

NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

NOVEMBER 12, 2009

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, November 12, 2009. 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 16, 2008 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	Absent
Waheed Khalid	Present
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 John Hugelmeyer.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF SEPTEMBER 10, 2009

A motion was made by June Nikola and seconded by Michael Ticktin to approve the Public Session Meeting Minutes of September 20, 2009 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. APPEARANCE CHARLES MANNING, REGULATORY ANALYST

Re: Adopted Amendments: NJAC 13:44J-13.6
Adopted New Rule: NJAC 13:44J-5.4A
Adopted Amendments: NJAC 13:44J-2.1, 8.4, 14.3
Adopted New Rule: NJAC 13:44J-13.7

With the comment period over for the above cited regulations, Regulatory
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Analyst Charles Manning met with the Board for discussion of and a vote on the approval of the regulations. There were no comments made to **NJAC 13:44J-2.1, 8.4, 14.3 & NJAC 13:44J-13.7**. Suggested changes were made to some text; these changes were not considered substantive and therefore would not have to be publicized for comment. A motion was made by Michael Ticktin and seconded by Waheed Khalid to approve these regulations with the necessary changes. A vote was taken and the motion was passed by a unanimous vote. There were no comments made to **NJAC 13:44J-13.6 & NJAC 13:44J-5.4A**. A suggested change was made to the text; this change was not considered substantive and therefore would not have to be publicized for comment. A motion was made by Michael Ticktin and seconded by Paul Desbiens to approve these regulations with change. A vote was taken and the motion was passed by a unanimous vote.

III. OLD BUSINESS

A. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

DAG John Hugelmeyer has written to R. Denise Lyles, Esquire, Director of Law, City of Trenton, Arthur R. Sypek, Jr., Mercer County Counsel, & Edward Mazzeo, Sr. Vice Commander, Mercer County Veterans Council advising that the reconstitution of a Board of Trustees for Mercer Cemetery will require representation of the appointing authorities named in the 1986 Judgment of the Mercer County Chancery Division to engage in a dialogue aimed at accomplishing that objective. DAG Hugelmeyer offered his assistance in meeting at a mutually convenient date, time and place for discussion of this matter. To date there has been no response to DAG Hugelmeyer's letter. This matter will be carried over.

B. White Cedars Memorial Park (CA #400)

Re: Certificates of Indebtedness

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

The Committee of the Board, William Nichols & Paul Desbiens along with DAG John Hugelmeyer & Executive Director Dianne L. Tamaroglio recently met to review and discuss additional documentation provided by George Dougherty, Esquire regarding White Cedars' application for Certificates of Indebtedness. The Committee advised the Board that it has requested additional information from Mr. Dougherty. This matter will be carried over.

C. Correspondence from Claire J. O'Keefe

Re: Mountain Top Cemetery

Edwin C. Landis, Jr., Esquire has advised the Board that Mr. Dameo is continuing his research as to Mountain Top Cemetery's history and status in the community and under New Jersey Cemetery laws going back to the cemetery's establishment in 1801. Mr. Landis will be reminded of the necessity of Mountain Top Cemetery applying for a Certificate of Authority and until the cemetery is issued a CA, the cease and desist from future burials remains in force. This matter will be carried over.

D. Machpelah Cemetery (CA #200)

Machpelah Cemetery has filed its 2008 Annual Report which Board Accountant George Booktor advises is in order. This matter is closed and removed from future Board meeting agenda.

E. Application for a Certificate of Authority

1. Antonacci Family Memorial & Burial Ground

This matter will be carried over pending receipt of a copy of the deed showing the transfer of the property from Vanard Realty Co. to the Antonacci Family Memorial & Burial Ground.

2. Eldridge Cemetery

Under cover letter of September 25, 2009, Richard S. Toone, Secretary, Eldridge Cemetery has submitted to the Board a copy of the cemetery's Rules and Regulations which also includes the cemetery's price list. Under cover letter of November 5, 2009, Mr. Toone submitted a separate price list, separate Rules and Regulations and a Charter declaration. Mr. Toone will be advised that on the price list included with the September correspondence, "Ask for prices of multiple grave sites by lots" was listed, however, on the November correspondence, it was not listed. Mr. Toone will be advised that if this service is going to be offered by the cemetery, it must be listed on the price list. Mr. Toone also advised the the cemetery's Incorporation papers are being worked on by a lawyer. Board Vice Chair Paul Desbiens met with Mr. Toone and Patricia Boyle, cemetery Trustee at the cemetery to conduct an on-site inspection and to offer some advice. A motion was made by Larry Colasurdo and seconded by Michael Tickin to grant conditional approval for a Certificate of Authority subject to receipt of the cemetery's Incorporation papers. A vote was taken and the motion was carried by a unanimous vote. The Board was advised that a person has passed away who has the right to burial at the cemetery and because of the cease and desist from burials, the burial is on hold. The Board made the decision to allow this burial to take place but only this one. This matter will be carried over.

