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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

APRIL 12, 2012

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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, April 12, 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 9:30 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	Absent
June Nikola	Present
William Nichols	Present
Jeffrey Kasko	Present
Linda McGloin	Present
Rabbi Jay M. Kornsgold	Present

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 FEBRUARY 9, 2012

A motion was made by June Nikola and seconded by Paul Desbiens to approve the Public Session Meeting Minutes of February 9, 2012 as corrected. 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. Correspondence from Debbie L. McClelland, Secretary, Trustee, Odd Fellows Cemetery (CA #39)

Walter A. Norris, the attorney representing Odd Fellows Cemetery previously wrote to the Board advising that the cemetery would be making to it's Maintenance and Preservation Fund a payment of \$500.00 a month until it re-pays \$6,000.00 that was withdrawn from the Trust Fund. Board Accountant George Booktor reviewed the cemetery's Annual Reports; he could not confirm that the \$6,000.00 is owed to the Trust Fund. A letter will be sent to Mr. Norris asking how the cemetery determined that \$6000.00 is owed to the Fund. Also, there still remains confusion over what the cemetery calls its Building Fund. Mr. Norris will be asked once again what this Fund is and if in fact it is the Mausoleum Building Trust Fund. This matter will be held over.

C. Crematory Discussion

The Committee of the Board, June Nikola and Linda McGloin, along with Deputy Attorney General John Hugelmeyer and Executive Director Dianne L. Tamaroglio reported to the Board that they are in the drafting stage of the Crematory regulations. This matter will be carried over.

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

Brenda Deming, Secretary/Treasurer, Dover Cemetery Association a/k/a Orchard Street Cemetery has not forwarded to the Board the revised price list including the foundation charge. Upon receipt of said price list the Certificate of Authority for Dover Cemetery Association will be approved. The Board previously approved the Certificate of Authority pending receipt of the renewed price list. This matter will be carried over.

**E. Application for a Certificate of Authority
Re: Elwood Cemetery**

Francis Paulsgraf, a volunteer for Elwood Rural Cemetery, forwarded to the Board a revision of the cemetery's by-laws and a revised price list. The Board has not yet received the documentation showing the extension of the cemetery's corporate existence as per **N.J.S.A. 45:27-11**. The Certificate of Authority will not be approved until the cemetery's corporate existence has been extended. This matter will be carried over.

**F. Application for lease of a portion of cemetery property
Re: Washington Monumental Cemetery Association (CA #173) to T-Mobile**

The Board has received an application from Washington Monumental Cemetery Association for the lease of a portion of its property to T-Mobile for the establishment of a cell tower. An on-site inspection of the area of the lease was conducted by Board member June Nikola. Ms. Nikola advised that the cell tower would in no way be detrimental to the cemetery. Upon review of the documentation provided as well as the on-site inspection report, a motion was made by Paul Desbiens and seconded by Linda McGloin to approve the application for the lease of a portion of Washington Monumental Cemetery Association lands to T-Mobile for the establishment of a cell tower. A vote was taken and the motion was passed by a unanimous vote. This lease 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.

G. Purchase of land from State of New Jersey
Re: Hollywood Memorial Park (CA #101)

Executive Director Dianne L. Tamaroglio wrote to Mr. Passodelis of Hollywood Memorial Park and Cemetery asking for a clearer explanation regarding the purchase of the property located at Route I-78, Section 5-D, Parcels VX153B through VX159B from the State of New Jersey Department of Transportation. Mr. Passodelis responded to The Board stating that this land will not be used for burial purposes. This matter is closed and removed for future Board meeting agendas.

H. The Millbrook United Methodist Church/Millbrook Methodist Cemetery—burial open to those of all faiths

The Board office received an anonymous call advising that The Millbrook United Methodist Church/Millbrook Methodist Cemetery offers burials open to the general public and therefore should be required to obtain a Certificate of Authority. The Executive Director Dianne L. Tamaroglio will write to The Millbrook United Methodist Church/Millbrook Methodist Cemetery asking if they are in fact open to anyone for burial advising that if that is the case they will be required to apply to the Board for a Certificate of Authority. Ms. Tamaroglio advised the Board that there has been no response and that she will send a follow-up letter. This matter will be carried over.

III. NEW BUSINESS

A. Approval of Bulk Sales

Forest Green Park Cemetery Association, Morganville, NJ (CA #187) to Ahle Baith Foundation, Inc., Englishtown, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 100 interment spaces for \$45,000.00 (\$450.00 per space). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Forest Green Park Cemetery Association.

Greenwood Cemetery Association, Trenton, NJ (CA #28) to the San Kiang Charitable Association, New York, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 1000 interment spaces for \$550,000.00 (\$550.00 per space) The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Greenwood Cemetery Association.

