



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



Jeffrey S. Chiesa
Acting Attorney General

ERIC T. KANEFSKY
Director

NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

JANUARY 10, 2013

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, January 10, 2013. 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 24, 2012 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 A.M.. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Paul M. Desbiens	Present
Waheed Khalid	Present
June Nikola	Present
William Nichols	Present
Jeffrey Kasko	Present
Linda McGloin	Absent
Rabbi Jay M. Kornsgold	Present arrived 10:00 A.M.
David Soulen	Present

Also in attendance were: Dianne L. Tamaroglio, Executive Director, New Jersey Cemetery Board; Deputy Attorney General John Hugelmeyer; Khaled Maden, Government Representative and Ellen Green, Board Secretary.

I. ELECTION OF NEW JERSEY CEMETERY BOARD OFFICERS FOR 2013

Executive Director Dianne L. Tamaroglio opened nominations for Chair of the New Jersey Cemetery Board for 2013. June Nikola nominated William Nichols for Chair of the Board. The nomination was seconded by Waheed Khalid. With no further nominations being made, Waheed Khalid made a motion to close nominations; Jeffrey Kasko seconded the motion. A vote was taken and William Nichols was voted Chair of the Board for 2013 by acclamation.

Board Chair William Nichols opened nominations for Vice-Chair of the New Jersey Cemetery Board for 2013. Waheed Khalid nominated June Nikola for Vice-Chair; the nomination was seconded by Jeffrey Kasko. With no further nominations being made, Jeffrey Kasko made a motion to close nominations; David Soulen seconded the motion. A vote was taken and June Nikola was voted Vice-Chair of the Board for 2013 by acclamation.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF NOVEMBER 15, 2012

A motion was made by June Nikola and seconded by David Soulen to approve the Public Session Meeting Minutes of December 13, 2012 as corrected. A vote was taken and the motion was passed by a unanimous vote.

III. OLD BUSINESS

A. Hoboken Cemetery (CA #183)

Executive Director Dianne L. Tamaroglio advised the Board that Jerome Katz, the attorney representing Hoboken Cemetery advised that the Board would receive documentation regarding the status of the cemetery's Receivership by mid January 2013. The Board determined that if the documentation is not received by January 15, 2013 it will request Mr. Katz to appear at the February 14, 2013 Board meeting. This matter will be held over.

**B. Odd Fellows Cemetery (CA #39)
Correspondence from Walter A. Norris, Esquire**

The Board is in receipt of correspondence from Walter A. Norris, Attorney for Odd Fellows Cemetery advising that the cemetery is up-to-date on it's agreed upon payments to the Maintenance and Preservation Fund and, as requested, he will continue to provide updates every three months. This matter will be carried over until the final payment is made to the Maintenance and Preservation Fund.

**C. Correspondence from Jerome Katz, Esquire
Re: Ernst Memorial Cemetery (CA #404)**

This matter will be held over pending receipt of an application for the merger of Ernst Memorial Park and Christ Church Cemetery.

**D. Withdrawal of money from the corpus of M&P Trust Fund
Re: Jersey City & Harsimus Cemetery (CA #220)**

The Board had requested that representatives of Jersey City & Harsimus Cemetery appear before the Board today for questioning regarding the cemetery's Trust Fund. Eileen Markenstein, President of the cemetery emailed Executive Director Tamaroglio that the cemetery was "grandfathered" before the Trust requirements came into effect. She advises that the cemetery never had a Trust and a Trust is not required as per the Attorney General. The Board is quite perplexed by Ms. Markenstein's comments. Ms. Markenstein as well as the cemetery's treasurer Jorge Aviles will be asked to appear before the Board at its February 14, 2013 Board Meeting for questioning regarding the cemetery's Trust Fund. They will be asked to bring with them the Board's requested documentation. This matter will be carried over.

E. Requesting approval for the enlargement of the cemetery
Re: Eglington Cemetery (CA #98)

Linda L. Lacy, President, Eglington Cemetery forwarded to the Board the documentation requested by the Board for the enlargement of the cemetery which included the consent of the municipality by resolution. Upon review of said documentation a motion was made by June Nikola and seconded by David Soulen to approve the enlargement of Eglington Cemetery. 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. Cemeteries that do not possess a Certificate of Authority and bury those of all faiths

Calvary Community Church
Bethel United Methodist Church
Millbrook Methodist Cemetery
Fresh Ponds Cemetery

Executive Director Dianne L. Tamaroglio sent letters to the above-mentioned cemeteries advising that each must apply for a Certificate of Authority. The Board office has received an application from Calvary Community Church but has not received a response from any of the other cemeteries. The Board has asked Ms. Tamaroglio to send another letter in hope for a response. This matter will be carried over.

