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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

OCTOBER 10, 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, October 10, 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 member Paul Desbiens 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:

<i>Paul M. Desbiens</i>	<i>Present</i>
<i>Waheed Khalid</i>	<i>Present</i>
<i>June Nikola</i>	<i>Absent</i>
<i>William Nichols</i>	<i>Absent</i>
<i>Jeffrey Kasko</i>	<i>Present</i>
<i>Linda McGloin</i>	<i>Present</i>
<i>Rabbi Jay M. Kornsgold</i>	<i>Present</i>
<i>David Soulen</i>	<i>Present</i>

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 SEPTEMBER 12, 2013

A motion was made by David Soulen and seconded by Waheed Khalid to approve the Public Session Meeting Minutes of September 12, 2013 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. APPEARANCE CHARLES MANNING, REGULATORY ANALYST

Re: Assembly, No. 2882

Regulatory Analyst Charles Manning met with the Board to review P.L. 2013, Chapter 49, Assembly, No. 2882 which was approved on May 6, 2013. This act requires professional boards to provide credits toward requirements for veterans with substantially equivalent training. Upon review, it was determined by this Board that it doesn't apply to licensees of the Board as there is no educational requirement for licensure by this Board.

III. 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

This matter will be held over for one more month. If at that time we still have not received anything from the cemetery a subpoena will be issued for an appearance before the Board.

Fresh Ponds Cemetery

The Board is awaiting a signed affidavit attesting to Fresh Ponds Cemetery only burying members from its Congregation and immediate relatives with the exception of indigents in the cemetery. This matter will be held over for one more month. If at that time we still have not received anything from the cemetery a subpoena will be issued for an appearance before the Board.

C. Concerns with Machpelah Cemetery (CA #200)

Michael Baratta, Secretary, Machpelah Cemetery has submitted to the Board a revised application for Certificate of Indebtedness to be issued to SAUCHA Trust (a trust established for Louis Cicalese for investments). It was determined by the Board to table this matter until the November 14, 2013 Board meeting in order that it may also be reviewed by Board Chair William Nichols and Board member June Nikola who were not present at today's Board meeting. This matter will be carried over.

D. Application for a Certificate of Authority Cemetery Company

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

Kevin D. Kelly, Esquire forwarded to the Board a copy of the Resolution of Approval for the establishment of a cemetery memorialized by the Township of Sparta, Zoning Board of Adjustment on September 24, 2013 and the Charities Registration number from the Division of Community Affairs. Mr. Kelly advised the Board that with the exception of the \$50,000.00 deposit from the County of Sussex for Trust Fund purposes, it is the understanding that all requirements for the Certificate of Authority have been met. Upon review a motion was made by Waheed Khalid and seconded by Linda McGloin to ask Executive director Dianne L. Tamaroglio to write to Mr. Kelly advising that the application for a Certificate of Authority is still not complete being the Resolution of Approval is not signed and as submitted, the resolution appears to contain a few inaccurate representations:

1. The donation to the cemetery from the County on the third page is referred to as a “bond”; the donation cannot be a “bond”;

2. A statement on the fourth page attributed to Mr. Golden incorrectly asserts that: “contamination from the graves” would be regulated by the State Cemetery Board; the Board does not regulate such contamination;

3. A statement on the eighth page attributed to Mr. Hartsgar referred to the required M & P cash deposit as a “bond.”

A vote was taken and the motion passes by an unanimous vote. A corrected, signed copy of the Resolution should be forwarded to the Board along with confirmation of the establishment of the cemetery’s Maintenance & Preservation Trust Fund in the amount of \$75,000.00. This matter will be carried over.

E. Application for a Certificate of Authority Management Company

1. Graceland Management Corporation

Executive Director Dianne L. Tamaroglio will reach out to Martin F. Dowd, Esquire to request the 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 be forwarded to the Board for review. This matter will be carried over.

2. Franklin Memorial Park Organization November 14, 2013

This application is in the 60-day comment period and is being held until the November 14, 2013 Board meeting for a vote.

F. Correspondence from Stephen McBride, Mount Hebron Cemetery Association, Inc. (CA #312)

Re: Change in contribution to M&P

The Board is awaiting a response from Stephen McBride, President, Mount Hebron Cemetery Association, Inc. regarding the request for the reduction of the Maintenance and Preservation requirement. This matter will be carried over.

G. Calvary Cemetery (CA #425)

William Laubach, Treasurer, Calvary Cemetery Board was asked to provide proof of establishment of the Maintenance and Preservation account. To date, said proof has not been forwarded to the Board. This matter will be carried over.

H. On-line price list & filed price list do not match

Re: Harleigh Cemetery (CA #61)

Harleigh Cemetery has removed the price list located on its website and has revised its price list filed with the Board. This matter is closed and removed from future Board meeting agendas.

