

NEW JERSEY CEMETERY BOARD
PUBLIC SESSION MINUTES
SEPTEMBER 10, 2009

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, September 10, 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 9:40 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Lawrence Colasurdo Present
Paul M. Desbiens Present
Waheed Khalid Present
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 and DAG John Hugelmeyer.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JUNE 11, 2009

A motion was made by Lawrence Colasurdo and seconded by June Nikola to approve the Public Session Meeting Minutes of June 11, 2009 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JULY 9, 2009

A motion was made by Waheed Khalid and seconded by June Nikola to approve the Public Session Meeting Minutes of July 9, 2009 as corrected. A vote was taken and the motion was approved by a unanimous vote.

III. APPEARANCE CHARLES MANNING, REGULATORY ANALYST

Re: NJAC13:44J-5.4

Previously, the Board voted to approve a change in the language of NJAC 13:44J-5.4 to modify the regulation to be more descriptive of the Prudent Investor Act. At the Board's July 9, 2009 Board meeting, DAG Ginger Provost advised that she had concerns with the addition of the new language in that it might create the necessity of having different accounts. Regulatory Analyst Chuck Manning met with the Board at today's meeting to discuss this matter.

Upon discussion, a motion was made by Michael Ticktin and seconded by June Nikola to withdraw this proposal. A vote was taken and the motion was passed by a unanimous vote.

IV. OLD BUSINESS

A. Old Tennent Cemetery (CA #201)

The Board is in receipt of correspondence from Robert McLean, Trustee, President, Old Tennant Cemetery Association advising that the Board of Trustees of the cemetery certify that the cemetery is in sound

financial condition and that by agreeing to the terms of the proposed Consent Order between it and the Old Tennant Presbyterian, the cemetery's financial condition will continue to be sufficient for the continued maintenance and preservation of the cemetery. DAG John Hugelmeyer has advised the Board that the Mediator in this matter has submitted his petition to the Court to be paid for his services and has named the New Jersey Cemetery Board as a party of the action. DAG John Hugelmeyer will advise the Mediator that the Board is not a party to the action. This matter is now closed and removed from future Board meeting agendas.

B. Reconstitution of Board

Re: Mercer Cemetery (CA #266)

Board member Genevieve Raganelli has attempted to contact various individuals with regard to the reconstitution of Mercer Cemetery's Board of Trustees but has received no responses. DAG John Hugelmeyer will follow up with the individuals that DAG Ginger Provost wrote to but also received no responses. George Dougherty, Esquire, attending today's Board meeting for another matter volunteered to try to make some contacts for the Board. This matter will be carried 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.

George Dougherty, attorney representing White Cedars Memorial Park advised that he would like to see this matter resolved. Information recently received from Mr. Dougherty as well as from Board member June Nikola will be reviewed by the Committee of the Board and reported back to the Board at its next Board meeting.

D. Correspondence from Claire J. O'Keefe

Re: Mountain Top Cemetery

A letter will be sent to Edwin C. Landis, Jr., Attorney representing Rocque Dameo asking for the status of the application for a Certificate of Authority for Mountain Top Cemetery. Also, Mr. Landis will be reminded that there can be no burials at the cemetery until it receives its Certificate of Authority. This matter will be carried over.

E. Machpelah Cemetery (CA #200)

The Board office is in receipt of Machpelah Cemetery's 2006 & 2007 Annual Reports but not the 2008 Report. A letter will be sent to Bradley Dickey, President of the cemetery requesting that the Report be filed ASAP. This matter will be carried over.

F. Application for a Certificate of Authority

1. Antonacci Family Memorial & Burial Ground

The Board had previously advised Richard Schatzman, Attorney representing the Antonacci Family Memorial & Burial Ground, that the Resolution by the Township of Montgomery was in the name of Vanard Realty Co. and that it had to be changed to be in the name of the burial ground. Mr. Schatzman was asked to provide a copy of the deed to the property showing the change to the Board. In response, Mr. Schatzman provided to the Board a 99 year lease to the property. Mr. Schatzman will be advised that a 99 year lease will have an adverse affect on the Legislative purposes of the Cemetery Act and would be contrary to the purpose of the Act. There has to be a transfer of property to the Burial Ground. Mr. Schatzman will be asked to provide a copy of the deed to the property showing the transfer. This matter will be carried over.

2. Old Tappan Cemetery

Having fulfilled all requirements for a Certificate of Authority, Certificate of Authority No. 413 was issued to Old Tappan Cemetery on July 23, 2009. This matter is closed and removed from future Board meeting agenda.

G. Hoboken Cemetery (CA #183)

The Board has not yet received from Marion Yovan, Receiver, Hoboken Cemetery a response as to whether or not she feels as the Receiver, that Hoboken Cemetery is in the position to be taken out of Receivership. Mrs. Yovan was also asked to provide a report to the Board as to the activities of the cemetery over the last year. A follow up letter will be sent to Mrs. Yovan as well as asking her for a copy of the minutes of the last Annual Meeting held by the cemetery. This matter will be carried over.

