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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

MARCH 14, 2013

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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, March 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 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	arrived at 10:10 AM
Waheed Khalid	Present	
June Nikola	Present	
William Nichols	Present	
Jeffrey Kasko	Absent	
Linda McGloin	Present	
Rabbi Jay M. Kornsgold	Absent	
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. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JANUARY 10, 2013

A motion was made by June Nikola and seconded by David Soulen to approve the Public Session Meeting Minutes of February 14, 2013 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. OLD BUSINESS

A. Hoboken Cemetery (CA #183)

Board member June Nikola reviewed the bank statements forwarded to the Board by Jerome Katz, the attorney representing Hoboken Cemetery. Ms. Nikola found the bank statements to be in order, but did inform the Board that the cemetery was not making monthly deposits. Executive Director Dianne L. Tamaroglio spoke with Sandford Epstein regarding the monthly deposits. Mr. Epstein informed Ms. Tamaroglio that the cemetery will make the deposits on a monthly basis from this point on. Deputy Attorney General John Hugelmeyer advised that the cemetery will have to file an application to the Court for the cemetery to come out of Receivership. As per **N.J.S.A. 45:27-5** Mr. Katz must serve notice to the Board. A new Board must be established for Hoboken Cemetery. Once everything is in order DAG Hugelmeyer will notify the Court of the Board's agreement. This matter will be carried 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 has paid back all monies that were due and owing to the Maintenance and Preservation Fund and is in compliance with the New Jersey Cemetery Board Statute. This matter is closed and removed from future Board meeting agendas.

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

This matter will be held over.

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

Deputy Attorney General John Hugelmeyer issued a subpoena to Eileen Markenstein, President, Jersey City & Harsimus Cemetery as well as the cemetery's treasurer Jorge Aviles to appear at the April 11, 2013 Board meeting. Ms. Markenstein and Mr. Aviles were instructed to bring the cemetery records with them to the 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

This matter will be carried over.

Fresh Ponds Cemetery

Executive Director Dianne L. Tamaroglio previously advised Reverend Robert S. Turton III to forward a statement in writing to the Board as to why he believes the cemetery does not need to apply for a Certificate of Authority. The Board still has not received Reverend Turton III's letter of explanation and has attempted to locate Reverend Turton III through the efforts of the Enforcement Bureau, but to no avail. This matter will be carried over.

Bethel United Methodist Church

This matter was moved to New Business

F. Application for approval of an easement

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

The Board is in receipt of the completed deed of easement. Upon review a motion was made by Linda McGloin and seconded by Waheed Khalid to approve the easement. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

G. Concerns with Machpelah Cemetery (CA #200)

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

Deputy Attorney General John Hugelmeyer spoke with Sandford B. Epstein advising that his company would have to apply to the Board for a Certificate of Authority to operate as a For-Profit Management Company were he to take over operations of the cemetery. Executive Director Dianne L. Tamaroglio advised Bradley Dickey, President, Machpelah Cemetery that a new Board of Trustees must be established prior to his relinquishing responsibility for the cemetery. Executive Director Dianne L. Tamaroglio received an email from Louis Cicalese, President, Cemetery Development Company, Inc. advising that he might be interested in taking over the management of Machpelah Cemetery. Mr. Cicalese also advised that some time ago he had a conversation with Marion Yovan, Receiver, Hoboken Cemetery wherein she said she would like to see Mr. Cicalese take over Hoboken Cemetery. Mr. Katz will be asked to respond to Mr. Cicalese's statement. Mr. Cicalese has expressed to Executive Director Dianne L. Tamaroglio that his company does not have to have a Certificate of Authority to operate as a For-Profit Management Company. Mr. Cicalese will be asked to explain his reasoning behind this. This matter will be carried over.

H. Application for a Certificate of Authority

The Princeton Abbey and Cemetery, Inc.

Upon review of the application for a Certificate of Authority a motion was made by Waheed Khalid and seconded by David Soulen to grant The Princeton Abbey and Cemetery, Inc. the Certificate of Authority to operate as a "Cemetery 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.

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

Upon review of the application for approval of Certificates of Indebtedness in connection with the formation of The Princeton Abbey and Cemetery, Inc. a motion was made by David Soulen and seconded by Waheed Khalid to approve the Certificates of Indebtedness in connection with the formation of The Princeton Abbey and Cemetery, Inc. 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 for The Princeton Abbey Management LLC to provide cemetery management services

The application for Certificate of Authority for The Princeton Abbey Management LLC to provide cemetery management services was reviewed by the Board. Upon review a motion was made by Waheed Khalid and seconded by David Soulen to grant The Princeton Abbey Management 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.

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

Upon review of the application for Certificate of Authority for CMS PAC Holdings, Inc. to control a cemetery and so qualify as a cemetery company a motion was made by Waheed Khalid and seconded by David Soulen to grant CMS PAC Holdings, Inc. the Certificate of Authority for a Cemetery 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.

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

This matter is in the 60-day comment period and is being held until the May 9, 2013 Board meeting.

M. Application for a Certificate of Authority

TD Maintenance, LLC for Maple Grove Park Cemetery

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 May 9, 2013 Board meeting.

Osiris Management, Inc.

June Nikola was recused and moved away from the table

This matter is in the 60-day comment period and is being held until the May 9, 2013 Board meeting.

N. 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)

Executive Director Dianne L. Tamaroglio wrote to AM Costello requesting Mr. Costello provide a signed affidavit stating that the Garden of Peace Cemetery was never established. In addition, Mr. Costello was asked to return the Cemetery's original Certificate of Authority. To date, the Board has not received a response from Mr. Costello. This matter will be carried over.