G. Application for approval of an easement
Re: Lake Park Cemetery, Inc., (CA #198) to Westrum Swedesboro, LLC

Joan Sorbello Adams, Attorney representing Lake Park Cemetery has provided the Board a map of the cemetery showing the location of the easement. Ms. Sorbello Adams advised that the cemetery will rent the land to farmers. Upon review a motion was made by Jeffrey Kasko and seconded by Waheed Khalid to approve the easement pending the receipt of the completed deed of easement. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

H. Concerns with Machpelah Cemetery (CA #200)

Bradley Dickey, President of Machpelah Cemetery wrote to the Board advising that he as well as the other Board members can no longer take care of the cemetery and that Sanford Epstein, Inc., is willing to take over the operation of the cemetery. Upon review the Board asked Executive Director Dianne L. Tamaroglio to send a copy of Mr. Dickey's letter to Sanford Epstein and ask Mr. Epstein to respond to the Board with his thoughts regarding his taking over Machpelah Cemetery. This matter will be carried over.

I. Application for a Certificate of Authority for a For-Profit Management Company
Re: Desbiens Group, PMD, LLC

Paul Desbiens was recused and moved away from the table

This matter is in the 60-day comment period and is being held until the February 14, 2013 Board meeting.

J. Correspondence from Paul Henry, Tranquility Cemetery Association (CA #68)

Re: Request to withdraw money from the cemetery's Trust Fund

Paul Henry, President, Tranquility Cemetery Association wrote to the Board requesting to withdraw a portion of the interest earned by the cemetery's Maintenance and Preservation Fund which has always been rolled back into the Trust Fund. The money is necessary to repair the damage to the cemetery caused by Hurricane Sandy. Khalid Maden reviewed the cemetery's Annual Reports and found that approximately \$27,000.00 to \$28,000.00 of interest was retained in the Fund over the past five years. Mr. Henry is requesting the withdrawal of \$14,000.00 to complete the repairs to the cemetery. Upon review a motion was made by June Nikola and seconded by David Soulen to allow the withdrawal of \$14,000.00 from the Maintenance and Preservation Fund noting that in the future the cemetery must remove the interest from the Trust Fund at the appropriate time. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

IV. NEW BUSINESS

A. Concern with Eglinton Cemetery's (CA #98) regulation

Re: No. 12

The Board reviewed Eglinton Cemetery's amended regulations, specifically rule # 12. Rule # 12 states that lot owners may maintain their individual graves either by themselves or by an independent contractor. In either case the lot owner must deliver to the cemetery a current effective proof of ownership of a public liability insurance policy in a minimum amount of \$300,000.00 naming the cemetery as an additional insured. Upon discussion the Board agreed that this appears to infringe upon the consumers statutory right, most specifically **N.J.S.A. 45:27-31(a)**. The cemetery will be asked for an explanation as to why it feels it has the right to require lot owners to have a public liability insurance policy naming the cemetery as an additional insured. This matter will be carried over.

B. Application for a Certificate of Authority

The Princeton Abbey and Cemetery, Inc.

The Princeton Abbey and Cemetery, Inc. forwarded to the Board an application for a Certificate of Authority. As per **N.J.S.A. 45:27-7(2)(d)** "The Board shall not act on an application for 60 days after receipt of an application, and shall only act after public notice of the application has been provided. If the Board receives a written objection to the application, it shall hold a hearing on notice to the objector and the applicant before it acts on the application." This matter will be held until the Cemetery Board meeting of March 14, 2013 for discussion.

C. Application for approval of Certificate of Indebtedness in connection with the formation of The Princeton Abbey and Cemetery, Inc.

The Board has received an application for the approval of Certificates of Indebtedness in the amount of \$5,000,000.00 for the purchase of cemetery property in connection with the formation of the Princeton Abby and Cemetery, Inc. The Princeton Abby and Cemetery is indebted to CMS-Mid-Atlantic Inc. and SJS PAC Holdings, Inc. There will be no interest on these certificates for 100 years. This matter will be carried over.

D. Application for a Certificate of Authority for The Princeton Abby Management LLC to provide cemetery management services

The Princeton Abby Management LLC forwarded to the Board an application for a Certificate of Authority for the management of Princeton Abby and Cemetery, Inc. As per **N.J.S.A 45:27:7(2)(d)** "The Board shall not act on an application for 60 days after receipt of an application, and shall only act after public notice of the application has been provided. If the Board receives a written objection to the application, it shall hold a hearing on notice to the objector and the applicant before it acts on the application." This matter will be held until the Cemetery Board meeting of March 14, 2013.