F. Hoboken Cemetery (CA #183)

The Board has not yet received the requested information from Marion Yovan, Receiver for Hoboken Cemetery. Attorney Jerry Katz has advised Executive Director Tamaroglio that Mrs. Yovan has requested his assistance in getting together the Board's requested documentation and forwarding same to the Board. Copies of the letters sent to Mrs. Yovan will be forwarded to Mr. Katz. This matter will be held over.

G. Riverside Cemetery (CA #43)

William Eugene Johnson, President, Riverside Cemetery has advised the Board that the map of the "new" section of the cemetery should be ready for the Board by February 1, 2010. This matter will be carried over.

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

With all of the Trustees of Oak Hill Cemetery about to resign and no new Trustees in the horizon, Charles Girard, Esquire has provided the Board with a copy of an Application to the Superior Court of New Jersey for Dissolution of the Cemetery Company. It is not clear as to whether or not the application was filed with the Court. DAG John Hugelmeyer will contact Mr. Girard to find out if it was filed. Mr. Girard has also supplied a draft of a notice for publication for a Special Lot Owners meeting to discuss dissolution of the cemetery and the possibility of placing the cemetery in Receivership. This matter will be carried over.

I. With Demise of Jewish Burial Societies, Resting Places are in Turmoil

At the September 10, 2009 Board meeting, the Board reviewed this article regarding Religious Societies that no longer have administrators and the problem it has created for those individuals who have the right to burial in the areas in cemeteries owned by the Societies in New York. In New York there is an Office of Miscellaneous Estates under the New York State Insurance Department that has taken hundreds of burial societies into a sort of Receivership over the decade assisting those who have the right to burial. Executive Director Tamaroglio advised the Board that the Board office is being inundated with calls from individuals regarding the exact situation. Board member Michael Ticktin contacted the New Jersey State Department of Insurance and Banking to see if that Department has a similar program. Mr. Ticktin was advised that it has no involvement with Burial Societies.

IV. NEW BUSINESS

A. Fiscal Year 2009 Budget Report (Final)

The Board reviewed its Fiscal Year final 2009 Budget Report. Upon review Board Chair William Nichols requested that it be stated in the minutes that there is money in the budget for the hiring of another staff person. A motion was made by June Nikola and seconded by Paul Desbiens to recommend to the Director of Consumer Affairs that due to the money available in the Board's budget a staff person should be hired for the Board office to assist Executive Director Dianne L. Tamaroglio. A vote was taken the motion was passed by a unanimous vote. Board Chair William Nichols will follow up with a letter to the Director.

B. Approval of Bulk Sales

Laurel Grove Cemetery, (CA #30), Trenton, NJ to the Masjid Abu Huraaira Islamic Center of Jackson Heights, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$152,560.00 (\$1525.60 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

Greenwood Cemetery Association (CA #28), Hamilton, NJ to the Islamic Mission of America, Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$70,000.00 (\$700.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Greenwood Cemetery Association.

Beth Israel Cemetery Association CA # 1), Woodbridge, NJ to the Fraternal Order of Bendin Sosnowicer, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 126 interment spaces for \$138,600.00 (\$1100.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

C. Amended and Restated Certification of Incorporation
Re: Washington Cemetery Association of Washington, Inc., (CA #209)

On behalf of Washington Cemetery Association of Washington, Inc., George T. Dougherty, Esquire has provided to the Board a copy of an Amended and Restated Certification of Incorporation for the cemetery. This was just informational for the Board.

