



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey Cemetery Board
124 Halsey Street, 6th Floor, Newark, NJ 07102



Jeffrey S. Chiesa
Acting Attorney General

ERIC T. KANEFSKY
Director

NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

JULY 11, 2013

Mailing Address:
P.O. Box 45036
Newark, NJ 07101
(973) 504-6553

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, July 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 9:30 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
William Nichols	Present
Jeffrey Kasko	Present
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 Madin, Government Representative.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF MAY 9, 2013

A motion was made by June Nikola and seconded by David Soulen to approve the Public Session Meeting Minutes of May 9, 2013 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. OLD BUSINESS

A. Hoboken Cemetery (CA #183)

This matter will be held over.

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

This matter will be removed from future Board meeting agendas as per Jerome Katz, Esquire.

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

Millbrook Methodist Cemetery

The Board is still awaiting receipt of the application for the Certificate of Authority for Millbrook Methodist Cemetery. This matter will be carried over.

Fresh Ponds Cemetery

Pastor Robert S. Turton III was issued a subpoena to appear at the June 13, 2013 Board meeting. Unaware that the June 13, 2013 Board meeting was adjourned Pastor Turton III arrived at 124 Halsey Street, Newark, N.J. 07101, along with two colleagues, in order to attend the Board meeting. Deputy Attorney General John Hugelmeyer was available to meet with Pastor Turton III and colleagues on behalf of the Board. DAG Hugelmeyer explained that burying within the Christian Faith was not sufficient to be exempt from the cemetery being required to obtain a Certificate of Authority. In order to be exempt they must only bury of the same faith. Pastor Turton III advised that they only bury members from their Congregation and immediate relatives with the exception of indigents who they allow to be buried in the cemetery. Upon review a motion was made by June Nikola and seconded by Linda McGloin to acquire a signed affidavit attesting to the above-mentioned rules of burial. A vote was taken and the motion was passed by a unanimous vote. This matter will be held over pending receipt of the affidavit.

D. Concerns with Machpelah Cemetery (CA #200)

Bradley Dickey, President, Machpelah Cemetery wrote to the Board advising that during the cemetery's annual meeting of lot owners, several new trustees were appointed and any future concerns or complaints should be directed to The Machpelah Cemetery, Attn: Michael Baratta, 1109 Neck Lane, Elizabeth, NJ 07201. Mr. Baratta and Louis Cicalese, President of the cemetery were in attendance at today's meeting. Additional correspondence was received by the Board from Mr. Baratta. Mr. Baratta advised the Board of a special meeting of the Lot Owners and Board of Trustees of The Machpelah Cemetery Association held on June 5, 2013; the minutes from the Trustees Meeting were provided to the Board. The Board advised Mr. Cicalese and Mr. Baratta that it was not provided with a copy of the minutes from the Lot Owners Meeting or a copy of the newspaper advertisement advising of the particulars of the meeting. Within a half hour Mr. Baratta provided both to the Board. Mr. Baratta further advised the Board that Sandy Epstein has refused to relinquish the cemetery maps and burial records until the debt for the work he has done has been paid. Executive Director Dianne L. Tamaroglio will reach out to Mr. Epstein requesting he forward the map of the cemetery. Upon review of the Lot Owners Meeting Minutes it was noted that The Machpelah Cemetery Board of Trustees approved a Certificate of Indebtedness to Louis Cicalese. This Certificate of Indebtedness was not brought before this Board for approval and therefore cannot be acted on until it has the Board's approval. This matter will be carried over.

E. Application for a Certificate of Authority Cemetery Company

1. Bethel Cemetery June 13, 2013

Upon review of the application for a Certificate of Authority a motion was made by David Soulen and seconded by Jeffrey Kasko to grant Bethel Cemetery 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.

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

Correspondence from Kevin D. Kelly, Esquire

*Kevin D. Kelly, Esq. of Kelly & Ward, LLC wrote to the Board requesting the Board's reconsideration of the County's position to guarantee the \$50,000.00 portion of the Trust Fund payment as the guarantee poses no security risk with respect to the required Trust Fund. Executive Director Dianne L. Tamaroglio will respond to Mr. Kelly advising that the guarantee of \$50,000.00 is not a Trust Fund and it would not produce income. This proposal is in violation of **N.J.S.A. 45:27-13(a)** and the Board cannot waive this statutory requirement. This application will not be voted upon until the application is complete.*

F. Application for a Certificate of Authority Management Company

1. Memorial Properties June 13, 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 David Soulen and seconded by Paul Desbiens to grant Memorial Properties 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.

