moriah Cemetery, Fairview, NJ, (CA #36) to The New Synagogue of Fort Lee, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$10,000.00 (\$100.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Mount Moriah Cemetery.*

**Princeton Memorial Park, Robbinsville, NJ, (CA#134) to the Chong Lou Elderly Association, Inc. of New York, New York, NY**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 516 interment spaces for \$399,900.00 (\$775.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Princeton Memorial Park.*

**Forest Green Park Cemetery Association, Morganville, NJ, (CA#187) to the Ahle Baith Foundation, Inc., Englishtown, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 200 interment spaces for \$90,000.00 (\$450.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Green Park Cemetery Association.*

**C. Correspondence from Michael J. Halberstam, Esquire  
Re: Religious Societies**

*The Board is in receipt of correspondence from the office of Michael J. Halberstam, Esq., P.C. who represents Chevra Machzikei Horav, a New York religious corporation that owns numerous grave sites at Washington Cemetery located in Deans, New Jersey. This religious corporation has owned graves at the cemetery for many years. In 1996 a group of members of Chevra Machzikei Horav formed another religious corporation known as Congregation Shenyitza Kalushin Shedlits. Recently, many differences between the two religious corporations have arisen prompting a separation between them along with the division of the grave sites owned at Washington Cemetery. Mr. Halberstam is inquiring as to what procedures the New Jersey Cemetery Board would require in order to finalize this separation. Upon review, a motion was made by Paul Desbiens and seconded by June Nikola to advise Mr. Halberstam that this matter is not one to be determined by the Board but should be worked out between the two religious groups and a plan presented to Washington Cemetery for its approval. A vote was taken and the motion was approved by a unanimous vote.*

**D. Application for a Certificate of Authority**  
**Re: Layton Cemetery Association**

Layton Cemetery has filed an application with the Board for a Certificate of Authority. Upon review of the submission the Board had the following concerns that must be addressed:

1. Under the cemetery's rules and regulations what is the reasoning behind #5? In #9, the word "permission" should be replaced with proper authorization and in #10 remove "they deem inappropriate" and replace with "not conforming to the cemetery's rules and regulations".
2. The cemetery's fee schedule is inadequate. The fee of \$700.00 for a Single Plot, is that just for the plot or does it include the opening and closing fee? The cemetery must distinguish between the two. What about a fee for foundations? A deposit of 10% of the charge of the foundation or \$20.00, whichever is more must be deposited into the cemetery's Maintenance & Preservation Trust Fund regardless of whether the cemetery pours the foundation or an outside entity pours it. Any and all fees for services charged by the cemetery must be on the price list or the cemetery cannot change it.
3. The documentation shows that the cemetery has 3 Certificates of Deposit; do all three make up the cemetery's Maintenance & Preservation Trust Fund? Is one an Endowment Fund for a particular grave? Is one an Operating Account? The cemetery will be asked to explain the three Certificates of Deposit. The cemetery's Maintenance & Preservation Trust Fund must be titled "Layton Cemetery Association's Maintenance & Preservation Trust Fund."

Layton Cemetery has requested a waiver of the \$500.00 Certificate of Authority application fee due to the availability of funds. The Board will make a determination upon receipt and review of the requested information. This matter will be carried over.

**E. Requesting withdrawal of funds from M&P Trust Fund**  
**Re: Glenwood Cemetery (CA #251)**

Robert M. Shirvastian, President, Glenwood Cemetery has written to the Board requesting monies to be withdrawn from its Maintenance and Preservation Fund over and above the interest, for repairs, replacing old footings, to upright stones and tree pruning with removal. Enclosed with this correspondence were two estimates for the above mentioned repairs in the amount of \$10,000.00. Upon discussion a motion was made by June Nikola and seconded by Lawrence Colasurdo to advise Mr. Shirvastian that it is not permissible to remove funds from the principal of the Maintenance and Preservation Fund; the only money that can be used is the interest generated from the Fund. A vote was taken and the motion was approved by a unanimous vote.

