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NEW JERSEY CEMETERY BOARD

PUBLIC SESSION MINUTES

SEPTEMBER 8, 2011

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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 8, 2011. 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 2, 2010 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:

Lawrence Colasurdo	Present
Paul M. Desbiens	Present
Waheed Khalid	Absent
June Nikola	Present
William Nichols	Present
Jeffrey Kasko	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 JUNE 9, 2011

A motion was made by Lawrence Colasurdo and seconded by Jeffrey Kasko to approve the Public Session Meeting Minutes of June 9, 2011 as corrected. A vote was taken and the motion was passed by a unanimous vote.

II. APPROVAL OF PUBLIC SESSION COMMITTEE MEETING MINUTES OF JULY 14, 2011

A motion was made by Lawrence Colasurdo and seconded by June Nikola to approve the Public Session Committee Meeting Minutes of May 13, 2010 as presented. A vote was taken and the motion was passed by a unanimous vote.

II. OLD BUSINESS

A. Hoboken Cemetery (CA #183)

Deputy Attorney General John Hugelmeyer advised the Board that Jerry Katz, Esquire has advised him that Hoboken Cemetery held a Lot Owners Meeting for the purpose of establishing a new Board of Trustees. George Dougherty, Esquire conducted the meeting. Upon Mr. Katz advising who the new Trustees are, Sandy Epstein, his son and his daughter, DAG Hugelmeyer realized that there may be a legal disqualification since Sandy's daughter operates a monument company. DAG Hugelmeyer will bring his concerns to Mr. Katz's attention. Before Hoboken can be taken out of Receivership, the Board needs to see a cash flow report for the cemetery from 2010 to present prepared and certified by an accountant. Mr. Katz will forward this to the Board. This matter will be held over.

B. Withdrawal of money from the principal of the Trust Fund Re: Jersey State Memorial Park

June Nikola was recused from this matter

Due to a lack of a quorum this matter was reviewed in committee

At the June 9, 2011 Board Meeting the Committee of the Board voted to authorize DAG John Hugelmeyer to draft a Provisional Order of Discipline to Anthony Sparno, President, Jersey State Memorial Park for withdrawing \$32,500.00 from the cemetery's Trust Fund. Upon further discussion at the July 14, 2011 Committee Meeting the Committee voted to rescind the Provisional Order of Discipline and recommend to the full Board that a Uniform Penalty Letter be issued instead with a \$500.00 Civil Penalty. A motion was made by Lawrence Colasurdo and seconded by Jeffrey Kasko to approve the Committee's recommendation. A vote was taken and the motion was approved by a unanimous vote. This matter will be held over.

C. Withdrawal from the Maintenance & Preservation Trust Fund Re: Greenville Cemetery Association (CA #282)

Previously the Board extended the date to December 31, 2011 for the balance of withdrawal from the Greenville cemetery's Trust Fund, in the amount of \$561.00, to be redeposited. This matter will be held over.

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

*Debbie McClelland Secretary, Trustee, Odd Fellows Cemetery previously advised the Board that the money that was transferred to the Cemetery's Trust Fund was taken from a Mausoleum Building Trust Fund not from an unrestricted fund. Executive Director Dianne L. Tamaroglio wrote to Ms. McClelland advising that the money has to be returned to the Mausoleum Building Trust and asked for a payment plan. In response to Ms. Tamaroglio's correspondence a letter was received from David L. Eckman, President, Odd Fellows Cemetery that the cemetery's Building Fund is not a trust fund for building maintenance but rather funds set aside some time ago with a view to a future construction of another mausoleum. Mr. Eckman also advised that the cemetery pools all the Maintenance and Preservation contributions from all sales, whether from mausoleum or cemetery sales and the cemetery does not have a separate mausoleum trust fund. Upon review it was noted by the Board that if the cemetery does not have a separate mausoleum fund then it may be in violation of **N.J.S.A. 45:27-14b** if the mausoleum was built after the year 1971. Executive Director Dianne L. Tamaroglio will follow-up with Mr. Eckman to verify the date in which the mausoleum was built. This matter will be carried over.*

E. Application for lease of cemetery property from Mount Rest Cemetery (CA #34) to T-Mobile

Paul Desbiens was recused from this matter and moved away from the table

Due to a lack of a quorum this matter was reviewed in committee

The Board has received an application from Mount Rest Cemetery 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 Executive Director Dianne L. Tamaroglio. Ms. Tamaroglio 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 June Nikola and seconded by Lawrence Colasurdo to recommend to the full Board the approval of the application for the lease of a portion of Mount Rest Cemetery lands to T-Mobile for the establishment of a cell tower. A vote was taken and the motion was passed by a unanimous vote. The matter will be carried over.

F. New Jersey Cemetery Board 2012 Meeting Dates

The Board reviewed the proposed New Jersey Cemetery Board Meeting Dates for 2012. Upon review a motion was made by Paul Desbiens and seconded by Lawrence Colasurdo to approve the Meeting Dates for 2012 as recommended from Committee Meeting of July 14, 2011. A vote was taken and the motion was approved by a unanimous vote.

G. Maintenance & Preservation Trust Fund Dwindling Odd Fellows Cemetery (CA #330)

The Board has asked Board Accountant George Booktor to make an appointment to meet with Odd Fellows Cemetery to review its records and advise as to how it will replenish its Maintenance and Preservation Fund. Mr. Booktor spoke with Roland Hardy, Attorney representing the cemetery. Mr. Hardy will forward to Mr. Booktor the financials for the cemetery. This matter will be held over.