2. Graceland Management Corporation June 13.013

Martin F. Dowd, Esquire, forwarded to the Board the Graceland Management Corporation management agreement with Graceland Memorial Park. Upon review of the management contract the Board found that the same individual signed the contract as secretary for both entities and the same individual signed the contract as President for both entities. The Board is also questioning if the Graceland Management Corporation is a for-profit or not for-profit corporation. Executive Director Dianne L. Tamaroglio will write to Mr. Dowd requesting that he supply the Board with a chronology of the relationship between Graceland Memorial Park Association and Graceland Management Corporation identifying the principals of each entity. Also, the Board will require clarification as to the Graceland Management Corporation being a for-profit or not for-profit corporation. This matter will be carried over.

3. TD Maintenance, LLC for Maple Grove Park Cemetery

Paul Desbiens was recused and moved away from the table

The revised Management Contract for TD Maintenance, LLC was forwarded to and approved by Board Chair William Nichols. A motion was made by David Soulen and seconded by Jeffrey Kasko to ratify Mr. Nichols' 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.

**G. 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.

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

The Board sought clarification concerning the service fees on South Dennis Cemetery's letterhead and Maund Enterprises' letterhead. The services that are exclusive to the cemetery are only on its letterhead; the services on Mound Enterprises' letterhead are the services it provides. This matter is closed and removed from future Board meeting agendas.

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

Previously, Joseph M. Hoffman, attorney representing Deckertown Union Cemetery advised the Board that the Board of Directors for the cemetery approved and authorized the creation and sale of new plots in a vacant area of the cemetery. The Board will wish the cemetery luck with the implementation of this plan. The sale of the plots as well as future interments will help to build up the cemetery Trust Fund.

Deckertown Cemetery has not filed Annual Reports since 2008. Ed Vander Berg from the cemetery met with Khalid Madin, Government Representative to go over the cemetery's financials to try to get the cemetery compliant with the Board's statutes. Mr. Madin was able to identify four separate accounts.

1. An Operating Account in the amount of \$500.00;
2. A Savings Account in the amount of \$3,800.00 (was intended as Maintenance and Preservation but used as Operating);
3. Savings Account in the amount of \$7,800.00; and
4. A Certificate of Deposit in the amount of \$10,000.00. Name of these accounts are labeled M.P.

Mr. Vander Berg had explained that the cemetery needs a lot of repairs due to extensive damage from Hurricane Sandy. Mr. Madin made the recommendation to the Board to designate the \$7,800.00 account as the cemetery's Maintenance and Preservation and the other accounts combined for an Operating Account. A motion was made by June Nikola and seconded by Waheed Khalid to approve Mr. Madin's recommendation. A vote was taken and the motion was passed by a unanimous vote. Mr. Vander Berg will be advised to label the one account as its Maintenance and Preservation and to provide a new price list to the Board. The Board will advise Mr. Vander Berg to look into possible grants and funding for the cemetery for the damage caused by Superstorm Sandy. This matter is closed and removed from future Board meeting agendas.

J. 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

Dianne L. Tamaroglio wrote to Stephen McBride, President, Mount Hebron Cemetery Association, Inc. 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. To date, Mr. McBride has not responded. This matter will be carried over.

K. Beth Abraham Cemetery (CA #333)

Board Chair William Nichols authorized payments from the proceeds of a recently approved bulk sale of outstanding billings previously submitted to the Board by Jerome M. Katz, Katz & Dougherty, L.L.C.. A motion was made by Linda McGloin and seconded by Jeffrey Kasko to ratify the authorization of said invoices. A vote was taken and the motion was passed by a unanimous vote.

Mr. Katz forwarded to the Board the 2013 Annual Report of Maintenance and Preservation Fund and Other Funds. Mr. Katz informed the Board that the 2013 Annual Report notes the officers and trustees that assumed their positions subsequent to this date and that it is an attempt by the "new management" to present a report that portrays the current status of Beth Abraham Cemetery. The above was considered informational to the Board requiring no discussion or decision making.

