



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

SEPTEMBER 13, 2012

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, September 13, 2012. 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 July 21, 2011 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 9:45 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; and Ellen Green, Board Secretary.

I. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF JULY 12, 2012

A motion was made by Linda McGloin and seconded by Paul Desbiens to approve the Public Session Meeting Minutes of July 12, 2012 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. OLD BUSINESS

A. Hoboken Cemetery (CA #183)

Executive Director Dianne L. Tamaroglio has spoken with Jerome Katz the attorney representing Hoboken Cemetery regarding the hold up in the Board receiving the records and documentation requested to see if the cemetery is solvent enough to come out of Receivership. Mr. Katz has advised he is working on it and will try to expedite the matter. This matter will be held over.

B. Correspondence from Debbie L. McClelland, Secretary, Trustee, Odd Fellows Cemetery (CA #39)

The Board will be receiving a status report of the repayment to the Trust Fund every three months from Odd Fellows Cemetery. This matter will be held over until the total amount of \$6,000.00 is redeposited back into the Maintenance and Preservation Trust Fund.

**C. Application for a Certificate of Authority
Dover Cemetery Association a/k/a Orchard Street Cemetery**

The Board has still not received the revised price list from Orchard Street Cemetery. Executive Director Dianne L. Tamaroglio will write to Brenda Deming of Orchard Street Cemetery advising that the cemetery will be restricted from doing burials until such time the Board reviews the revised price list and the Certificate of Authority is issued. This matter will be carried over.

**D. Sale of 22 graves from Crescent Burial Park Association, (CA #56)
to Lewis Katz**

Jonathan M. Friedman, Esquire has forwarded to the Board an application for an access easement and a water line easement to be established as part of the sale of the 22 graves to Lewis Katz. Upon review of said application it was determined by the Board that the survey included with the application does not indicate where a water line is going to be. Executive Director Dianne L. Tamaroglio has spoken with Mr. Friedman who has indicated he is working on getting the survey. This matter will be carried over.

E. Correspondence from David Blau, PDD, Guardian-Newstead-Worth Lodge #146

June Nikola was recused and moved away from the table

Ruth Nikola, Regional Administrator, Beth Israel Cemetery has written to the Board to advise that upon further review of Guardian-Newstead-Worth Lodge's agreement dated November 11, 1943 the cemetery discovered a very unique clause which indicated that there would never be a general maintenance charge in excess of \$1.00 per grave. The cemetery has notified the organization that its yearly general maintenance charge will be \$82.00. Upon review a motion was made by Linda McGloin and seconded by Jeffrey Kasko that the charge of \$1.00 per grave is very reasonable and that the society should accept this agreement. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

III. NEW BUSINESS

A. Approval of New Jersey Cemetery Board Meeting Dates for 2013

The Board reviewed the proposed New Jersey Cemetery Board Meeting Dates for 2013. Upon review a motion was made by June Nikola and seconded by Linda McGloin to approve the Meeting Dates for 2013 as proposed. A vote was taken and the motion was approved by a unanimous vote. The 2013 meeting dates are:

January 10, 2013
February 14, 2013
March 14, 2013
April 11, 2013
May 9, 2013
June 13, 2013
July 11, 2013
August 8, 2013
September 12, 2013
October 10, 2013
November 14, 2013
December 12, 2013

B. Withdrawal of money from the corpus of M&P Trust Fund
Re: Jersey City & Harsimus Cemetery (CA #220)

Jersey City & Harsimus Cemetery recently filed its 2009 & 2010 Annual Reports. A review of the reports show an additional \$14,330.00 was withdrawn from the corpus in 2009 and an additional \$3,150.00 was withdrawn from the corpus in 2010. No bank documentation was provided with the reports. The Board will ask the cemetery for the bank documentation along with a plan as to how the cemetery will pay back the Trust Fund. Also, the cemetery will be advised that the 2012 report is overdue. This matter will be carried over.

C. Inquiry from Leonard E. Anderson, President, Greenwood Cemetery (CA#85)
Re: Withdrawal from the corpus of Trust Fund

*The Board received correspondence from Leonard E. Anderson, President, Greenwood Cemetery Association, Inc. advising that the cemetery's operating account currently has \$33,000.00 and the Maintenance and Preservation Fund account has \$337,000.00. Mr. Anderson is concerned that the cemetery's operating fund will run out of money due to the economy and low returns being generated and therefore is requesting that the Cemetery Board allow the cemetery to access funds from its Maintenance and Preservation Fund. Executive Director Dianne L. Tamaroglio will respond to Mr. Anderson in writing advising that as per **N.J.S.A. 45:27-12(b)**, the Maintenance and Preservation Fund is an irrevocable trust fund whereas the principal of the fund cannot be removed. This matter is closed and removed from future Board meeting agendas.*

D. Approval of Bulk Sales

Ewing Church Cemetery, Ewing, NJ, (CA #20) to Xin Hui Duran Center, LLC, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 1020 interment spaces for \$510,000.00 (\$500.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Ewing Church Cemetery.

