

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
JULY 9, 2009

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, July 9, 2009. 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 16, 2008 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 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Lawrence Colasurdo Absent
Paul M. Desbiens Present
Waheed Khalid Absent
June Nikola Present
William Nichols Present
Genevieve Raganelli Present
Michael Ticktin Present

Also in attendance were: Dianne L. Tamaroglio, Executive Director, New Jersey Cemetery Board; Deputy Attorney General Ginger R. Provost; and DAG John Hugelmeyer.

This will be the last Cemetery Board meeting with DAG Ginger Provost as the Board's counsel as she is retiring. Executive Director thanked DAG Provost for all of her hard work and assistance and wished her a wonderful, happy retirement. Executive Director Tamaroglio then welcomed DAG John Hugelmeyer back as the Board's counsel.

II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MAY 14, 2009

A motion was made by Michael Ticktin and seconded by Paul Desbiens to approve the Public Session Minutes of May 14, 2009 as corrected. A vote was taken and the motion was approved by a unanimous vote.

III. OLD BUSINESS

A. Old Tennent Cemetery (CA #201)

This matter will be held over pending receipt of a certification from the Cemetery Board of Old Tennent stating that the cemetery is in sound financial condition and that by agreeing to the terms of the proposed Consent Order, its financial condition will continue to be sufficient for the continued maintenance & preservation of the cemetery.

B. Reconstitution of Board Re: Mercer Cemetery (CA #266)

There has been no response to the letter sent by DAG Ginger Provost to Douglas H. Palmer, Brian M. Hughes or the Mercer County Veterans Council that stressed the necessity for them to appoint individuals willing to serve on the Board of Trustees of Mercer Cemetery. This matter will be held over.

C. White Cedars Memorial Park (CA #400) Re: Certificates of Indebtedness

June Nikola was recused from this matter and moved away from the table.

DAG Ginger Provost has written to George T. Dougherty, Esquire requesting additional documentation pertaining to this matter for the Board's review. The matter will be held over pending receipt of the requested documentation.

D. Correspondence from Claire J. O'Keefe
Re: Mountain Top Cemetery

The Board has received a letter from Edwin C. Landis, Jr., Attorney representing Rocque D. Dameo. Mr. Landis advises that Mountain Top Cemetery is an ancient family cemetery owned by individuals and it does not purport to be a "cemetery company". Mr. Landis further advises that he has reviewed the Board's statutes and regulations and he believes that the regulatory scheme does not appear to bar the continuing use of the cemetery. Mr. Landis will be advised that Mountain Top Cemetery qualifies to become a Certificate of Authority "cemetery company". An application for a CA will be sent to Mr. Landis and he will be advised that the cemetery is prohibited from conducting future burials until the cemetery receives a Certificate of Authority. This matter will be held over.

E. Machpelah Cemetery (CA #200)

This matter will be held over pending receipt of the cemetery's 2006, 2007, & 2008 Annual Reports.

F. Application for a Certificate of Authority

1. Antonacci Family Memorial & Burial Ground

This matter will be held over pending receipt of additional documentation pertaining to the application.

2. Old Tappan Cemetery

Grace T. Meyer, attorney representing Old Tappan Cemetery as well as representatives of the cemetery appeared before the Board to discuss the cemetery's application for a CA as well as the necessity for having the cease and desist from future burials being lifted. The Board advised that until the cemetery receives its Certificate of Authority, the cease and desist will remain. The Board discussed with the representatives the necessity of having an adequate Maintenance & Preservation Trust Fund for the continued care of the cemetery. Those from the cemetery gave their assurance that the cemetery would always be taken care of but they were advised by the Board that this is not enough. The point of the Cemetery Law is to protect for the future of the cemetery and that can only be done by having an adequate Trust Fund. The cemetery was also advised that it must have an Operating Account to be used for the maintenance of the cemetery. Ms. Meyer previously advised the Board that the cemetery might be able to come up with \$20,000.00 to establish its Trust Fund but the members of the cemetery advised that this is impossible and that the most they may be able to come up with is \$10,000.00. After much discussion about the establishment of the Trust Fund, a motion was made by Paul Desbiens and seconded by June Nikola that \$5000.00 be put into the Trust Account and \$4000.00 be put into an Operating Account. Also, as a part of the motion, the CA would be issued upon receipt of an updated price list, proof of deposit of funds into two separate accounts, & a statement that the cemetery will comply with all aspects of the New Jersey Cemetery Act, 2003. A vote was taken and the motion was approved by a unanimous vote. The suggestion was made to the cemetery from Board member Michael Ticktin that perhaps they might want to think about merging with Westwood Cemetery; Westwood Cemetery assists them with burials. The cemetery members were quite receptive to this suggestion and said they would discuss it further and if in agreement propose the possibility of a merger to Westwood. This matter will be carried over.

G. Hoboken Cemetery (CA #183)

This matter will be held over pending receipt of the Board's requested documentation from Marion Yovan, Receiver, Hoboken Cemetery.

H. Correspondence from Richard S. Toone & Charles L. Walton
Re: Eldridge Cemetery

This matter was moved to Executive Session for advice of counsel.

I. Riverside Cemetery (CA #43)

Marcus H. Russell has written to the Board requesting that it advise Riverside Cemetery to cease operations in the portion of the cemetery that he contends is a "new" section for burials until they are in compliance with the Board's statute and regulations. This matter will be held over pending a response from the cemetery with regard to the " new " section.