Mr. Katz is requesting the approval to allow for the deposit of funds still in escrow into the Maintenance and Preservation Fund and the Perpetual Care Fund of Beth Abraham Cemetery so that the cemetery can become income producing. The amount of funds being held in escrow is \$259,402.00. Upon payment of the outstanding billings mentioned above the balance of funds remaining in escrow will be \$100,000.00. Following discussion, a motion was made by Waheed Khalid and seconded by David Soulen to release the balance of the funds remaining in escrow to pay out the obligations of the cemetery with the exception of invoices for Ray Sassone and Virginia Kamis. The remainder will go to the cemetery's Trust Fund. A vote was taken and the motion was passed by a unanimous vote. This matter is removed from future Board meeting agendas.

L. Calvary Cemetery (CA #425)

Executive Director Dianne L. Tamaroglio wrote to Calvary Cemetery to address the concerns with the cemetery's bank accounts. The Board is awaiting a response from Calvary Cemetery. This matter will be carried over.

A. Bulk Sale Approvals

Beth Israel Cemetery Association, (CA #1), Woodbridge, NJ to Temple Rodeph Torah, Marlboro, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 72 interment spaces for \$86,400.00 (\$1200.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

Mount Rest Cemetery, (CA #34), Butler, NJ to The Islamic Society of North Jersey, (ISNJ), Hackettstown, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 25 interment spaces for \$20,000.00 (\$800.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Mount Rest Cemetery.

Mount Rest Cemetery, (CA #34), Butler, NJ to The Islamic Center of Morris County, (ICMC), Rockaway, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 125 interment spaces for \$100,000.00 (\$800.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Mount Rest Cemetery.

**B. Correspondence from Ruth Nikola, Regional Administrator
Re: Locustwood Memorial Park (CA #104) M&P Trusting**

June Nikola was recused and moved away from the table

Ruth Nikola, Regional Administrator, Locustwood Memorial Park wrote to the Board advising that a clerical error had resulted in the over-trusting for bronze marker foundation installations for Locustwood Memorial Gardens. The Maintenance and Preservation Trust account was over-trusted in the amount of \$24,420.00 in 2012. Ms. Nikola is requesting advice from the Board on how to handle this situation so that the cemetery can properly file their annual Maintenance and Preservation Fund Report. Upon review a motion was made by Paul Desbiens and seconded by David Soulen to allow a 50% credit for 2013 and a 50% credit for 2014. 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. Cemetery not open to public since 9/11
Re: Pointville Methodist Episcopal Cemetery (CA #202)**

It was brought to the Board's attention that Pointville Methodist Episcopal Cemetery is located on Fort Dix Military Base and it is not open to the public for visitation. Upon review the Board has asked Executive Director Dianne L. Tamaroglio to write to the Fort Dix Commander Col. Jefferey A. Doll asking if there is anything that can be put in place to accommodate lot owners who would like to visit family members buried in the Pointville Methodist Episcopal Cemetery. This matter will be carried over.

**D. Correspondence from George T. Dougherty, Esquire
Re: Certificate of Authority for a For-Profit Management Companies**

George T. Dougherty, Esquire wrote to the Board on behalf of his client Louis Cicalese. The Board requested an explanation from Mr. Cicalese of his view that Professional Cemetery Management Services does not come within purview of **N.J.S.A. 45:27-7.1**. Mr. Cicalese advises that Professional Cemetery Management Services, does not exist. He has no knowledge of any company of that name or any similar name. Mr. Cicalese holds the office of President/Trustee of the cemetery boards he is affiliated with and because he does not operate any for-profit cemetery company which performs business management services for any cemeteries for which he is not an officer or trustee. Upon review it was determined by the Board that Mr. Cicalese does not have to apply for a Certificate of Authority because he has no for-profit management company. This matter is closed and removed from future Board meeting agendas.

E. Application for sale of a portion of cemetery property
Re: Restland Memorial Park (CA #117) to Ridgedale Avenue Realty, LLC

Megan Tymoczko-Korch, Sherrard, German & Kelly, P.C., Attorneys at Law wrote to the Board advising that Restland Memorial Park has entered into a Contract for Sale of Real Estate with Ridgedale Avenue Realty, LLC to sell property dedicated to cemetery purposes. Restland Memorial Park is requesting approval from the Board for such sale. Following review of Restland Memorial Park's application for the sale. The Board will require an on-site inspection of the area to be sold. Waheed Khalid will conduct this inspection and report his findings to the Board at its next Board meeting. This matter will be carried over.