Forest Lawn Memorial Gardens, Clover Leaf Memorial Park, (CA #14), to the Du Hu Association of America, Inc.

Executive Director Dianne L. Tamaroglio approved the bulk sale of 90 interment spaces for \$101,250.00 (\$1,125.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Lawn Memorial Park.

E. Application for sale of a portion of Cemetery property
Re: Harleigh Cemetery (CA #61) to State of New Jersey

Chris Mojica, General Manager, Harleigh Cemetery forwarded to the Board an application for the sale of a portion of the cemetery property to the State of New Jersey Department of Transportation that would be used for an expansion of the Route 295 highway. Mr. Mojica further advised the Board that the land that will be relinquished for sale was not going to be used for burials. Mr. Mojica further advised that the State was looking for the approval of the right of way entry. Upon review of the submission, it was determined that this was a condemnation of the land and as such it does not have to have Board approval. A motion was made by Waheed Khalid and seconded by Jeffrey Kasko to advise the cemetery that the Board has no objection to the right of entry. Also, the Board will advise the cemetery that 15% of the sale price must be deposited into its Maintenance and Preservation Trust Fund. 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. Correspondence from Colleen Hancock, Administrator/Manager, Bordentown Cemetery Association (CA #162)
Re: Reclamation of graves

Colleen Hancock, Administrator/Manager, Bordentown Cemetery Association forwarded to the Board a copy of a letter that the cemetery will send to five delinquent accounts upon approval from the Board. These accounts are for graves purchased years ago but were never completely paid off. No deeds were ever issued for these graves. The letter is to advise the lot owners that the cemetery will take back the graves if the balances are not paid within 30 days and the initial payments will be forfeited. Executive Director Dianne L. Tamaroglio will respond to Ms. Hancock advising that the cemetery should seek legal counsel. The Board does not have the authority to approve this letter. It is a matter of what is contained in the contracts between the purchasers and the cemetery. This matter is closed and removed from future Board meeting agendas.

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

Jerome M. Katz, Esquire has written to the Board to advise of the intentions of Ernst Memorial Cemetery Corporation and Christ Church Cemetery. The church has determined that it no longer has the ability to continue the operations of the cemetery. Ernst Memorial Cemetery has determined that it has the ability and resources to continue in the operation and management of this cemetery and the acquisition would be beneficial to both. Executive Director Dianne L. Tamaroglio will respond to Mr. Katz advising that Ernst Memorial Cemetery Corporation will need to complete an application for a merger of the two cemeteries following the guidelines of the Board's regulations most specifically **N.J.A.C. 13:44J-13.3**. This matter is will be brought back to the Board upon receipt of the application for a merger.

A. Notification of commencement of construction on Building 5 at the Sanctuary of Abraham & Sarah Mausoleum at New Cedar Park Cemetery

B. Notification of Civil Action

Sebastiano v Newton Cemetery and the Sussex County Probation Dept., et al, Superior Court of New Jersey, Law Division, Sussex County, Docket No.: SSX-L1039-10

Drake v Newton Cemetery, Superior Court of New Jersey, Law Division, Morris County Docket No.: SSX-L-291-11

Abdou v Newton Cemetery Company, Superior Court of New Jersey, Law Division, Sussex County Docket No.: SSX-L-536-11

Jersey State Memorial Park, Jersey State Memorial Park (Maintenance & Preservation Fund) and Joseph Carlino individually and as a Fiduciary of Jersey State Memorial Park, Plaintiff, vs Anthony Sparno, John Doe, Mary Doe, Stephen Does (1 through 10), XYZ Corps. (1 through 10) fictitious names of persons or business entities who are presently unknown to the Plaintiff, Defendant Docket No.: MON L-2932-12

Tuckerton Old Home Society, Inc., Plaintiff vs James Koed and Loraine Koed, Defendant

Nathaniel J. Sooy, Plaintiff v Tuckerton Old Home Society, Inc., a Non-Profit Corporation of the State of New Jersey, Defendant Docket No. OCN-L-2126-12

C. Family and Private Burial Grounds Preservation Act S 806

D. Articles

Solar-Powered Mausoleum Death Care Business Advisor

Woman's body snatched from New Jersey 7/31/2012

The above matters were considered informational for the Board.

Judy Welshons Executive Director New Jersey Cemetery Association asked for a clarification of the new Crematory Law. Adam Gruziejewski of the New Jersey Funeral Director's Association introduced Athia Ford, a new member of the Association to the Board. Ms. Ford will attend Cemetery Board meetings from time to time.

VI. ADJOURNMENT

A motion was made by Paul Desbiens and seconded by Linda McGloin to adjourn Public Session at 10:30 A.M. and move into Executive Session at 10:35 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. Eight (8) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Four (4) 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 Paul Desbiens and seconded by Linda McGloin to adjourn the Board meeting of September 13, 2012. A vote was taken and the Board meeting was adjourned at 2:30 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*