Forest Lawn Memorial Gardens, Clover Leaf Memorial Park, Iselin, NJ (CA #14) to New York Haiyan Townsman, Inc., Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 84 interment spaces for \$94,500.00 (\$1125.00 per space) The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Clover Leaf Memorial Park.

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

The Board is in receipt of correspondence from Jonathan M. Friedman, Esquire regarding the sale of 22 graves from Crescent Burial Association to Lewis Katz. Upon review of the documentation it was revealed that an easement for access through the cemetery to and from the graves was granted by the cemetery. Upon review the Board asked Executive Director Dianne L. Tamaroglio to write to Mr. Friedman to advise that the easement will not be valid without the approval of the Board as per **N.J.S.A. 45:27-34(a)(3)**. Crescent Burial Association will have to make an application to the Board for the easement. Without Board approval for the easement the sales of the graves could be invalidated. This matter will be carried over.

C. Fiscal Year 2012 Budget Report 1st half

The Board reviewed the 1st half of its Fiscal Year 2011 Budget Report. The Board's account is considered to be very tight.

D. Cemetery companies that are delinquent in filing of Annual Reports

George Booktor Board Accountant provided the Board with a list of cemetery companies that are delinquent in the filing of their Annual Maintenance and Preservation Reports. Following review the Board has asked Executive Director Dianne L. Tamaroglio to write to the cemeteries listed advising them that as per **N.J.A.C. 13:44J-5.6(b)** a cemetery company shall file its annual report no later than 120 days after the close of the cemetery company's fiscal year. The cemeteries will be advised that a violation of said regulation could result in a \$10,000.00 fine per violation, per year. This matter is closed and removed from future Board meeting agendas.

**E. Correspondence from Ronald G. Matan, C.P.A.
Re: New Vernon Cemetery Association (CA #211)
Maintenance & Preservation Trust Fund**

Ronald G. Matan member of the firm of Sobel & Co., LLC wrote to the Board on behalf of New Vernon Cemetery Association in response to a letter the cemetery received from Board Accountant George Booktor advising that the cemetery is combining the Maintenance and Preservation Fund Account with its Operating Account. Mr. Matan submitted to the Board a proposal to correct this issue. Upon review a motion was made by Jeffrey Kasko and seconded by June Nikola to accept the proposal submitted. 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. What to do when the person in charge of the cemetery gets ill or goes on vacation and there is no one taking over

Executive Director Dianne L. Tamaroglio advised the Board that there have been several situations where members of a cemetery were not available to the public at a time of need and therefore called the Board office asking for a solution. Upon review the Board will send a mailing to the person in charge at all cemeteries regulated by the Board advising that as per **N.J.A.C. 13:44J-5.8** a cemetery cannot be closed for more than three consecutive days for the purpose of making internments and conducting cremations except for strikes, acts of God or by direction of a competent authority, for example, a court of competent jurisdiction, the Board, the Department of Health and Senior Services or a local department of Health. If management cannot be available arrangements must be made for someone to be available.

A. New Jersey State Board of Mortuary Science

Open Session Meeting Minutes November 1, 2011

**B. BIO Cremation
Matthews Cremation Division**

C. Confirmation of re-appointment of Board Member Paul Desbiens to the Board

D. Article

**Mount Laurel Oks new cemetery
Courier Post Online.com April 11, 2012**

E. Notification of Civil Action

**William E. Valentino, Sr., Plaintiff vs Garden State Cemetery Company t/a
Eglington Cemetery, Linda L. Lacy, Jesse R. Pebley, Louis Geiser, et al,
Defendants
Docket No. GLO-1795-08**

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

F. Adjournment of May 10, 2012 Board Meeting

Due to a lack of quorum for the May 10, 2012 New Jersey Cemetery Board meeting a motion was made by Paul Desbiens and seconded by Linda McGloin to adjourn said Board meeting. A vote was taken and the motion was passed by a unanimous vote.

G. Application for a Cemetery Salesperson's License

**Re: Luis Vega
Hollywood Memorial Park (CA #101)**

The Board reviewed Luis Vega's application for a Cemetery Salesperson's License at Hollywood Memorial Park in Executive Session. The matter was brought to Public Session for a vote as to whether or not a Cemetery Salesperson's License should be issued to Mr. Vega. A motion was made by June Nikola and seconded by Paul Desbiens to issue a Cemetery Salesperson's License to Mr. Vega. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

V. PUBLIC COMMENT

No public comments were made today.

VI. ADJOURNMENT

A motion was made by Jeffrey Kasko and seconded by Paul Desbiens to adjourn Public Session at 10:20 A.M. and move into Executive Session at 10:25 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. Two (2) 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 Paul Desbiens and seconded by Jeffrey Kasko to adjourn the Board meeting of April 12, 2012. A vote was taken and the Board meeting was adjourned at 1:00 P.M.

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*