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

Gay H. Carpenter forwarded to the Board a letter from Charlotte Hoke the current caretaker of New Hopewell Cemetery stating that she will relinquish New Hopewell Cemetery to Gay Carpenter at this time. Upon discussion the Board has asked Executive Director Dianne L. Tamaroglio to write to Mr. Carpenter to inquire if the cemetery is doing burials and to establish if the cemetery has any monies in its Maintenance and Preservation Fund. This matter will be carried over.

III. NEW BUSINESS

A. Approval of Bulk Sales

A. Approval of Bulk Sales

Marlboro Memorial Cemetery, (CA #395), Morganville, NJ to St. Mina Coptic Orthodox Church, Holmdel, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 29 crypt spaces for \$188,500.00 (\$6500.00 per space). The required 10% will be deposited into the Maintenance & Preservation Trust Fund of Marlboro Memorial Cemetery.

B. Request for approval of Certificates of Indebtedness
Re: Oak Hill Cemetery Company (CA #154)

Keri J. Pyse, Trustee/Vice-President, Oak Hill Cemetery Company wrote to the Board requesting, pursuant to **N.J.S.A. 45:27-26**, the Board's approval to issue six (6) Certificates of Indebtedness, each in the amount of \$20,000.00, paying 6% interest. Mr. Pyse advised the Board that the monies received would be used for the replacement and widening of the roadways, removal of trees and the clean-up of all of the trees/branches adjacent to and extending onto the cemetery property and to erect an outdoor public mausoleum on a one-acre portion of the cemetery that is not at present the location of graves. Robert Donovan, Esquire was present to address any of the Board's concerns. Upon review a motion was made by June Nikola and seconded by Linda McGloin to approve the Certificates of Indebtedness noting that reimbursement payments can only be made from the cemetery's operating account. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

C. Correspondence from Linda Blumig and Andrew Gavin
Re: The Higgins Family Graveyard

Linda Blumig wrote to the Board regarding the conditions at the Higgins Family graveyard located in Rockyhill, New Jersey. Ms. Blumig advised that along with the Higgins Family being buried there, there are at least ten unmarked slave graves. Ms. Blumig would like to clean up the cemetery and make it more respectful. Ms. Blumig has asked the Board for help with the next step toward this historic restoration. Upon discussion the Board has asked Executive Director Dianne L. Tamaroglio to respond to Ms. Blumig advising her to contact the New Jersey Historic Preservation Office for assistance. Deputy Attorney General John Hugelmeyer provided a listing of the different offices under the Preservation Office who may be able to help her out. This matter is closed and removed from future Board meeting agendas.

D. Correspondence from William, Loughney
Re: Establishment of a "Potter's Field"

William Loughney contacted the Board advising that a client of his is a cemetery owner who is hoping to use part of his land for a "Potter's Field." Mr. Loughney asked the Board to provide him with the restrictions on how many people can be accepted, what are the placement and spacing requirements, as well as the total depth and dimensions on the graves that would be located in the "Potter's Field." Executive Director Dianne L. Tamaroglio will respond to Mr. Loughney to inform him that he did not mention the name of the cemetery in his correspondence, but if the cemetery holds a Certificate of Authority it will need the Board's approval for such a project and in order for the Board to address the questions asked they will need to be forwarded more information regarding the cemetery. This matter is closed and removed from future Board meeting agendas.

E. Request for enlargement of cemetery or merger of two cemeteries
Re: Evergreen Cemetery (CA #147) & St. Bernard's Cemetery

Carl W. Badenhausen forwarded to the Board a Draft Letter of Intent between Evergreen Cemetery, the purchaser and St. Bernard's Episcopal Church, the seller. St. Bernard's Church intends to sell St. Bernard's Cemetery to Evergreen Cemetery. Following review the Board has asked Executive Director Dianne L. Tamaroglio to write to Mr. Badenhausen advising that as per **N.J.A.C. 13:44J-13.3**. Evergreen Cemetery will need the Board's approval for a merger or consolidation of cemetery companies and will be required to follow said statute. This matter will be carried over.

F. Concerns with Salem Evergreen Cemetery M&P (CA #276)

The matter was moved to Executive Session.

G. Application for a Certificate of Authority
Bethel Cemetery

Bethel Cemetery 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 June 13, 2013.

Memorial Properties, LLC

Memorial Properties, LLC forwarded to the Board an application for a Certificate of Authority for the management of Atlantic View Cemetery, Christ Church Cemetery, Forest Green Park Cemetery, Holmdel Cemetery, Osage Cemetery, The First Presbyterian Church of Ewing Cemetery, Whiting Memorial Park and White Cedars Memorial Park. 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 June 13, 2013.

IV. FOR YOUR INFORMATION

- A. Issuance of Certificate of Authority for a For-Profit Management Company
Re: Desbiens Group PMD LLC**

Docket No. CP-SLM-0035-2012

- B. Magazine Article
Bolstering the Beauty of Cemeteries
American Cemetery February 2013**

- C. Correspondence from Marleen M. Annulli, Assistant Vice President, Trust Settlement Officer, Bank of America
Re: Change of Trustee for Tuckerton Old Home Society, Inc., (CA #138)**

The above matters were considered informational for the Board.

VI. PUBLIC COMMENT

No Public Comments were made today.

VII. ADJOURNMENT

A motion was made by Waheed Khalid and seconded by David Soulen to adjourn Public Session at 10:40 A.M. and move into Executive Session at 10:55 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. Six (6) new matters or complaints filed with the Board which required review

and recommendations in regard to investigation and/or actions; and

2. *Nine (9) 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 Waheed Khalid to adjourn the Board meeting of March 14, 2013. A vote was taken and the Board meeting was adjourned at 2:30 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*