**F. Correspondence from Bruce L. Nussman, Esquire**  
**Re: Sale of graves**

Bruce L. Nussman, Esq. is general counsel to Mount Moriah and Fairview Cemetery both located in Fairview, New Jersey. Mr Nussman is looking for guidance from the Board with regard to the purchase and sale of interment spaces located in Mount Moriah and Fairview. Mr. Nussman will be advised that there is not enough concrete information for the Board to make a determination as to whether this would meet Board approval or not. There is the re-purchase of graves from an organization by Mount Moriah and the re-selling them to Fairview Cemetery. The guidelines of the Board's regulation, most specifically, **NJAC13:44-13.4 & 14.4** must be followed. You will have to apply to the Board for the re-purchase of the graves and then for the sale of the land. You may also have to contact the municipality with regard to its zoning laws.

**IV. DISCIPLINARY ACTION**

**A. Odd Fellows Cemetery CA#330**

A Final Order of Discipline was issued to Odd Fellows Cemetery to finalize the Provisional Order of Discipline of June 10, 1999 for violation of **NJSA 45:27-15**. Due to the limited financial condition of the cemetery , a \$500.00 Civil Penalty was waived.

**V. FOR YOUR INFORMATION**

**A. Correspondence from William C. Passodelis, Hollywood Memorial Park & Cemetery CA #101**

**Re: Status of construction of Mausoleum along Stuyvesant Avenue**

**B. Notification of Civil Action**

**Re: State of New Jersey, by the Commissioner of Transportation, Plaintiff, v Hillside Cemetery Association, a Defunct New Jersey Non-Profit Corporation; New Jersey Cemetery Board; Township of Lyndhurst, in the County of Bergen, a Municipal Corporation of New Jersey, Defendants**

**Docket No. BER-L-8832-09**

Hillside Cemetery will be reminded that 15% of the monies received from the State of New Jersey must be deposited into the cemetery's Maintenance & Preservation Trust Fund.

**C. Senate Bill, No. 1890**

**D. Senate Bill, No. 2072**

**E. Assembly Bill, No. 2869**

**F. Correspondence from State Board of Mortuary Science**

**Re: Cancellation and rescheduling of August 17, 2010 Board meeting**

**G. New Jersey Register June 21, 2010**

**Re: Adopted Amendments: N.J.A.C. 13:44J-2.1, 5.3, 5.4, 5.7, 7.1, 8.2, 10.5, 15.1, & 15.2**

**H. Newspaper/Internet Articles**

**Stones' Throw**  
**The Trentonian**      **June 8, 2010**

**New Jersey counties cope with rising cost of burying poor, but generally won't order lower-cost cremations**  
**Press of AtlanticCity.com**      **June 29, 2010**

**Belgian Undertakes Seeking Permission to Dissolve Corpses**  
**Spiegel Online**      **July 7, 2010**

**German Soccer Club Builds Cemetery for its Fans**  
**Spiegel Online**      **July 7, 2010**

**Muslims in Germany Choose to be Buried Abroad**  
**Spiegel Online**      **July 7, 2010**

**A Rotten Way to Go**  
**Spiegel Online**      **July 7, 2010**

**Newark cemetery genealogist helps NJ families find loved ones' graves**  
**NJ.com**      **July 8, 2010**

**Teen found shot dead in Woodland Cemetery**  
**The Star-Ledger**      **July 20, 2010**

**Searching Cemetery**  
**NJ.Com**      **August 24, 2010**

**Burials that go back to nature**

**Herald News**      **August 16, 2010**

**I. Legislative Report—Second Quarter, April 1, 2010-June 30, 2010**

**J. New Jersey State Board of Mortuary Science**

**Public Session Meeting Minutes**      **March 2, 2010**

**Public Session Meeting Minutes**      **April 13, 2010**

**Public Session Meeting minutes**      **May 4, 2010**

**Public Session Meeting Minutes**      **June 1, 2010**

*The above matters were considered informational for the Board requiring no discussion or decision making.*

**VI. PUBLIC COMMENT**

*Len Auerback, General Manager, Floral Park Cemetery, Oaklawn Cemetery and Washington Cemetery Management Company told all to enjoy the last week-end of the summer.*

**VII. ADJOURNMENT**

*A motion was made by Lawrence Colasurdo and seconded by Paul Desbiens to adjourn Public Session at 10:35 AM and move into Executive Session at 10:40 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. Seven (7) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Eight (8) 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 Waheed Kahlid to adjourn the Board meeting of September 2, 2010. A vote was taken and the Board meeting was adjourned at 1:25 PM.*

*Respectfully Submitted,*

*Dianne L. Tamaroglio  
Executive Director*