D. Request for extension in filing of 2009 Annual Report
Re: The Berlin Cemetery Association (CA #292)

Millard Wilkinson, Jr., Superintendent, Berlin Cemetery Association has written to the Board requesting a 30 day extension for the filing of the cemetery's 2009 Annual Report due to the fact that he was having by-pass surgery. A motion was made by June Nikola and seconded by Waheed Khalid to approve the requested extension. A vote was taken and the motion was carried by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

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

Robert Bachman, Secretary/Treasurer, Mt. Pleasant Cemetery Association has written to the Board asking for relief in paying back a \$10,000.00 balance due to the Trust Fund as of October 19, 2009. With low interest rates, the cemetery has suffered financially. In 2009 the cemetery had only one burial and four cremations. The cemetery received a donation of \$95,000.00 in March, 2007 which the cemetery put totally into its Trust Fund rather than putting part of it in the Operating Account. Upon review of the documentation provided by Mr. Bachman, the Board had the following concerns which it will address to Mr. Bachman:

1. Why did the \$95,000.00 donation go into the Trust Fund; was there a specific stipulation for that?;
2. There is a significant difference between the ending balance on the cemetery's Annual Report and the provided bank statement; please provide an explanation for the difference; and
3. A Gustaf W. Johnson was listed on the provided bank statement; what is the relationship between Mr. Johnson and the cemetery.

This matter will be carried over.

F. Application for purchase of land to enlarge cemetery
Re: Medford Cemetery Association (CA #374)

Robert B. Donovan Attorney representing Medford Cemetery Association has submitted to the Board an application for the purchase of additional lands to enlarge its existing cemetery. The purchase price for the property is \$5,485,000.00 which the cemetery will finance by issuance of Certificates of Indebtedness in the amount of \$5,000,000.00 at 8%

interest. There is a dwelling on the property which will be renovated and developed as a mausoleum, chapel, crematorium,, offices, and a superintendent/ caretaker's residence. Under the Contract of Sale it states that the superintendent/ caretaker (Earl Stahl) can occupy the dwelling for a period of 30 years. The Board requests that the statement be amended to state so long as the superintendent/ caretaker is employed in that capacity. The Board discussed the 8% interest on the Certificates of Indebtedness and the fact that it has never approved Certificates at that interest rate. DAG John Hugelmeyer advised the Board that each request for Certificates is reviewed & evaluated on an individual basis and not all will have the same interest rate. Upon discussion, a motion was made by Michael Ticktin and seconded by Larry Colasurdo to approve the purchase conditionally based upon an on-site inspection of the property by a Board member, receipt of a plan to re-pay the debt, projection of grave sales to meet the debt, and receipt of changes of the wording in the Contract of Sale. A vote was taken with three in the affirmative (Michael Ticktin, Genevieve Raganelli & Larry Colasurdo) and three in the negative (June Nikola, Paul Desbiens, & Waheed Khalid). Without a majority vote, the motion did not pass and there was no action taken by the Board. This matter will be carried over.

**G. Withdrawal of \$158,000.00 from corpus of Trust Fund
Re: Old Cemetery Improvement Association (CA #207)**

Through the audit of Old Cemetery Improvement Association's 2008 Annual Report, it appeared as though \$158,000.00 was removed from the cemetery's Trust fund. Further review by the Board showed this not to be the case after all. However, what did show was that what the cemetery considers to be its M&P Trust Fund is not titled M&P and is being used as its Operating Account. The Board will ask that Board Accountant George Booktor meet with the cemetery, review its financial records and explain the importance of having two separate accounts, an Operating Account and the Maintenance & Preservation Trust Fund. This matter will be carried over.

**H. Cemetery has only one account, rather than Operating Account and Trust Fund Account
Re: Marksboro Cemetery Association (CA #254)**

It appears from the audit of Marksboro Cemetery's 2009 Annual Report that the cemetery has only one account that is being used as the Maintenance & Preservation Trust Fund & and the Operating Account. The cemetery will be to asked to provide documentation with account numbers that would show they actually have two separate accounts. Also, from the review of the documentation provided with the Annual Report, the Board notes that a donation of \$150,000.00 was given to the cemetery from the Estate of Marion Vitale. The Board will ask for the specifics of this donation. This matter will be carried over.

**I. Correspondence from William Passodelis, CMS Mid-Atlantic, Inc.
Re: Hollywood Memorial Park (CA #101)**

William C. Passodelis, CMS Mid-Atlantic, Inc. has written to the Board on behalf of Hollywood Memorial Park regarding a continuing dispute regarding two burials plus a potential future burial and a family marker between the Bimbo & Tene families. Mr. Passodelis is seeking advice from the Board. The Board will advise Mr. Passodelis that it cannot give him legal advice and the cemetery will have to seek its own legal counsel. This matter is closed and removed from future Board meeting agendas.