II. NEW BUSINESS

A. Approval of Bulk Sales

Marlboro Memorial Cemetery, Morganville, NJ (CA #395) to St. Mina Coptic Orthodox Church, Holmdel, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 33 crypt spaces for \$165,000.00 (\$5000.00 per crypt). The required 10% will be deposited into the Maintenance & Preservation Trust Fund of Marlboro Memorial Cemetery.

Washington Cemetery Management Corporation, Monmouth Junction, NJ (CA #172) to Chevra Kadisha D'Khal Minchas Eluzer D'Munkacs, Brooklyn, NY

Executive Director Dianne L. Tamaroglio approved the bulk sale of 45 interment spaces for \$27,000.00 (\$600.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Washington Cemetery Management Corporation, Monmouth Junction, NJ.

Restland Memorial Park, East Hanover, NJ (CA #117) to the Islamic Burial Services Association, Boonton, NJ

Executive Director Dianne L. Tamaroglio approved the bulk sale of 700 interment spaces for \$560,000.00 (\$800.00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Restland Memorial Park, East Hanover, NJ

B. Crematory Discussion

The Board office has been receiving multiple phone calls regarding the location where crematories can be established. There seems to be some confusion regarding this issue; does a crematory have to only be located on cemetery grounds or can it be free standing? Therefore, Executive Director Dianne L. Tamaroglio thought it worthy of Board discussion to acquire some clarification on this matter. Upon discussion it was determined that there is no prohibition in the Board's statute for a crematory being established anywhere.

C. Correspondence from Gaetano M. DeSapio, Esquire
Re: Princeton Memorial Park's Maintenance & Preservation Trust Fund

The Board received correspondence from Gaetano M. DeSapio, Esquire who was asked by Richard Braverman, on behalf of Princeton Memorial Park Association, to become a substitute trustee of the Princeton Memorial Park Maintenance and Preservation Trust Fund as well as the Mausoleum Trust Fund. Mr. DeSapio, Esq. has requested the Board to answer some questions before committing to this position.

Q. Can an individual attorney act as a Trustee of an M & P Trust?
A. Yes

Q. Is there a legal requirement for a Fiduciary Bond?
A. No

Q. Are there any approvals required prior to my accepting the appointment?
A. No

Q. The assets of the Trust will be placed with an entity called "HD Vest" for investment in accordance with the "Prudent Investor Act," would this be in compliance with **N.J.S.A. 45:47-12(d)**?
A. Mr. DeSapio will be advised that he should check with the New Jersey Bureau of Securities to see if there is any adverse action against HD Vest prior to committing to the company.

Executive Director Dianne L. Tamaroglio will reply to Gaetano M. DeSapio, Esquire with the responses of the Board.

C. Application for a Cemetery Salesperson's License
Re: Andrea M. Obst

Greenwood Cemetery (CA # 28)

Andrea M. Obst's application for a Cemetery Salesperson's License was received and discussed 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 her. A motion was made by June Nikola and seconded by Lawrence Colasurdo to issue a Cemetery Salesperson's License to Ms. Obst for Greenwood Cemetery. A vote was taken and the motion was passed by a unanimous vote.

IV. FOR YOUR INFORMATION

A. Notification of Civil Action

**Fairview Mausoleum Co., et als. v PNC Bank, N.A., et als.
Docket No.: BER-L-10286-10**

**Patrick Landolfi & Lucille Landolfi, Plaintiffs Vs. Hollywood Memorial Park Company et al.
Docket No: OCN-L-004613-10**

**Washington Cemetery Association, Washington, NJ v NY San Qing Dao Xie Hui, Inc., et als.
Docket No.: C-91-11**

**Judy Albanese Pellegrini; Charles Pellegrini and Elaine Pellegrini, Plaintiffs, vs Gallaway & Crane Funeral Home, Inc.; E. Haas Gallaway, Jr.; Bruce Wilber; R. Michael Gallaway; Somerset Hills Memorial Park, and John Does A-Z, Defendants
Docket : MRS-L-3302-08**

**B. New Jersey Registrar
Notification of Administrative Change
N.J.A.C. 13:44J-5.5**

Notification of Readoption of N.J.A.C. 13:44J

C. Newspaper, Internet Articles

**No Longer forgotten
Herald News August 5, 2011**

Funeral home directors adjust business to cater to NJ's growing cremation rate NJ.com August 15, 2011

**New body 'liquefaction' unit unveiled in Florida funeral home
BBC News August 30, 2011**

D. Legislative Report 2nd quarter April 1, 2011–June 30, 2011

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

V. PUBLIC COMMENT

Len Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery and Washington Cemetery Management Company hoped everyone had a healthy and wonderful summer and wished the same for the fall.

VI. ADJOURNMENT

A motion was made by Paul Desbiens and seconded by Lawrence Colasurdo to adjourn Public Session at 10:20 A.M. and move into Executive Session at 10:40 A.M.. A vote was taken and the motion was passed by a unanimous vote. The Committee moved into Executive Session to discuss the following matters involving investigations and/or violations of the Board's regulations:

- 1. Three (3) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Fifteen (15) 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 Lawrence Colasurdo and seconded by Jeffrey Kasko to adjourn the Board meeting of September 8, 2011. A vote was taken and the Board meeting was adjourned at 2:30 P.M..

Respectfully Submitted,

*Dianne L. Tamaroglio
Executive Director*