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

Board member Jeffrey Kasko conducted an on-site inspection at 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. Mr. Kasko presented his inspection report to the Board which showed that the proposed location for the billboard pole is extremely close to an existing grave site and the cemetery's entrance roadway. While there is space for installation, it would alter the cemetery's landscape. Mr. Kasko provided a map and pictures of the location for the Board's review. Upon review a motion was made by Linda McGloin and seconded by David Soulen to not approve the establishment of a two-faced 14x48 billboard at this location. The Board will suggest to the cemetery that it apply for a variance for a 25' set back to allow the billboard to be closer to Route 40. A vote was taken and the motion was passed by a unanimous vote.

It has been brought to the Board's attention that Atlantic City Cemetery Association has recently had a crematorium established on the cemetery. As per **N.J.S.A. 45:27-39** no crematory shall be constructed without prior approval from the Board. A strong letter will be sent to the cemetery advising that it may be in violation of the cemetery's governing statute and could face possibly disciplinary action including a fine. The cemetery will be expected to provide an application to the Board for the crematory. This matter will be carried over.

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

This matter will be carried over; the Board is awaiting a list of new officers and trustees for the cemetery.

III. NEW BUSINESS

**A. Application for the approval of an easement
Re: Gates of Heaven Memorial Park, Inc. (CA #96)**

Ronald C. Morgan, Esquire wrote to the Board requesting approval for an easement on behalf of Gates of Heaven Memorial Park Inc. The proposed easement with Bay Bridge II, LLC ("Bay Bridge") would permit Bay Bridge to secure a small 200 square foot clear sight distance easement for vehicular safety purposes. Upon review a motion was made by Linda McGloin and seconded by David Soulen to approve the establishment of the easement upon receipt of a signed & recorded easement document between Bay Bridge and Gates of Heaven Memorial Park Inc. This matter will be carried over.

**B. Inquiry from Martin A. McGann, Jr.
Re: Cemetery on private property**

Martin A. McGann, Jr. wrote to the Board on behalf of Eugene and Patricia Welch regarding their pending purchase of the property located at 813 Church Lane, Middletown, New Jersey. Mr. McGann, Jr. Informed the Board that there is a cemetery located on the property with markers dating back to 1948 and is asking the Board for advice regarding any issues that may be associated with this cemetery. Upon review the Board has asked Executive Director Dianne L. Tamaroglio to write to Mr. McGann, Jr. advising that the cemetery will need to be maintained respectfully or as per **N.J.S.A. 45:27-23(c)** "Human remains buried on property that is not part of a cemetery may be removed by the owner of the property provided that removal is in compliance with applicable law and the remains are then properly re-buried in a cemetery." This matter is closed and removed from future Board meeting agendas.

C. Application for a Cemetery Salesperson’s License
Re: Carlos Fernandez
Hollywood Memorial Park

Mr. Fernandez’s application for a Cemetery Salesperson’s License was reviewed in Executive Session and brought to Public Session for a vote as to whether or not a Cemetery Salesperson’s License should be issued to Mr. Fernandez. A motion was made by Linda McGloin and seconded by Waheed Khalid to approve the issuance of a Cemetery Salesperson’s License to Mr. Fernandez. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

IV. FOR YOUR INFORMATION

A. Issuance of Certificates of Authority

Monmouth Investors, L.L.C. CA #429

B. Articles

A cleanup could give cemetery new life
The Asbury Park Press September 1, 2003

Trump wins approval to use his N.J. golf club as burial site
Herald News September 28, 2013

Donald Trump loves NYC, but will spend eternity in Bedminster
NJ.com September 27, 2013

Alan Grote, Whiting Memorial Park Cemetery manager, charged with \$76k theft
The Asbury Park Press October 1, 2013

Two men arrested for stealing scores of bronze vases and urns from grave sites in Hamilton
The Star Ledger October 3, 2013

Camden cemeteries offer no respite from blight
Courier Post October 6, 2013

C. Legislative Report January – July 2013

V. PUBLIC COMMENT

Judith Welshons, Executive Director of the New Jersey Cemetery Association advised that the Association has concerns that crematories are being established without approval from this Board. The NJCA has been reaching out to crematories in the State to advise they must have Board approval. The Board decided that when it mails out the Annual Report Form, the crematory law will be sent with it.

VI. ADJOURNMENT

A motion was made by Waheed Khalid and seconded by David Soulen 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. Eight (8) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Eight (8) 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 David Soulen and seconded by Linda McGloin to adjourn the Board meeting of October 10, 2013. A vote was taken and the Board meeting was adjourned at 1:00 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*