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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

NOVEMBER 4, 2010

With Board Chair William Nichols and Board Vice Chair Paul Desbiens both being absent from today's meeting, a motion was made by Waheed Khalid and seconded by Genevieve Raganelli to nominate Board Member June Nikola as Board Secretary, to conduct today's meeting and any in the future when a similar situation presents itself. A vote was taken and the motion was carried by a unanimous vote.

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, November 4, 2010. 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 14, 2009 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 Secretary June Nikola called the meeting to order at 10:00 AM. A roll call was taken and the following attendance of Board members was recorded for these minutes:

<i>Lawrence Colasurdo</i>	<i>Present</i>
<i>Paul M. Desbiens</i>	<i>Absent</i>
<i>Waheed Khalid</i>	<i>Present</i>
<i>June Nikola</i>	<i>Present</i>
<i>William Nichols</i>	<i>Absent</i>
<i>Genevieve Raganelli</i>	<i>Present</i>
<i>Michael Ticktin</i>	<i>Present</i>

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 SEPTEMBER 2, 2010

A motion was made by Waheed Khalid and seconded by Lawrence Colasurdo to approve the Public Session Meeting Minutes of September 2, 2010 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. APPEARANCE OF CHARLES MANNING, REGULATORY ANALYST

Re: Sunsetting of Board's Regulations

Regulatory Analyst Charles Manning met with the Board to advise that its Regulations, **N.J.A.C. 13:44J-1**, et seq will Sunset on May 12, 2011. Upon discussion, due to time restraints, a motion was made by Michael Ticktin and seconded by Lawrence Colsaudio to propose to re-adopt the Board's regulations without change. A vote was taken and the motion was approved by a unanimous vote. Mr. Manning asked the Board members to review its regulations for any changes that may be necessary. Mr. Manning will appear at the December 9, 2010 Board meeting to discuss any changes the Board members deem necessary. Mr. Manning also advised the Board that **N.J.A.C. 13:45C**, Licensee's duty to cooperate and comply with Board orders is scheduled to Sunset on January 26, 2011. The Attorney General's Office is in the process of proposing the regulations for re-adoption without change.

III. INVESTIGATIVE INQUIRY

Anthony Mauro, President , Fairview Mausoleum Company

A motion was made by Michael Ticktin and seconded by Waheed Khalid to move into Executive Session for an Investigative Inquiry regarding Fairview Mausoleum Company. A vote was taken and the motion was passed by a unanimous vote.

IV. OLD BUSINESS

A. Application for a Certificate of Authority

1. Layton Cemetery Association

Jo-Ann Williamson, Secretary/Treasurer, Layton Cemetery Board has provided the Board with updated Rules and Regulations for the cemetery along with its revised Price List for services. Upon review of the cemetery's rules and regulations, it was noted that number 7 is contrary to **N.J.S.A. 45:27-28(b)**. The Board will advise Ms. Williamson that number 7 should be revised so that it adheres to the provisions of the New Jersey Cemetery Act 2003. This matter will be carried over.

2. Mountain Top Cemetery

The Board is in receipt of the Irrevocable Trust Agreement for Mountain Top Cemetery's Maintenance and Preservation Trust Fund. With all requirements having been met for a Certificate of Authority, a motion was made by Michael Ticktin and seconded by Lawrence Colasurdo to approve Certificate of Authority No. 416 for Mountain Top Cemetery. A vote was taken and the motion was approved by a unanimous vote. The Certificate will be forwarded to Edwin C. Landis, Jr. Attorney for the cemetery. This matter is closed and removed from future Board Meeting agendas.

B. Hoboken Cemetery (CA #183)

The information requested from Hoboken Cemetery has not yet been received by the Board. Executive Director Dianne L. Tamaroglio will reach out to Hoboken Cemetery requesting a draft of its amended Certificate of Incorporation to reflect the current law under both Title 15A and Title 45 of the New Jersey statutes for consideration and approval by the Board as well as a list of new Trustees for the cemetery. This matter will be held over pending receipt of above.

C. Old Cemetery Improvement Association (CA #207)

William Sutphen of Old Cemetery Improvement Association has forwarded to the Board a letter addressing the establishment of three bank accounts for the cemetery in accordance with the direction of the New Jersey Cemetery Board. This matter will be held over pending receipt of documentation showing the bank accounts as being established.

D. Correspondence from Joyce Antila Phipps, Esquire

Re: Continuation of lease between Bound Brook Cemetery & Casa de Esperanza

Executive Director Dianne Tamaroglio has advised the Board that after many attempts she has not yet received a copy of the amended lease between Bound Brook Cemetery and Casa de Esperanza. The Board will not give final approval on this lease until the above stated documentation is received and reviewed by the Board. This matter will be carried over.

V. NEW BUSINESS

A. Request for 2 month extension in filing of Annual Report

Re: Cedar Grove Cemetery Association (CA #195)

Marie Vajo, President, Cedar Grove Cemetery Association has written to the Board expressing the need for an extension of two months for the filing of the cemetery's 2010 Maintenance and Preservation Trust Fund Annual Report. Following review, a motion was made by Laurence Colasurdo and seconded by Michael Ticktin to grant an extension of time until the end of December 2010 for filing of the Annual Report. A vote was taken and the motion was passed by a unanimous vote.

B. Application for lease of cemetery property

1. Valleau Cemetery of Old Paramus (CA #215) to New York SMSA Limited Partnership, d/b/a Verizon Wireless

The Board has received an application from Valleau Cemetery for the lease of a portion of its property to Verizon Wireless for the establishment of a cell tower. As a requirement for Board approval, an on-site inspection of the area of the lease must be conducted by a Board member. Executive Director Tamaroglio will reach out to Board Vice Chair Paul Desbiens asking him if he would conduct the inspection. If he cannot do this, Ms. Tamaroglio advised she would do so. This matter will be carried over.