H. Riverside Cemetery (CA #43)

Jerome J. Barnett, Supervisor, Riverside Cemetery has written to the Board regarding the “new section” of the cemetery. When the cemetery was turned over to him in 1984, there was not a map for lot 15.02, just a book used in 1969, which has the graves listed as Section, Row & Grave numbers. Mr. Barnett is currently working on updating the maps for Riverside, which will include lot 15.02, known as the “new section.” The first burial in this section occurred on July 7, 1964. The Board will ask Mr. Barnett when he thinks the map will be completed and submitted to the Board. This matter will be closed and removed from future Board meeting agendas until such time we are in receipt of the map.

I. Prospect Hill Cemetery (CA#226)

Gravesite Recovery Program

Kenneth R. Kamper, Superintendent, Prospect Hill Cemetery previously wrote to the Board advising of a Gravesite Recovery Program that the cemetery would initiate to establish new gravesites within the cemetery. Board Vice-Chair Paul Desbiens conducted an on-site inspection of the cemetery. Mr. Desbien advised that he went over the newly added grave spaces which were created by mapping out oversized pathways, the pathways being 12 ft. wide. PUBLIC SESSION MEETING MINUTES–SEPTEMBER 10, 2009 PAGE 4

By adding 2 grave lots up the center of these paths, the cemetery has created a 7' wide by 10' long lot leaving 30" on either side for access. This has created about 1040 double depth graves. Mr. Desbiens advises that this would be a good thing for the cemetery and sees no reason for the cemetery not going through with it. A motion was made by Michael Ticktin and seconded by Paul Desbiens to approve this project. A vote was taken and the motion was passed by a unanimous vote.

J. Correspondence from Charles J. Girard, P.C.

Re: Oak Hill Cemetery, (CA #154)

Charles J. Girard, Attorney representing Oak Hill Cemetery has copied a letter to the Board that he sent to the resigning Trustees and Officers of the cemetery. The purpose of this letter is to advise that a Special Lot Owners Meeting must be held to discuss the possibility of the dissolution of the cemetery or the placing of the cemetery in Receivership. The Board will advise Mr. Girard that the cemetery cannot dissolve on its own but rather it must apply to the Board for dissolution following the provisions of NJAC 44J-13.2. Also, Mr. Girard will be advised that the cemetery cannot place itself in Receivership but rather it is the responsibility of this Board to make a determination as to whether or not Receivership is warranted and then make an application to the Court for the appointment of a Receiver. Mr. Girard previously approached Eglington Cemetery asking if it would take over ownership of the cemetery to which Eglington declined. This matter will be carried over.

V. NEW BUSINESS

A. 2010 New Jersey Cemetery Board Meeting Dates

A motion was made by Michael Ticktin and seconded by Paul Desbiens to approve the following 2010 Cemetery Board meeting dates for 2010:

January 7, 2010
February 11, 2010
March 11, 2010
April 8, 2010
May 13, 2010
June 10, 2010
July 8, 2010
August 12, 2010
September 2, 2010
October 14, 2010
November 4, 2010
December 9, 2010

A vote was taken and the motion was passed by a unanimous vote.

B. Approval of Bulk Sales

Ewing Church Cemetery, (CA #20), Ewing, NJ to the Grace Cathedral Fellowship Ministries, Inc., Trenton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 500 interment spaces for \$250,000.00 (\$500.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Ewing Church Cemetery.

Laurel Grove Cemetery, (CA #30), Totowa, NJ to the National Islamic Association, Newark, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 238 interment spaces for \$297,500.00 (\$1250.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Laurel Grove Cemetery.

Princeton Memorial Park, (CA #134), Robbinsville, NJ to the Lok On Hong Association, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 66 interment spaces for \$72,600.00 (\$1100.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Princeton Memorial Park.

Forest Lawn Memorial Gardens, (Clover Leaf Memorial Park, CA#14), Iselin, NJ to the Brooklyn Garment Workers (ASIA) Units, Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 102 interment spaces for \$107,100.00 (\$1050.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Lawn Memorial Gardens.

Bethel Memorial Park, (CA#100), Pennsauken, NJ to the Pho Da Buddhist Association, Camden, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 200 interment spaces for \$110,000.00 (\$550.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Bethel Memorial Park, Pennsauken, NJ.

C. Application for a Certificate of Authority

Richard S. Toone, Executive Secretary, Eldridge Cemetery has filed an application on behalf of the cemetery for a Certificate of Authority. Upon review of the submitted documentation, Mr. Toone will be advised that the cemetery's monies must be separated into an Irrevocable Trust Fund and an Operational Account as it appears all monies are in one account. Also, the cemetery's service fees are incorporated into its Rules and Regulations; Mr. Toone will be advised that the cemetery must remove its Service Fees from the Rules and Regulations and prepare a Price List for all of its services. Board Vice Chair Paul Desbiens will meet with members of the cemetery to offer assistance and guidance. This matter will be carried over.

