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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

SEPTEMBER 12, 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, September 12, 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	Absent

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 JULY 11, 2013

A motion was made by June Nikola and seconded by Waheed Khalid to approve the Public Session Meeting Minutes of July 11, 2013 as presented. 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. Cemeteries that do not possess a Certificate of Authority and bury those of all faiths

Millbrook Methodist Cemetery

Millbrook Methodist Cemetery has not forwarded to the Board its application for the Certificate of Authority. Executive Director Dianne L. Tamaroglio will write to Dean Tuttle advising that as Millbrook Cemetery buries persons of all faiths, it is required by New Jersey Cemetery Law to have a Certificate of Authority. If the cemetery does not file an application for a Certificate of Authority, it could be subject to fines up to \$10,000.00 for operating without a license. This matter will be carried over.

Fresh Ponds Cemetery

Pastor Robert S. Turton III met with Deputy Attorney General John Hugelmeyer and stated that Fresh Ponds Cemetery only buries members from its Congregation and immediate relatives with the exception of indigents who they allow to be buried in the cemetery. The Board required a signed affidavit attesting to the above-mentioned rules of burial, but to date has not received said affidavit. Executive Director Dianne L. Tamaroglio will send a letter of notice to Pastor Robert S. Turton III advising that the signed affidavit must be forwarded to the Board. Otherwise, Fresh Ponds Cemetery will be in violation of New Jersey Cemetery Board Statute. This matter will be carried over.

C. Concerns with Machpelah Cemetery (CA #200)

Michael Baratta, Secretary, Machpelah Cemetery has submitted to the Board an application for Certificate of Indebtedness to be issued to SAUCHA Trust (a trust established for Louis Cicalese for investments). The certificates would be in the amount of \$500,000.00 at the interest rate of 7%. The Board has the following concerns which will be addressed to Mr. Baratta.

- 1. As presented the Certificates call for compound interest; the Board has never approved compound interest, only simple;*
- 2. As the Certificates are paid down the voting power should decrease;*
- 3. The terms of the payoff needs to be addressed. The Board supports a 25-year pay down with years 1-5 interest only and the remaining years ½ of the pay down; and*
- 4. Does the SAUCHA Trust have the assets to get the work done that the cemetery plans on accomplishing? Provide evidence of SAUCHA Trust's ability to perform.*

Any changes to the Certificates must come to this Board for approval. This matter will be carried over.

D. Application for a Certificate of Authority Cemetery Company

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

This application for a Certificate of Authority is not complete. This matter will be held over.

E. Application for a Certificate of Authority Management Company

1. Graceland Management Corporation

Martin F. Dowd, Esquire was asked to supply the Board with a chronology of the relationship between Graceland Memorial Park Association and Graceland Management Corporation identifying the principals of each entity and a clarification regarding the Graceland Management Corporation being a for-profit or not for-profit corporation. To date, the Board has had no response from Mr. Dowd. This matter will be carried over.

2. Monmouth Investors, LLC September 12, 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 Jeffrey Kasko and seconded by Linda McGloin to grant Monmouth Investors, LLC 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.

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

Carl W. Badenhausen has not responded to the Board regarding this matter. Due to the lack of response this matter will be closed and removed from future Board meeting agendas.

**G. 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. responded to the Board stating that the request for the reduction of the Maintenance and Preservation requirement to 15% of the proceeds for the lease of the cell tower is in order to have the funds available to maintain the property and do maintenance improvements for the cemetery. Upon review a motion was made by Linda McGloin and seconded by Waheed Khalid to write to Mr. McBride asking that he provide the Board with more specific reasons for reducing the Maintenance and Preservation requirement. This matter will be carried over.

H. Calvary Cemetery (CA #425)

William Laubach, Treasurer, Calvary Cemetery Board wrote to the Board explaining that the NOW account containing \$8,500.00 is the cemetery's working fund and the two certificates of deposit accounts in the amounts of \$22,678.00 and \$150,000.00 make up the cemetery's Perpetual Care Account. Executive Director Dianne L. Tamaroglio will write to Mr. Laubach advising that the \$8,500.00 account remains the cemetery's operating account and the other two accounts be combined and be titled the Maintenance and Preservation Trust Fund for Calvary Cemetery. The cemetery will be asked to provide proof of establishment of the Maintenance and Preservation account. This matter will be carried over.

**I. Cemetery not open to public since 9/11
Re: Pointville Methodist Episcopal Cemetery (CA #202)**

Arthur E.D. Adair wrote to the Board regarding Fort Dix Military Base not being open to the public for visitation at Pointville Methodist Episcopal Cemetery which is located on Fort Dix Military Base. Mr. Adair advised that access can only be granted by the military with 72 hours advanced notice. In addition, the form SFFL4 must be filled out by each visitor and all vehicles must be registered, insured and inspected. Mr. Adair also forwarded a copy of for SFFL4 to the Board for review. Upon review the Board has asked Executive Director Dianne L. Tamaroglio to forward a letter of thanks to Mr. Adair for providing this information to the Board. This matter is closed and removed from future Board meeting agendas.