**J. Correspondence from Michael B. Berman, Esquire
Re: Mount Hebron Cemetery d/b/a Liberty Grove Memorial Gardens**

(CA #312)

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

Michael B. Berman, Esquire has written to the Board with concern over the fact that on the grounds of Mount Hebron Cemetery d/b/a Liberty Grove Cemetery there is a mausoleum and a crematorium. Mr. Berman advises that a crematorium on the grounds of a Jewish Cemetery is an absolute violation of Religious Law. Mr. Berman will be advised that Mount Hebron Cemetery has not violated any of the provisions of the New Jersey Cemetery Act, 2003 or the Board's regulations. Also, with regard to the crematorium and mausoleum on the grounds of the cemetery, Mr. Berman will be advised that the New Jersey Cemetery Board does not have the authority to enforce Religious Law.

**K. Application to Lease Cemetery Land to T-Mobile Northeast, LLC.
Re: Hillside Cemetery Association (CA #116)**

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

Robert J. Fahrenholz, General Manager, Hillside Cemetery Association has submitted to the Board an application to lease a portion of Hillside Cemetery's property to T-Mobile Northeast LLC. for the erection of a Cell Tower. The initial term of the Lease shall be for five years commencing on the date the agreement is executed by Hillside Cemetery & T-Mobile Northeast LLC. T-Mobile Northeast LLC will pay to Hillside Cemetery Association \$2,250.00 per month bringing additional revenue to the cemetery. Board member Waheed Khalid conducted an on-site inspection of the area where the tower will go. Mr. Khalid advises that the Cell Tower would not do anything detrimental to the cemetery and is not in an area where there are graves. A motion was made by Waheed Khalid and seconded by Larry Colasurdo to approve the lease with the understanding that 15% of the monthly income will be deposited into Hillside Cemetery's Maintenance & Preservation Trust Fund. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

**L. Request for waiver of \$75.00 Annual Report Filing Fee
Re: Bevans Cemetery Association (CA #116)**

Carol Ayers, Treasurer, Bevans Cemetery Association has written to the Board requesting a waiver of the \$75.00 Filing Fee for the 2009 Annual Report due to the financial condition of the cemetery's Trust Fund. The Fund generated only \$1,577.82 for the Fiscal Year. Upon review and discussion, a motion was made by June Nikola and seconded by Waheed Khalid to grant the requested waiver. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

V. DISCIPLINARY MATTERS REPORTED FROM EXECUTIVE SESSION

Provisional Orders of Discipline were issued to the following two cemeteries for

failure to file Annual Reports for Fiscal Years 2007 & 2008. The POD's each imposed a Civil Penalty of \$500.00.

*Long Hill Cemetery Association (CA #307)
Mount Olive Union Cemetery (CA #385)*

There has been no response from either cemetery to the Provisional Orders. Board member Larry Colasurdo conducted an on-site inspection of Mount Olive Union Cemetery. Mr. Colasurdo reported that it appears as though the cemetery is being cared for but found no contact information for anyone in the area of the cemetery. Executive Director Dianne L. Tamaroglio will reach out to Chester Stevens, the former President of the cemetery to ask if he knows anything about the Officers and Board of Directors of the cemetery and if he knows who is caring for the cemetery. Ms. Tamaroglio will also contact the municipality to see if perhaps it has taken over the operations of the cemetery. These matters will be carried over.

VI. FOR YOUR INFORMATION

A. Articles

***Eden Memorial Park Cemetery Lawsuit
L.A. Times September 15, 2009***

***NJ Sen. President Codey seeks to restore grave sites for mentally ill
N.J. com September 21, 2009***

***Detroit: Too broke to bury their dead
CNN Money.com October 1, 2009***

***Getting eco-friendly in death and beyond
NJBIZ October 6, 2009***

***Former Treasurer for Cemetery in Chester Pleads Guilty to Stealing more than \$600,000 from cemetery Association
Attorney General News Release October 7, 2009***

***A Hidden Gem is Found in Town
The Gazette October 15, 2009***

***From football to funerals
Burlington County Times October 20, 2009***

***Funeral home owner pleads guilty to theft
Burlington County Times October 20, 2009***

B. Notification of Civil Action

**Re: State of New Jersey, by the Commissioner of Transportation,
Plaintiff vs Hillside Cemetery Association, (CA #166) 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. L 8832-09**

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

VII. PUBLIC COMMENT

Len Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery, & Washington Cemetery Management Company wished everyone a Happy Thanksgiving.

VIII. ADJOURNMENT

A motion was made by Michael Ticktin and seconded by Waheed Khalid to adjourn Public Session at 12:15 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. Four (4) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Thirteen (13) 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 Genevieve Raganelli to adjourn the Board meeting of November 12, 2009. A vote was taken and the Board meeting was adjourned at 2:30 PM.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*