F. Application for a Certificate of Authority
Re: Monmouth Investors, LLC Management Company

Monmouth Investors, LLC forwarded to the Board an application for a Certificate of Authority for the management of Mount Hebron Cemetery Association (CA#312) and Green Grove Cemetery Association (CA# 115). 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 September 12, 2013.

G. On-line price list & filed price list do not match
Re: Harleigh Cemetery (CA #61)

It was brought to the Board's attention that the price list for Harleigh Cemetery Association which is on file with the Board does not match Harleigh Cemetery's price list located on their website. Harleigh Cemetery was made aware of this discrepancy and has modified its online price list to match that of the price list which is on file with the Board. This matter is closed and removed from future Board meeting agendas.

H. M&P concerns
Evergreen Cemetery (CA #365)

Bob Czaskos of Evergreen Cemetery contacted Khaled Madin, Government

Representative, regarding the merger of the cemetery's two accounts that make up the Maintenance and Preservation Fund. Mr. Madin advised Mr. Czaskos to transfer a money market account into its Merrill Lynch account. The Board is in agreement with the merger of the two accounts. Mr. Czaskos will send confirmation to the Board upon completion of the merger of the accounts. This matter is closed and removed from future Board meeting agendas.

I. Correspondence from Barbara Cornwell, Secretary/Treasurer, Newton Cemetery Company (CA #186)
Re: Cemetery's Price List

Barbara Cornwell, Secretary/Treasurer, Newton Cemetery Company forwarded to the Board correspondence advising that the cemetery would like to provide a new service of cleaning monuments. Included in this correspondence were the details of the charges that will be added to their price list. The Board will ask the cemetery to provide a revised price list to the Board office. This matter is closed and removed from future Board meeting agendas.

J. Correspondence from Rosemary Hilbert, President, Woodland Cemetery (CA #49)
Re: Project at the cemetery

Rosemary Hilbert, President, Woodland Cemetery wrote to the Board with an update on a project they are starting at the cemetery. The Woodland Cemetery Board has decided to kill all the grass and weeds leaving only dirt and will start working on fixing the headstones. Next spring the cemetery will re-seed with a special grass that only grows to six inches and needs cutting infrequently. In addition, Ms. Hilbert advised the Board of an upcoming public meeting for the plot holders and the public to tell them about this project and to organize committees for fund raising and other areas. The above was considered informational to the Board requiring no discussion or decision making. This matter is closed and removed from future Board meeting agendas.

IV. FOR YOUR INFORMATION

A. Confirmation of re-appointment of June Nikola to New Jersey Cemetery Board

B. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes April 2, 2013

C. Issuance of Certificates of Authority

The Princeton Abbey and Cemetery, Inc.	CA #421
The Princeton Abbey Management, LLC	CA #422
CMS PAC HOLDINGS, INC.	CA #423
TD Maintenance, LLC	CA #424

Calvary Cemetery
Osiris Management, Inc.

CA #425
CA #426

D. Articles

Sparta Zoning Board gives OK to Veterans' cemetery
New Jersey Herald May 9, 2013

Can Donald Trump be buried in Bedminster? Proposals delayed again
NJ.com May 10, 2013

Human tissue thief's new job angers families
Herald News June 16, 2013

E. Notification of Civil Action

Thomas Turdo, Plaintiff vs. CMS Mid-Atlantic, Inc., Laurel Grove Cemetery (CA #30)
Docket No: L-2299-13

State of New Jersey, Commissioner of Transportation, NJ v. Harleigh Cemetery Association
Docket : CAM L 2218-11

The above matters were considered informational for the Board.

VI. Request for adjournment of the August 8, 2013 Board Meeting

Executive Director Dianne L. Tamaroglio asked that the August 8, 2013 Board meeting be adjourned due to lack of quorum. A motion was made by Linda McGloin and seconded by Paul Desbiens to adjourn the June Board Meeting. A vote was taken and the motion was passed by a unanimous vote.

VII. PUBLIC COMMENT

No public comments were made at today's meeting.

VIII. ADJOURNMENT

A motion was made by June Nikola and seconded by Jeffrey Kasko to adjourn Public Session at 11:00 A.M. and move into Executive Session at 11:15 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. *Five (5) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
2. *Thirteen (13) 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 June Nikola and seconded by Waheed Khalid to adjourn the Board meeting of July 11, 2013. A vote was taken and the Board meeting was adjourned at 4:15 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*