J. Fireman's Memorial Park

Christine M. Vanek, attorney representing the City of Union City has written to DAG Ginger Provost regarding the potential legal issues which arose during the recent excavation of the Fireman's Memorial Park when a tombstone was unearthed. Ms. Vanek advises that the City has confirmed that there has been no disturbance of a grave or remains of any individual at the location. There will be no further excavation to the depth of the discovered material in the general area where the tombstone was found by the contractor. The pit that was created during the excavation will be refilled by the contractor. DAG Ginger Provost responded to Ms. Vanek's letter advising that there appears to be some confusion between an earlier conversation had between DAG Provost and Ms. Vanek and what was contained in Ms. Vanek's letter. Ms. Vanek wrote to DAG Provost to clarify the situation. She advises there was one tombstone and a bone unearthed during the construction which Cultural Resource Consulting Group advised was that of a pig bone and not human remains. She also advised that no further excavation would be done in the location where the tombstone and pig bone were found, that the excavation area was going to be refilled and the tombstone moved to another location. With that clarification, the matter is closed and removed from future Board meeting agendas. IV. NEW BUSINESS

A. Approval of Bulk Sales

Forest Lawn Memorial Gardens, (Clover Leaf Memorial Park, CA #14), Iselin, NJ to the Metropolitan New York Chinese Christian Churches Association, Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 224 interment spaces for \$190,400.00 (\$850.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Lawn Memorial Gardens.

B. Prospect Hill Cemetery (CA#226)

Gravesite Recovery Program

Kenneth R. Kamper, Superintendent, Prospect Hill Cemetery has written to the Board advising that the cemetery is at the point where only a limited number of graves remain for sale. The cemetery has initiated a Gravesite Recovery Program to determine the feasibility of establishing new gravesites within the cemetery. Prospect Hill hired Grever & Ward, Inc. to review the cemetery's existing gravesite layout which indicated the potential to create a significant number of new gravesites that would enable the cemetery continued grave sales for many years to come. Grever & Ward has completed surveying, re-plotting, marking, & mapping a number of areas within the cemetery. Some of the new gravesites have been created by reducing the size of existing pathways, keeping in mind the 30" path requirement. Mr. Kamper provided two sets of maps for the Board's review. Board Vice-Chair Paul Desbiens will conduct an on-site inspection of the cemetery and report his findings to the Board at its next Board meeting. This matter will be carried over.

C. Correspondence from Yosef E. Hildeshaim

Re: Religious Society concern

Yosef E. Hildeshaim has written to the Board regarding religious societies. Mr. Hildeshaim speaking of one particular society, advises that the last authorized officer for the society has passed away and there is no one left to give authority for memorialization , purchase of a plot, or burial. This is a common concern for many religious societies. Mr. Hildeshaim asking that this Board issue a directive or a ruling of a procedure to follow under such circumstances. The Board will advise that it does not have jurisdiction over such societies nor does it have the statutory authority to issue a policy on the matter. Mr. Hildeshaim will be advised that an application to the Chancery Judge should be made to have a Special Master appointed. This matter is closed and removed from future Board meeting agendas.

D. New language to NJAC13:44J-5.4

At the May 14, 2009 Board meeting Regulatory Analyst Chuck Manning met with the Board to discuss changes in the language of NJAC 13:44J-5.4 which modifies the regulation to be more descriptive of the Prudent Investor Act. The Board at that time voted to approve the new language. At today's meeting, DAG Ginger Provost advised that she has concerns with the addition of the new language in that it might create the necessity of having different accounts. A motion was made by Genevieve Raganelli and seconded by Michael Ticktin to advise Mr. Manning to hold this regulation up for further review and discussion. A vote was taken and the motion was passed by a unanimous vote. Executive Director Tamaroglio will ask Mr. Manning to attend the board's September 10, 2009 Board meeting.

E. Adjournment of August 13, 2009 New Jersey Cemetery Board meeting

Executive Director Dianne L. Tamaroglio asked for an adjournment of the August 13, 2009 Board meeting due to a lack of a quorum. A motion was made by Paul Desbiens and seconded by Michael Ticktin to adjourn the meeting. A vote was taken and the motion passed by a unanimous vote. The next scheduled Board meeting will be September 10, 2009.

V. FOR YOUR INFORMATION

A. Newspaper Articles

Overgrown cemetery overwhelms families
Courier Post June 19, 2009

Letter related to article

Corpse found in remote part of cemetery
The Times June 30, 2009

Directors finding even their business isn't recession proof
Herald News July 1, 2009

These matters were considered informational for the Board deeming no discussion or decision making.

VI. PUBLIC COMMENT

Leonard Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery & Washington Cemetery Management Company thanked DAG Ginger Provost for her hard work and services and wished her a happy retirement.

VII. ADJOURNMENT

A motion was made by June Nikola and seconded by Michael Ticktin to adjourn Public Session at 11:45 AM and move into Executive Session at 12:20 PM. 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. Seven (7) new matter or complaint 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 shall 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 Michael Ticktin and seconded by Genevieve Raganelli to adjourn the Board meeting of July 9, 2009. A vote was taken and the Board meeting was adjourned at 3:45 PM.

Respectfully Submitted,

Dianne L. Tamaroglio
Executive Director