2. Fairview Cemetery (CA #75) to T-Mobile Northeast, LLC

The Board has received an application from Fairview Cemetery for the lease of a portion of its property to T-Mobile Northeast, LLC for the establishment of a cell tower. As a requirement for Board approval, an on-site inspection of the area of the lease must be conducted by a Board member. Board member June Nikola will conduct this inspection and report her findings to the Board at its next Board meeting. This matter will be carried over.

C. Request for withdrawal of \$10,000.00 from Trust Fund
Re: Greenwood Cemetery Association (CA #370)

The Board has received from Christine L. Cook, Treasurer, Greenwood Cemetery Association a request for the authorization to withdraw Ten Thousand Dollars from the cemetery's Maintenance and Preservation Trust Fund. Due to the lack of interments in Greenwood Cemetery, the cemetery's Trust Fund is not generating much interest. The Board will advise Ms. Cook that as the Trust is an Irrevocable Trust Fund, money cannot be withdrawn from the principal of the Fund. Executive Director Dianne L. Tamaroglio will write to Ms. Cook listing several suggestions on how Greenwood Cemetery may be able to keep the cemetery functioning without resorting to the withdrawal of any monies from the Maintenance and Preservation Trust Fund.

D. Issuance of 2 new Certificates of Authority

1. Antonacci Family Memorial & Burial Ground (CA #414)

The New Jersey Cemetery Board has granted a Certificate of Authority number 414 to the Antonacci Family Memorial & Burial Ground. This matter was considered informational for the Board requiring no discussion or decision making.

2. Eldridge Cemetery (CA #415)

The New Jersey Cemetery Board has granted a Certificate of Authority number 415 to Eldridge Cemetery. This matter was considered informational for the Board requiring no discussion or decision making.

E. Request for waiver of Annual Report \$75.00 Filing Fee
Re: Bevans Cemetery Association (CA #180)

The Board is in receipt of correspondence from Carol J. Ayers, Treasurer, Bevans Cemetery Association requesting that the Board waive the cemetery's filing fee for its 2010 Annual Report due to the low income generated from the Trust Fund. Upon review, a motion was made by Waheed Khalid and seconded by Lawrence Colasurdo to grant the requested waiver to Bevans Cemetery Association. A vote was taken and the motion was passed by a unanimous vote.

F. Correspondence from the New Jersey Cemetery Association
Re: Chapter 155

The New Jersey Cemetery Association has written to the Board regarding the provisions under P.L. 2009, Chapter 155 which requires cemeteries to hold in trust the proceeds from the "pre-need" sale of cemetery personal services. It is the belief of the Association that trusting was not meant to be retroactive but rather from the date of the signing of the law. DAG John Hugelmeyer's interpretation is that this law which is an amendment to clarify an existing law covers any money paid for pre-need services from the past as well as going forward. DAG Hugelmeyer advised the Association that it could go to the Legislature for clarification of this law. This matter is closed and removed from future Board Meeting agendas.

G. Request for authority for Executive Director Dianne L. Tamaroglio and Board Chair to approve minor matters.

Executive Director Dianne L. Tamaroglio asked the Board if it could give authority to her and the Board Chair to approve matters such as requests for extensions in filing of Annual Reports and other minor matters. Ms. Tamaroglio made the request because many times such requests came in just after a Board meeting or a meeting may be adjourned and there could possibly be a long period of time for a response to go to the cemetery. The Board would then ratify this approval at its next Board meeting. A motion was made by Michael Ticktin and seconded by Waheed Khalid to grant such authority. A vote was taken and the motion was passed by a unanimous vote.

VI. FOR YOUR INFORMATION

A. Notice of Civil Action

***State of New Jersey v Hillside Cemetery Association (CA #166)
Docket No.: BER-L-8832-09***

Jean Douglas Teufel & Robin S. Samoilow v Liberty Grove Memorial Gardens Crematory (CA # 312)

Veronica Cossetto v Liberty Grove Memorial Gardens Crematory (CA #312)

Melba Espailat v Liberty Grove Memorial Gardens Crematory (CA #312)

Fairview Mausoleum Co., a corporation of the State of New Jersey; and Fairview Mausoleum Preservation and Maintenance Fund, Plaintiffs v PNC Bank, N.A. a national bank; John Appello, Alfred Appello & Kathryn Appello-D'Antonio, Defendants

B. Newspaper/Internet Articles

***A Grave Concern
Asbury Park Press***

***N.C. doctor with deep local roots decries grave action
Asbury Park Press September 8, 2010***

***One of a kind memorials
Because resting in peace can get boring
Herald News September 27, 2010***

C. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes July 6, 2010

The above matters were considered informational for the Board requiring no discussion or decision making.

VII. PUBLIC COMMENT

Len Auerback, General Manager, Floral Park Cemetery, Oaklawn Cemetery, and Washington Cemetery Management Company wished everyone present a Happy Thanksgiving.

VIII. ADJOURNMENT

A motion was made by Michael Ticktin and seconded by Waheed Khalid to adjourn Public Session at 12:10 PM and move into Executive Session at 12:30 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. Five (5) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Nine (9) 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 Lawrence Colasurdo and seconded by Waheed Kahlid to adjourn the Board meeting of November 4, 2010. A vote was taken and the Board meeting was adjourned at 2:40 PM.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*