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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

MAY 9, 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, May 9, 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 Arrived 9:50
William Nichols	Present
Jeffrey Kasko	Present Arrived 10:20
Linda McGloin	Present
Rabbi Jay M. Kornsgold	Present Arrived 10:20
David Soulen	Present

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

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF APRIL 11, 2013

A motion was made by David Soulen and seconded by Waheed Khalid to approve the Public Session Meeting Minutes of April 11, 2013 as corrected. 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 sent a letter to Jerome Katz, attorney representing Hoboken Cemetery regarding the cemetery coming out of Receivership. To date, Mr. Katz has not responded. 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. Cemeteries that do not possess a Certificate of Authority and bury those of all faiths

Millbrook Methodist Cemetery

Millbrook Cemetery has contacted Executive Director Dianne L. Tamaroglio advising that the application for the Certificate of Authority is just about complete and will be forwarded to the Board shortly. This matter will be carried over.

Fresh Ponds Cemetery

This matter will be carried over.

D. Concerns with Machpelah Cemetery (CA #200)

Executive Director Dianne L. Tamaroglio wrote to Bradley Dickey, President, Machpelah Cemetery 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. Mr. Dickey has yet to respond to Ms. Tamaroglio's letter. This matter will be carried over.

E. Application for a Certificate of Authority Cemetery Company

1. Calvary Cemetery May 9, 2013

Upon review of the application for a Certificate of Authority a motion was made by David Soulen and seconded by Waheed Khalid to grant Calvary Cemetery the Certificate of Authority to operate as a "Cemetery Company." A vote was taken and the motion was passed by a unanimous vote. There are concerns with the cemetery's bank accounts. Executive Director Dianne L. Tamaroglio will address these concerns to the cemetery. This matter will be carried over.

2. Bethel Cemetery June 13, 2013

This application is in the 60-day comment period and is being held until the July 11, 2013 Board meeting for a vote.

3. Northern N.J. Veteran Memorial Cemetery, Inc.

Correspondence from Dennis R. McConnell, Esquire, County of Sussex

The Board is in receipt of correspondence from Dennis R. McConnell, Esq., Sussex County Counsel, Office of the County Counsel regarding the application for a Certificate of Authority for Northern New Jersey Veteran Memorial Cemetery, Inc. Mr. McConnell proposed that in order to satisfy the terms of the Trust Fund as per **N.J.S.A. 45:27-13(a)** the Northern New Jersey Veterans Cemetery, Inc. would deposit \$25,000.00 into the Trust Fund and the County of Sussex would guarantee \$50,000.00 totaling the \$75,000.00 required. Executive Director Dianne L. Tamaroglio will respond to Mr. McConnell advising that his proposal would be a violation of **N.J.S.A. 45:27-13(a)** and therefore is not being accepted by the Board. This application is in the 60-day comment period and will not be voted upon until the application is complete.

F. Application for a Certificate of Authority Management Company

1. TD Maintenance, LLC for Maple Grove Park Cemetery

Paul Desbiens was recused and moved away from the table

Upon review of the application for a Certificate of Authority a motion was made by Waheed Khalid and seconded by Linda McGloin to grant TD Maintenance, LLC the Certificate of Authority to operate as a "Management Company" upon the following conditions being met regarding the Management Contract.

1. The paragraph labeled "Certificate of Authority" must be amended to say that the cemetery and the management company are jointly responsible for the Maintenance and Preservation Fund.
2. The signature page must be revised to not have the same person sign twice.
3. Receipt of a revised contract of agreement.

The revised Management Contract will be reviewed by Deputy Attorney General John Hugelmeier for his approval. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

2. Osiris Management, Inc. May 9, 2013

June Nikola was recused and moved away from the table

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

3. 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 July 11, 2013 Board meeting for a vote.

4. Graceland Management Corporation June 13.013

This application is in the 60-day comment period and is being held until the July 11, 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 the Borough of Lodi regarding the zoning of the land where Garden of Peace Cemetery was to be located. Ms. Tamaroglio received a copy of a resolution that was adopted by the Zoning Board of Adjustments which granted a variance to erect a 20-unit town home development on the lots where Garden of Peace Cemetery was to be located. The Board considered this as proof that Garden of Peace Cemetery was never established and therefore will change the status of Certificate of Authority #392 to "voluntary surrender." This matter is closed and removed from future Board meeting agendas.