**J. 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 for cemetery purposes. An on-site inspection of the area for sale was conducted by Board member Waheed Khalid. Mr. Khalid advised that the real property in question has been separated from the cemetery by a railroad track and cannot be used by Restland Memorial Park for burials or other related purposes. Upon review of the on-site inspection report, a motion was made by June Nikola and seconded by Waheed Khalid to approve Restland Memorial Park's sale of real estate to Ridgedale Avenue Realty, LLC. A vote was taken and the motion was passed by a unanimous vote. This sale is approved with the understanding that 15% of the proceeds of the sale will be deposited into the cemetery's Trust Fund. This matter is closed and removed for future Board meeting agendas.

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

Harleigh Cemetery was made aware of a discrepancy between the price list on file with the Board and the price list located on their website. Harleigh Cemetery advised the Board that they modified their online price list to match the price list on file with the Board. Once again the Board reviewed the two price lists and found there were still discrepancies. The same service has to have the same price on both price lists and they cannot use wording such as "starting at." Executive Director Dianne L. Tamaroglio will write to Harleigh Cemetery advising that further modifications are needed. This matter will be carried over.

III. NEW BUSINESS

A. Bulk Sale Approvals

Ewing Church Cemetery, (CA #20), Ewing, NJ to NY United Chinese Memorial Fund, Inc., New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 220 interment spaces for \$110,000.00 (\$500.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Ewing Church Cemetery.

Ewing Church Cemetery, (CA #20), Ewing, NJ to Gin Sun Hall Benevolent Association of New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 300 interment spaces for \$210,000.00 (\$700.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Ewing Church Cemetery.

B. Approval of New Jersey Cemetery Board Meeting Dates for 2014

The Board reviewed the proposed New Jersey Cemetery Board Meeting Dates for 2014. Upon review a motion was made by Jeffrey Kasko and seconded by Linda McGloin to approve the Meeting Dates for 2014 as proposed. A vote was taken and the motion was approved by a unanimous vote. The 2014 meeting dates are:

*January 9, 2014
February 13, 2014
March 13, 2014
April 10, 2014
May 8, 2014
June 12, 2014
July 10, 2014
August 14, 2014
September 11, 2014
October 9, 2014
November 13, 2014
December 11, 2014*

**C. Concerns about the future of a cemetery
Re: Waterford Memorial Park**

Christie McDermott and Nick Ludovich are volunteers for Waterford Memorial Park Cemetery located in Waterford Works, New Jersey. Ms. McDermott and Mr. Ludovich are the only two people maintaining the Waterford Memorial Park Cemetery. Ms. McDermott called the Board office asking what would happen to the cemetery if she and Mr. Ludovich were not able to maintain the cemetery any longer. Following review the Board has asked Executive Director Dianne L. Tamaroglio to write to Ms. McDermott advising her that she should try to find someone to replace her and Mr. Ludovich. If replacements are not able to be found, she could reach out to the municipality to inquire if they would be able to maintain the cemetery. Otherwise, if they are unable to find replacements, the cemetery may become abandoned. The matter is closed and removed from future Board meeting agendas.

**D. Correspondence from Margit M. Jackson
Re: West Creek Cemetery Association, Inc. (CA #71)**

Margit M. Jackson wrote to the Board to inform it of her resignation as President of the West Creek Cemetery Association, Inc. as of August 1, 2013. In addition there are three other members of the Association that will no longer be associated with the cemetery. Since the time of Ms. Jackson's letter the Board was made aware of new members of the Association who will take over the operations of the cemetery and will be forwarding this information to the Board. This matter will be carried over.

**E. Application for a Certificate of Authority Management Company
Franklin Memorial Park Organization**

The Franklin Memorial Park Organization forwarded to the Board an application for a Certificate of Authority for the management of Franklin Memorial Park. 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 November 14, 2013.

**F. Application for the lease of a portion of cemetery property
Re: The Atlantic City Cemetery Association (CA #95)**

The Board has received an application from The Atlantic City Cemetery Association for the lease of a portion of its property to Jersey Outdoor Media, LLC for the establishment of a two-faced 14x48 billboard. As a requirement for Board approval, an on-site inspection of the area of the lease must be conducted. Board member Jeffrey Kasko will conduct this inspection and report his findings to the Board at its next Board meeting. This matter will be carried over.

IV. FOR YOUR INFORMATION

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes	May 7, 2013
Open Session Meeting Minutes	June 4, 2013
Open Session Meeting Minutes	July 9, 2013

B. Issuance of Certificates of Authority

Bethel Cemetery	CA #427
Memorial Properties, LLC	CA #428

C. Articles

Newark Cemetery returns from the dead after years of neglect
The Star Ledger August 15, 2013

D. Notification of Civil Action

Sooy vs. Tuckerton Old Home Society

Docket Number OCN-L-2126-12

CMS Mid-Atlantic, Inc. vs. Everlasting Monuments and Life Memorials

V. PUBLIC COMMENT

No public comments were made at today's meeting.

VI. ADJOURNMENT

A motion was made by June Nikola and seconded by Linda McGloin 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. Six (6) 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 Linda McGloin and seconded by Jeffrey Kasko to adjourn the Board meeting of September 12, 2013. A vote was taken and the Board meeting was adjourned at 12:30 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*