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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

APRIL 11, 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, April 11, 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 9:35 A.M.. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Paul M. Desbiens	Absent
Waheed Khalid	Present
June Nikola	Present
William Nichols	Present
Jeffrey Kasko	Present left 1:30 P.M.
Linda McGloin	Absent
Rabbi Jay M. Kornsgold	Present
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 MARCH 14, 2013

A motion was made by June Nikola and seconded by Waheed Khalid to approve the Public Session Meeting Minutes of March 14, 2013 as presented. A vote was taken and the motion was passed by a unanimous vote.

II. OLD BUSINESS

A. Hoboken Cemetery (CA #183)

Deputy Attorney General John Hugelmeyer advised the Board that he has been in contact with Jerome Katz, attorney representing Hoboken Cemetery regarding discussions for the cemetery to come out of Receivership. This matter will be carried over.

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

This matter will be held over.

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

This matter was moved to Executive Session.

D. 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

This matter will be carried over.

E. Concerns with Machpelah Cemetery (CA #200)

Bradley Dickey, President, Machpelah Cemetery has received, from the Board, two letters requesting a response to a complaint filed against Machpelah Cemetery. To date, Mr. Dickey has not responded to the Board. Upon review the Board has asked Executive Director Dianne L. Tamaroglio to write to Mr. Dickey advising that if he does not respond to the complaint a subpoena will be issued to him for his appearance at a future Board meeting. Also, the Board waits for a list of new cemetery Trustees from Mr. Dickey. This matter will be carried over.

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

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

G. Application for a Certificate of Authority

TD Maintenance, LLC for Maple Grove Park Cemetery

This application is in the 60-day comment period and is being held until the May 9, 2013 Board meeting for a vote. Executive Director Dianne L. Tamaroglio will reach out to the applicants advising we need to receive the signed Management contract before a Certificate of Authority can be issued.

June Nikola was recused and moved away from the table

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

Bethel Cemetery

This application is in the 60-day comment period and is being held until the June 13, 2013 Board meeting for a vote.

Memorial Properties June 13, 2013

June Nikola was recused and moved away from the table

This application is in the 60-day comment period and is being held until the June 13, 2013 Board meeting for a vote.

- G. 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 Anthony M. Costello requesting Mr. Costello provide a signed affidavit stating that the Garden of Peace Cemetery was never established and to also return the Cemetery's original Certificate of Authority. Mr. Costello responded to Ms. Tamaroglio advising that there was no action taken with this Certificate and they cannot locate the original Certificate of Authority. Mr. Costello has also asked the Board to please close the file. Upon review the Board has decided to contact the municipality regarding the zoning of the land where the cemetery was to be located. This matter will be carried over.

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

This matter will be carried over pending the response from Mr. Carpenter.

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

*Executive Director Dianne L. Tamaroglio wrote to Carl W. 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. There has been no response from Mr. Badenhausen therefore, until such time there is a response, the Board will consider this matter closed and removed from future Board meeting agendas.*

III. NEW BUSINESS

- A. Correspondence from Linda Gilmore, Princeton Cemetery of the Nassau Presbyterian Church (CA #130)**
Re: Electronic cemetery deeds

Linda Gilmore, Princeton Cemetery contacted the Board asking what the requirements are for issuing cemetery deeds. Ms. Gilmore wanted to know if the cemetery would be able to issue deeds that could be completely produced electronically. Upon review the Board has asked Executive Director Dianne L. Tamaroglio to respond to Ms. Gilmore advising that deeds cannot be completely produced electronically because the deeds are required to be notarized to prove authenticity and must have the cemetery's seal imprinted in order to prevent fraud. This matter is closed and removed from future Board meeting agendas.

- B. Concerns with cemetery price list**
Re: South Dennis Cemetery a/k/a Union Cemetery (CA #197)

Executive Director Dianne L. Tamaroglio brought to the Board for review South Dennis Cemetery's Price List. Ms. Tamaroglio had concerns as the price list is on the letterhead from Maund Enterprises, a vault company. Discussion was held with no determination made to this point. The Board then reviewed the cemetery's 2012 Maintenance and Preservation Report along with the cemetery's price list. Upon review the Board will ask Khaled Maden, Government Representative to review this and prior years' Annual Reports to verify that the correct monies are being deposited into the Maintenance and Preservation Fund. This matter will be carried over.

- C. Application for a Certificate of Authority Management Company**
Graceland Management Corporation

*Graceland Management Corporation forwarded to the Board an application for a Certificate of Authority for a For-Profit Management 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." The application is missing a signed Management Contract. This matter will be held until the Cemetery Board meeting of June 13, 2013.*

D. Application for a Certificate of Authority Cemetery Company

Northern N.J. Veteran Memorial Cemetery, Inc.

Northern New Jersey Veteran Memorial 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." Kevin D. Kelly, attorney representing the proposed cemetery will be asked to address the following:

1. In paragraph two of his cover letter, please explain the last sentence;
2. What area will Northern New Jersey encompass?
3. Will the cemetery be establishing the required \$75,000.00 Trust Fund?
If so, where will the money be coming from?

This matter will be held until the Cemetery Board meeting of June 13, 2013.

E. Creation and sale of new plots

Re: Deckertown Union Cemetery Association (CA #155)

Joseph M. Hoffmann, Attorney wrote to the Board advising that his office represents Deckertown Union Cemetery. The Board of Directors of the cemetery are asking for the Board's approval for the creation and sale of new plots in a vacant area of the cemetery. Upon review the Board made notice that the cemetery has not filed its Maintenance and Preservation Reports since 2008. Executive Director Dianne L. Tamaroglio will write to Mr. Hoffmann advising that the Board is requiring that the cemetery file its delinquent Maintenance and Preservation Trust Fund Reports. If the reports are not filed, representatives of the cemetery will be subpoenaed to appear at a future Board meeting. This matter will be carried over.

F. Correspondence from Odd Fellows Cemetery (CA #39)

Re: Fees

Debbie McClelland, Office Manager/ Board Secretary, Odd Fellows Cemetery contacted the Board regarding a monument order for a monument which is a four (4) person niche. Ms. McClelland's question to the Board is whether the cemetery can or cannot charge the plot owner opening and closing fees for this monument? Upon review it was determined by the Board that because the cemetery is responsible for the administrative tasks such as record keeping and payments to the Maintenance and Preservation Fund it should charge the same fees as the mausoleum opening and closing fees as per their price list. If the cemetery charges something different, it must be listed on the cemetery's price list. This matter is closed and removed from future Board meeting agendas.

G. Application for a Cemetery Salesperson's License

**Re: James Wilson
Eglinton Cemetery Company (CA#98)**

James Wilson's application for a Cemetery Salesperson's License was reviewed in Executive Session. A motion was made by Waheed Khalid and seconded by Jay Kornsgold to grant a Cemetery Salesperson's License to Mr. Wilson. 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. FOR YOUR INFORMATION

A. Notification of Civil Action

State of New Jersey by the Commissioner of Transportation, Plaintiff vs Harleigh Cemetery Association, Defendants

The above matter was considered informational for the Board.

VI. PUBLIC COMMENT

No public comments were made at today's meeting.

VII. ADJOURNMENT

A motion was made by Waheed Khalid and seconded by Jeffrey Kasko to adjourn Public Session at 10:35 A.M. and move into Executive Session at 10:50 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. Three (3) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Eleven (11) 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 Jay Kornsgold and seconded by Waheed Khalid to adjourn the Board meeting of April 11, 2013. A vote was taken and the Board meeting was adjourned at 2:45 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*