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

Gay H. Carpenter responded to the Board regarding his being the caretaker of New Hopewell Cemetery. Mr. Carpenter advised the Hopewell Cemetery does not have any money, does not have a Maintenance and Preservation Fund, but is an active cemetery that has 30 willed plots available for burial. Executive Director Dianne L. Tamaroglio will respond to Mr. Carpenter requesting that he keep the Board informed. This matter is closed and removed from future Board meeting agendas.

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

This matter is carried over pending a response from Carl W. Badenhausen.

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

The South Dennis Cemetery's Price List is on the letterhead from Maund Enterprises, a vault company. Executive Director Dianne L. Tamaroglio will forward a letter of advisement to South Dennis Cemetery that the price list should not be on the letterhead of Maund Enterprises, but rather on the cemetery letterhead. Khaled Maden, Government Representative reviewed the cemetery's Annual Reports and reported to the Board that there are no issues. This matter is closed and removed from future Board meeting agendas.

K. Creation and sale of new plots
Re: Deckertown Union Cemetery Association (CA #155)

Deckertown Union Cemetery has asked for the Board's approval for the creation and sale of new plots in a vacant area of the cemetery. The Board required the cemetery to file its delinquent Maintenance and Preservation Trust Fund Reports before issuing approval. Khaled Maden, Government Representative has scheduled an appointment with a representative of the cemetery to file all the delinquent reports. This matter will be carried over.

III. NEW BUSINESS

A. Bulk Sale Approvals

Clover Leaf Memorial Park, (CA #14), Woodbridge, NJ to Chao Chiu Association, Inc., Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 213 interment spaces for \$255,600.00 (\$1200.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Clover Leaf Memorial Park.

Beth Abraham Cemetery, (CA #333), East Brunswick, NJ to Maalin Bakodesh Society, Inc., Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 1006 interment spaces for \$600,000.00 (\$596.42 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Beth Abraham Cemetery.

Executive Director Dianne L. Tamaroglio approved the bulk sale of 213 interment spaces for \$255,600.00 (\$1200.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

B. Correspondence from Stephen McBride, Mount Hebron Cemetery Association, Inc. (CA #312)
Re: Change in contribution to M&P

June Nikola was recused and moved away from the table

Stephen McBride, President, Mount Hebron Cemetery Association, Inc. wrote to the Board requesting a reduction of the Maintenance and Preservation Fund requirement from 50% of gross proceeds to 15% of gross proceeds for the tower lease on the cemetery property. Upon review a motion was made by Linda McGloin and seconded by Waheed Khalid to ask Executive Director Dianne L. Tamaroglio to write to Mr. McBride asking for an explanation of the financial hardship the cemetery has or the reasoning as to why they don't want 50% of the rental income to go into the Maintenance and Preservation Fund. This matter will be carried over.

C. Correspondence from Howard Butensky, Esquire
Re: Tuckerton Old Home Society, Inc., Greenwood Cemetery (CA #138)

Howard Butensky, Attorney at Law wrote to the Board advising that his office serves as general counsel to the Tuckerton Old Home Society, Inc. a non-profit organization who operates Greenwood Cemetery. Mr. Butensky advised the Board of a pending controversy between the former trustee/ caretaker of the cemetery and the Tuckerton Old Home Society, Inc. and is soliciting the Board's counsel and action to remedy this matter. Executive Director Dianne L. Tamaroglio will respond to Mr. Butensky informing him that the Board is not in the position to give legal advice. This matter is closed and removed from future Board meeting agendas.

IV. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes February 5, 2013

Open Session Meeting Minutes March 5, 2013

B. Newspaper Article(s)

**Ashes To...Well, Jewelry
Asbury Park Press April 24, 2013**

C. Passage of Assembly, No. 2882

The above matters were considered informational for the Board.

VI. PUBLIC COMMENT

No public comments were made at today's meeting.

VII. Request for adjournment of the June 13, 2013 Board Meeting

Executive Director Dianne L. Tamaroglio asked that the June 13, 2013 Board meeting be adjourned due to lack of quorum. A motion was made by June Nikola and seconded by Jay Kornsgold to adjourn the June Board Meeting. A vote was taken and the motion was passed by a unanimous vote.

VIII. ADJOURNMENT

A motion was made by Waheed Khalid and seconded by Linda McGloin to adjourn Public Session at 10:20 A.M. and move into Executive Session at 10:30 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. Four (4) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Twelve (12) 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 Waheed Khalid and seconded by June Nikola to adjourn the Board meeting of May 9, 2013. A vote was taken and the Board meeting was adjourned at 1:00 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*