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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**

**FEBRUARY 14, 2013**

**Mailing Address:**  
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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, February 14, 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 Vice Chair June Nikola 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:*

<i>Paul M. Desbiens</i>	<i>Present</i>
<i>Waheed Khalid</i>	<i>Absent</i>
<i>June Nikola</i>	<i>Present</i>
<i>William Nichols</i>	<i>Absent</i>
<i>Jeffrey Kasko</i>	<i>Present arrived 9:55 A.M.</i>
<i>Linda McGloin</i>	<i>Present</i>
<i>Rabbi Jay M. Kornsgold</i>	<i>Present arrived 9:50 A.M.</i>
<i>David Soulen</i>	<i>Present</i>

*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. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JANUARY 10, 2013**

*A motion was made by Paul Desbiens and seconded by David Soulen to approve the Public Session Meeting Minutes of January 10, 2013 as corrected. A vote was taken and the motion was passed by a unanimous vote.*

**II. OLD BUSINESS**

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

*Jerome Katz, the attorney representing Hoboken Cemetery forwarded to the Board the documentation regarding the status of the cemetery's Receivership. Board member June Nikola will review said documentation and report back to the Board of her findings at the March 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. 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)**

*Executive Director Dianne L. Tamaroglio reported to the Board that Christ Church Cemetery has retained a new attorney who is getting up to date with the details of the merger. This matter will be carried over.*

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

*Eileen Markenstein, President, Jersey City & Harsimus Cemetery as well as the cemetery's treasurer Jorge Aviles were asked to appear before the Board at todays Board Meeting for questioning regarding the cemetery's Trust Fund. Neither Ms. Markenstein nor Mr. Aviles were in attendance today. Deputy Attorney General John Hugelmeyer will have issued a subpoena to Ms. Markenstein and Mr. Aviles to appear at the April 11, 2013 Board meeting. This matter will be carried over.*

**E. Cemeteries that do not possess a Certificate of Authority and bury those of all faiths**

**Millbrook Methodist Cemetery**

*Executive Director Dianne L. Tamaroglio sent a letter to the Millbrook United Methodist Church advising that it must apply for a Certificate of Authority for the Millbrook Methodist Cemetery. The Board received a response from Frederick B. Zeiley, Esq. Trustee of the Millbrook United Methodist Church advising that the church no longer owns the cemetery and that it was subdivided from the church property in 1996 and transferred to the Millbrook Cemetery Association, Inc. Mr. Zeiley further advised that the contact person for Millbrook Cemetery Association, Inc. Is Dean Tuttle of Tuttle Funeral Home. Ms. Tamaroglio contacted Mr. Tuttle in reference to the application for the Certificate of Authority for the cemetery. Mr. Tuttle advised that he will forward to the Board the documentation needed. To date the Board has not received said documentation. Ms. Tamaroglio will write to Mr. Tuttle requesting he forward said documentation to the Board. This matter will be carried over.*

### **Fresh Ponds Cemetery**

*Executive Director Dianne L. Tamaroglio sent a letter to the Fresh Ponds Cemetery advising that it must apply for a Certificate of Authority. Ms. Tamaroglio received a call from Reverend Robert S. Turton III explaining that the cemetery buries those of the Christian denominations which consist of different faith groups but are all considered Christian. Ms. Tamaroglio advised Reverend Turton III to forward his statement in writing to the Board for review. The Board is not in receipt of Reverend Turton III letter of explanation. Upon discussion a motion was made by Jay Kornsgold and seconded by Paul Desbiens to authorize Deputy Attorney General John Hugelmeyer to issue a subpoena to Reverend Turton III to appear before the Board at the March 14, 2013 Board meeting. This matter will be carried over.*

### **Bethel United Methodist Church**

*Executive Director Dianne L. Tamaroglio sent letters to Bethel United Methodist Church advising that the cemetery must apply for a Certificate of Authority. The Board office has not received a response. The Board has asked Ms. Tamaroglio to send another letter in hope for a response. This matter will be carried over.*

#### **F. Application for approval of an easement**

**Re: Lake Park Cemetery, Inc., (CA #198) to Westrum Swedesboro, LLC**

*Lake Park Cemetery has submitted an application for an easement. At the January 10, 2013 Board meeting a motion was passed to approve the easement pending the receipt of the completed deed of easement. The Board has not yet received the completed deed and therefore the easement is still pending. This matter will be carried over.*

#### **G. Concerns with Machpelah Cemetery (CA #200)**

**Correspondence from Sanford B. Epstein, Sanford Epstein, Inc.**

*The Board is in receipt of correspondence from Sanford B. Epstein, Sanford Epstein, Inc. stating that he and his company is willing to accept the obligation of management for the Machpelah Cemetery. Upon discussion the Board would like to advise Bradley Dickey, President, Machpelah Cemetery that a lot owners meeting will need to be held in order to elect a new Board of Trustees making note that a Trustee cannot be hired as a maintenance worker. Executive Director Dianne L. Tamaroglio will reach out to Mr. Epstein to ask him to call Deputy Attorney General John Hugelmeyer for review of the procedures that will need to be followed before he can acquire the management of Machpelah Cemetery. This matter will be carried over.*