D. Correspondence from John Parlapiano
Re: Cemeteries & solar panels

Consumer John Parlapiano has written to the Board advising that he is interested in installing solar panels in cemeteries in New Jersey. Mr. Parlapiano advises that he doesn't envision something like a roof of solar panels over a cemetery but rather a series of pergolas located in areas that have been filled for a while. Mr. Parlapiano will be advised that it appears that the intent of the Board's governing statute would not be in agreement with this idea. Mr. Parlapiano will be advised as per NJSA45:27-34a(1), a cemetery may lease or transfer any land or interest in land dedicated to cemetery purposes if it has not conveyed any part of the land as graves. This matter is closed and removed from future Board meeting agendas.

E. Correspondence from Denise Brignoli-Wasserman
Re: Establishment of a crematory

Consumer Denise Brignoli-Wasserman has written to the Board advising that she would like to establish a crematorium in Atlantic County. Her plan is to also have a columbarium and offer scattering services as well. Ms. Brignoli-Wasserman will be advised that she would have to apply for a Certificate of Authority before she can establish a crematorium as a crematory can not be free standing but rather must be on land that is dedicated for cemetery purposes, burial of human remains, or disposition of cremated human remains. An application for a Certificate of Authority along with copies of the Board's statute and regulations will be sent to Ms. Brignoli-Wasserman. This matter is closed and removed from future Board meeting agendas until such time that we receive the application for the Certificate of Authority.

F. Correspondence from Michael B. Steib, Fair View Cemetery (CA # 75) Re: Construction of a crematorium

Michael B. Steib, Attorney representing Fair View Cemetery has written to the Board advising that the Board of Trustees of the cemetery is interested in constructing a crematory on its premises and is requesting Board approval for the project. Mr. Steib will be advised that approval from this Board is not necessary as a crematory is a permitted use for a cemetery. The cemetery will have to obtain municipal approval as well as approval from the Department of Community Affairs and Department of Environmental Protection. The Board will ask that a new map be filed with the Board office and that the cemetery keep the Board apprised of its progress with the project.

VI. DISCIPLINARY MATTERS REPORTED FROM EXECUTIVE SESSION

A Settlement Letter was issued to Eldridge Cemetery for violation of NJSA 45:27-7. The cemetery has complied with the provisions Settlement Letter; filed an application for a Certificate of Authority and will cease and desist from operating as a cemetery company until its receives a CA from the Board.

A Settlement Letter was issued to Greenwood Cemetery Association, (CA #85) for the withdrawal of monies from the cemetery's Trust Fund. The cemetery has signed the Acknowledgment of Wrongdoing and has agreed to the provisions of the Settlement Letter.

VII. FOR YOUR INFORMATION

A. Notice of publication in New Jersey Register
Proposed Amendment: NJAC 13:44J-13.6
Proposed New Rule: NJAC13:44J-5.4A
Proposed Amendments: NJAC13:44J-2.1, 8.4, & 14.3
Proposed New Rule: NJAC13:44J-13.7

B. Notification Settlement
Ahmet Odes & Layla Odes, Plaintiffs, v Laurel Grove Cemetery
Docket No: L-00604-0008

C. Articles

A perfect place to pause, ponder
USA Today

4 Charged with digging up graves, reselling plots
CNN.com July 7, 2009

Home Burials Offer an intimate Alternative
NY Times July 21, 2009

With Demise of Jewish Burial Societies, resting Places are in Turmoil
The New York Times August 3, 2009

State lifts ban on Old Tappan Cemetery
North Jersey.com August 5, 2009

D. Second Quarter Legislative Report

E. State Board of Mortuary Science

Open Session Meeting Minutes July 7, 2009

Open Session meeting Minutes August 4, 2009

All of the above matters were considered informational for the Board deeming no discussion or decision making with the exception of the article, With Demise of Jewish Burial Societies, Resting Places are in Turmoil. This article discusses the problem of the Jewish burial societies that no longer have administrators and the problem it has created for those individuals who have the right to burial in the areas owned by the Societies. In New York there is the Office of Miscellaneous Estates under the New York State Insurance Department that has taken hundreds of burial societies into a sort of receivership over the decade assisting those who have the right to burial. Executive Director Dianne L. Tamaroglio advised the Board that the Board office is being inundated with calls from individuals regarding this exact situation. Board Member Michael Ticktin has volunteered to research this matter for the Board.

VIII. PUBLIC COMMENT

No Public comments were made today.

IX. ADJOURNMENT

A motion was made by Paul Desbiens and seconded by June Nikola to adjourn Public Session at 11:45 AM and move into Executive Session at 12:10 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. Three (3) new matter or complaint filed with the Board which required review and recommendations in regard to investigation and/or actions; and
2. Sixteen (16) 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 Genevieve Raganelli and seconded by Paul Desbiens to adjourn the Board meeting of September 10, 2009. A vote was taken and the Board meeting was adjourned at 2:30 PM.

Respectfully Submitted,

Dianne L. Tamaroglio
Executive Director