E. Application for a Certificate of Authority for CMS PAC Holdings, Inc. To control a cemetery and so qualify as a "cemetery company"

CMS PAC Holdings, Inc. forwarded to the Board an application for a Certificate of Authority to control a cemetery and to qualify as a "cemetery company." As per **N.J.S.A 45:27:7(2)(d)** "The Board shall not act on an application for 60 days after receipt of an application, and shall only act after public notice of the application has been provided. If the Board receives a written objection to the application, it shall hold a hearing on notice to the objector and the applicant before it acts on the application." This matter will be held until the Cemetery Board meeting of March 14, 2013.

F. Calvary Cemetery

John Wyckoff, Trustee of Calvary Cemetery forwarded to the Board an incomplete application for a Certificate of Authority. Mr. Wyckoff advised that the trustees of the cemetery will forward the remaining documentation needed for completion of the application in time to be reviewed by the Board at the February 14, 2013 Board meeting. As per **N.J.S.A 45:27:7(2)(d)** "The Board shall not act on an application for 60 days after receipt of an application, and shall only act after public notice of the application has been provided. If the Board receives a written objection to the application, it shall hold a hearing on notice to the objector and the applicant before it acts on the application." The 60-day time frame will not begin until the Board receives the completed application. This matter will be carried over.

G. Licensed Cemetery Salesperson Cramer Stiff is also a licensed Funeral Director

It was brought to the Board's attention that Cemetery Salesperson Cramer Stiff, license # 47SP00137100 also holds a Funeral Director's license # 23JP00464600. It appears that Mr. Stiff working as a Cemetery Salesperson as well as a Funeral Director could be engaging in prohibited activities which may include the manufacture or sale of memorials, the manufacture or sale of private mausoleums, the manufacture or sale of vaults, and the conduct of any funeral home business or profession of mortuary science. Upon discussion, a motion was made by June Nikola and seconded by Jay Kornsgold to issue a Settlement Letter to Cramer Stiff for possible violation of **N.J.S.A. 45:27-16(c)(1)**. A vote was taken and the motion was passed by a unanimous vote. This matter will be carried over.

**H. Request for comment
Senate Bill No. 2393**

The State of New Jersey, 215th Legislature introduced Senate Bill No. 2393 on December 17, 2012. The Bill was brought before the Board at today's meeting for comment. This Bill excludes conveyance of a right of burial in a grave, crypt or niche for which there is no transfer of title from the 15% fee which cemetery companies currently charge for the transfer for the transfer of a grave, crypt or niche. The effect of the Bill is that the 15% transfer fee charged by the cemetery companies would only apply to conveyances in which title to the grave, crypt or niche is transferred. Upon review a motion was made by David Soulen and seconded by Paul Desbiens to oppose Senate Bill No. 2393 as it would cut adequate funding to the cemetery's Maintenance and Preservation Funds. A vote was taken and the motion was passed with five Board members in favor and two Board members in opposition to the motion. This matter is closed and removed from future Board meeting agendas.

V. FOR YOUR INFORMATION

A. Notification of Civil Action

CMS Mis-Atlantic, Inc., Plaintiffs, v. Everlasting Monuments and Life Memorials, LLC, Mark P. Van Buskirk and Rachel Wagoner, Defendants

Tuckerton Old Home Society, Inc., Plaintiff vs James Koed and Lorraine Koed, Defendants
Docket No. OCN-L-2599-12

B. Articles

Funeral Industry struggles to cope in dire conditions
The Star Ledger November 3, 2012

3 N.J. Jewish cemeteries OK off-ho
NJ.com December 8, 2012

C. Issuance of Certificate of Authority No. 419

Re: Dover Cemetery Association a/k/a Orchard Street Cemetery

The above matters were considered informational for the Board.

VI. PUBLIC COMMENT

Len Auerback, General Manager, Floral Park Cemetery, Oaklawn Cemetery and Washington Cemetery Management Company wishes all a happy and healthy New Year.

John Dodgson, Ocean County Memorial Park advised the Board that the cemetery is adding two new retorts and he was told he had to have DCA approval which he thought was Division of Consumer Affairs, thus the New Jersey Cemetery Board's approval. Mr. Dobson was advised it was the Department of Community Affairs and not this Board.

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VI. ADJOURNMENT

A motion was made by Jeffrey Kasko and seconded by June Nikola to

adjourn Public Session at 11:45 A.M. and move into Executive Session at 12:00 A.M. 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. One (1) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Seven (7) 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 June Nikola and seconded by Paul Desbiens to adjourn the Board meeting of January 10, 2013. A vote was taken and the Board meeting was adjourned at 12:35 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*