**H. Concern with Eglington Cemetery's (CA #98) regulation**  
**Re: No. 12**

*This matter was reviewed in Executive Session at today's Board meeting.*

**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**

*The Board received correspondence from Robert R. Stanicki of Mackevich, Burke & Stanicki, Counselors at Law to clear up any misinformation that may have been provided to the Board concerning Paul Desbiens. Mr. Stanicki was also in attendance at today's meeting to address the Board and reiterate the statements he made in his correspondence. Upon review of the application for Certificate of Authority a motion was made by David Soulen and seconded by Jeffrey Kasko to grant the Desbiens Group, PMD, LLC the Certificate of Authority for a For-Profit Management Company. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.*

**J. Application for a Certificate of Authority**  
**The Princeton Abbey and Cemetery, Inc.**

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

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

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

**L. Application for a Certificate of Authority for The Princeton Abbey Management LLC to provide cemetery management services**

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

**M. Application for a Certificate of Authority for CMS PAC Holdings, Inc. To control a cemetery and so qualify as a “cemetery company”**

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

**N. Application for a Certificate of Authority  
Re: Calvary Cemetery**

*This matter is in the 60-day comment period and is being held until the April 11, 2013 Board meeting.*

**III. NEW BUSINESS**

**A. Approval of Bulk Sales**

**Forest Lawn Memorial Gardens, Clover Leaf Memorial Park, (CA #14), Iselin, NJ to Hoy Sun Ning Young Benevolent (N.Y. ENPING) Association, Atlantic City, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 180 interment spaces for \$202,600.00 (\$1125.56 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Clover Leaf Memorial Park.*

**Mount Rest Cemetery, (CA #34), Butler, NJ to The American Muslim Association, Butler, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 105 interment spaces for \$84,000.00 (\$800.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Mount Rest Cemetery.*

**Restland Memorial Park, (CA #117), East Hanover, NJ to Islamic Burial Services Association, Boonton, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 500 interment spaces for \$400,000.00 (\$800.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Restland Memorial Park.*

**B. Application for the approval of an easement from Woodbury Memorial Park, Inc. (CA #97) to PSE&G and Verizon**

*The Board has received an application from Woodbury Memorial Park, Inc. for the sale and granting of an easement to (1) Public Service Electric & Gas Company and (2) Verizon of New Jersey, Inc. from Woodbury Memorial Park, Inc. Upon review of the documentation provided a motion was made by Linda McGloin and seconded by Jeffrey Kasko to approve the application for the sale and granting of an easement to Public Service Electric & Gas Company and Verizon of New Jersey, Inc. from Woodbury Memorial Park, Inc. It was determined that an on-site inspection would not be necessary considering that the Public Service Electric & Gas Company utility polls and lines were already in place. A vote was taken and the motion was passed by a unanimous vote. This sale is approved with the understanding that 15% of the proceeds of the sale will be deposited into the cemetery's Trust Fund. This matter is closed and removed for future Board meeting agendas.*

**C. Application for a Certificate of Authority  
TD Maintenance, LLC for Maple Grove Park Cemetery**

***Paul Desbiens was recused and moved away from the table***

*TD Maintenance, LLC 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 May 9, 2013 for discussion.*

***Osiris Management, Inc.***

***June Nikola was recused and moved away from the table***

*Osiris Management, 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 May 9, 2013 for discussion.*

**D. Cemetery received Certificate of Authority in 1994; now Board office is being told that the cemetery was never established**

**Re: Garden of Peace Cemetery (CA #392)**

The Board is in receipt of correspondence from AM Costello regarding Garden of Peace Cemetery. Mr. Costello is stating that although Garden of Peace Cemetery received a Certificate of Authority the cemetery was never established. The Board will request Mr. Costello provide a signed affidavit stating that the Garden of Peace Cemetery was never established. Mr. Costello will also be requested to return the Cemetery's original Certificate of Authority. This matter will be carried over.

**E. Inquiry from Harry Raptakis, Esquire**  
**Re: Questions regarding Bulk Sales**

Harry Raptakis, Esquire legal counsel and Chairman for the Cemetery Committee of the Greek Orthodox Cathedral of St. Paul wrote to the Board asking for direction concerning bulk sales. Executive Director Dianne L. Tamaroglio will respond to Mr. Raptakis directing him to review **N.J.S.A. 13:44J-14.2** which refers to Sales to a membership or religious corporation or unincorporated association or society which provides interment spaces or niches solely for its members and their families. This matter is closed and removed from future Board meeting agendas.

**F. Request for withdrawal of funds from M&P Trust Fund**  
**Re: Columbus Cemetery Company (CA #94)**

Gail Mowrey, Treasurer, Columbus Cemetery Company wrote to the Board asking the Board if there is a way they could borrow money from the Maintenance and Preservation Fund. Upon review the Board asked Executive Director Dianne L. Tamaroglio to respond to Ms. Mowrey advising that the Board cannot grant permission to remove money from the principal of the Maintenance and Trust Fund but can offer the following suggestions as how to generate monies for the operating fund.

- The cemetery is a non-profit entity and therefore can hold fund raisers.
- The cemetery can raise its service fees.
- The cemetery can accept a loan and apply to the Board to issue a Certificate of Interest to the lender as per **N.J.S.A. 45:27-10(4)**. The person(s) holding the Certificates would then have one vote for each \$250.00 of the fare amount of the certificate.

This matter is closed and removed from future Board meeting agendas.

**G. Correspondence from Gay H. Carpenter**  
**Re: Request to be caretaker of New Hopewell Cemetery (CA #316)**

Gay H. Carpenter wrote to the Board requesting permission to be caretaker of New Hopewell Cemetery because seventeen (17) members of her family are lay to rest there and her

own head stone is there. Executive Director Dianne L. Tamaroglio will write to Mr. Carpenter referencing **N.J.A.C. 45:27-31** which states:

*“Owners of interment spaces, or other interested persons, may maintain their own interment spaces, or provide for maintenance by an independent contractor provided that the maintenance is subject to the supervision of the management of the cemetery company to insure compliance with the rules and regulations of the cemetery.”*

Mr. Carpenter would have to supply a letter of permission to take over from Ms. Charlotte Hake the current caretaker.

**H. Correspondence from Charles Firth**  
**Re: Cedar Grove Cemetery (CA #217)**

The Board received correspondence from Charles Firth expressing his interest in taking over management and care taking of Cedar Grove Cemetery under the direction of Emery Bittmann, President, Cedar Grove Cemetery. Upon review the Board has asked Executive Director Dianne L. Tamaroglio to write to Mr. Bittmann indicating that he is taking the correct action in grooming Mr. Firth to take over the operations of Cedar Grove Cemetery. Ms Firth and Mr. Bittmann will have to work this out; the Board does not grant permission for a new caretaker. This matter is closed and removed from future Board meeting agendas.

**I. Application for a Cemetery Salesperson’s License**  
**Re: Shawn Rhodes**  
**Hollywood Memorial Park**

Shawn Rhodes application for a Cemetery Salesperson’s License was reviewed and discussed in Executive Session and brought to Public Session for a vote as to whether or not a Cemetery Salesperson’s License should be issued to him. A motion was made by Jeffrey Kasko and seconded by Linda McGloin to issue a Cemetery Salesperson’s License to Mr. Rhodes for Hollywood Memorial Park. A vote was taken and the motion was passed by a unanimous vote.

**IV. FOR YOUR INFORMATION**

**A. Notification of appointment or re-appointment to the New Jersey Cemetery Board**

**B. Notification of Civil Action**  
**Re: In the Matter of the Trust Under Agreement of Cedar Green Cemetery Association, a NJ Corporation**  
**Docket No. CP-SLM-0037-2012**

**In the matter of Trust Under Agreement of Oak Hill Cemetery  
Association (CA #154)  
Docket No. CP-SLM-0035-2012**

**C. NJ State Board of Mortuary Science**

**Meeting dates for 2013 for Mortuary Science**

<b>Open Session Meeting Minutes</b>	<b>June 5, 2012</b>
<b>Open Session Meeting Minutes</b>	<b>July 17, 2012</b>
<b>Open Session Meeting Minutes</b>	<b>August 21, 2012</b>
<b>Open Session Meeting Minutes</b>	<b>October 3, 2012</b>
<b>Open Session Meeting Minutes</b>	<b>December 4, 2012</b>
<b>Open Session Meeting Minutes</b>	<b>January 8, 2013</b>

**D. Newspaper Article**

**Cemetery owners say bills could force some to shut down  
Herald News January 15, 2012**

**Graveyard's grime reapers  
Star Ledger February 3, 2013**

**V. DISCIPLINARY ACTION REPORTED OUT FROM EXECUTIVE SESSION**

A Settlement Letter was issued to Cemetery Salesperson Cramer Stiff, 47 SP00137100 for violation of **N.J.A.C. 13:44J-10.2(a)9iv**. Mr. Stiff has signed the Acknowledgment of Wrongdoing and has surrendered his Cemetery Salesperson License and Branch Licenses. This matter is closed and removed from future Board meeting agendas.

**VI. PUBLIC COMMENT**

*No Public Comments were made today.*

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**VII. ADJOURNMENT**

*A motion was made by Jeffrey Kasko and seconded by Paul Desbiens to*

*adjourn Public Session at 11:35 A.M. and move into Executive Session at 12:00 P.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. Four (4) 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 Linda McGloin and seconded by Jay Kornsgold to adjourn the Board meeting of February 14, 2013. A vote was taken and the Board meeting was adjourned at 1:15 P.M.*

*Respectfully Submitted,*

*Dianne L. Tamaroglio  
Executive Director*