

Presbytery of the Highlands
Stated Meeting
Property and Insurance Team Report
January 22, 2022

Items for Consent Agenda:

None.

Items for Action:

The Property and Insurance Team Recommends the Following:

P&I-1

That the presbytery approve the edited Presbytery of the Highlands Cemetery Association Bylaws. (See attached.)

P&I-2

That the Presbytery approve the PILP application of First Presbyterian Church of Rockaway in the amount of \$98,800 @ 3% per year. Term of the loan is 120 months. Purpose of the loan is for renovations.

P&I-3

That the Presbytery include the following as part of the Property and Insurance Team's Commission:

- The Presbytery of the Highlands of NJ authorize the Property and Insurance team to act on behalf of the Presbytery to approve loans to churches from external sources of up to \$50,000 when prompt approval by the Presbytery is not feasible, and to report such approvals at the next stated meeting of the presbytery.
- The Presbytery of the Highlands authorize the Property and Insurance Team to act on behalf of the Presbytery to approve Presbyterian Investment and Loan Program loans to churches when prompt approval by the Presbytery is not feasible, and to report such approvals at the next stated meeting of the presbytery.

Background and Rationale for P&I-3:

The Book of Order provides that "a congregation shall not sell, mortgage, or otherwise encumber any of its real property and it shall not acquire real property subject to an encumbrance or condition without the written permission of the presbytery transmitted through the session of the congregation." (G-4.02.06). In the Presbytery of the Highlands, the Property and Insurance Team (P&I) is charged with reviewing requests for church loans and recommending approval of loans to the presbytery. These loans include those obtained from the Presbyterian Investment and Loan Program (PILP) as well as loans obtained from banks and other private lenders. The Property and Insurance Team is empowered to make certain loans from presbytery funds for emergency repairs, but the amount of those loans is limited.

Situations can arise where a particular church has need for immediate access to funds in order to maintain the safety and structure of their properties. Breakdown of HVAC, water and septic systems, as well as damage from wind, weather and fire may need to be addressed with dispatch. These loans may be obtained from external sources, including government and commercial entities. Obtaining presbytery approval of a loan may result in inappropriate delay in securing a particular property because of the timing of presbytery and Property and Insurance Team meetings.

In the case of PILP loans, which are often used for capital improvement projects that include both expansion and needed repairs, the presbytery is a guarantor of the loan. Again, the process of obtaining presbytery approval can result in inappropriate delay.

Items to Report:

The Property and Insurance Team Reports the following from their November 15th, 2021 Meeting:

P&I-4

Approved the sale contract for the Hildale Park Presbyterian Church, Cedar Knolls for undeveloped lot, 170 x 70, located at 21 Grand Avenue, for \$263,500. Sold to Robert Roselli.

P&I-5

After a discussion about New Jersey Historic Grants, the Property and Insurance Team discourages churches from use of the Historic Grant programs because of the strings and liabilities often attached with them. The team will be reviewing the present Historic Grant Policy.

P&I-6

The Property and Insurance Team worked on development of the Cemetery Boards in accordance with the Presbytery's Cemetery Association. Approved recommending to the Presbytery changes to the Cemetery Association Bylaws.

P&I-7

Approved the use of the Manse Fund for 2022. Congregations with manses are encouraged to apply for matching funds for energy efficient improvements to the manse. See attached for Manse Fund description.

The Property and Insurance Team Reports the following from the January 6th, 2022 meeting:

P&I-8

The Team updated the Covid guidelines. See attached.

P&I-9

Reviewed the final document for the Manse fund – see attached

P&I-10

Review issues concerning the Presbytery Insurance and will continue to investigate concerns.

P&I-11

Heard a report from the Presbytery Leader and Stated Clerk concerning Boy Scout of America lawsuits where the Presbytery was named. Agreed that Stated Clerk would be the point person and represent the presbytery concerning the legal issues around the lawsuits.

P&I-12

Approved recommending to the Presbytery approval of the PILP application for the First Presbyterian Church of Rockaway.

Attach the Following

Cemetery Association Bylaws
Manse Fund announcement
COVID guidelines

BY-LAWS OF
THE PRESBYTERY OF THE HIGHLANDS, NEW JERSEY CEMETERY ASSOCIATION,
A NEW JERSEY NOT-FOR-PROFIT CORPORATION

Revised on JANUARY 6, 2022

A. NAME, PURPOSE, LIMITATIONS, AUTHORITIES AND DUTIES, PROPERTY

Section 1 Name. The name of the Corporation shall be “The Presbytery of the Highlands, New Jersey Cemetery Association” which shall operate as a corporation under the New Jersey Nonprofit Corporation Act, N.J.S.A. 15:1-1, *et seq.* (“the Act”).

Section 2 Purpose. The Corporation is expressly organized as the wholly-owned subsidiary of the Presbytery of the Highlands, New Jersey Not-For-Profit Corporation (the “Presbytery”), a religious corporation formed and existing pursuant to N.J.S.A. 16:1-11, 16:11-4 and 16:11-18, *et seq.*, of the New Jersey Religious Societies and Associations Act. (The “Religious Societies Act”). The Corporation’s exclusive purpose is to manage and maintain cemeteries and burial places, and any real estate suitable for any or all of said purposes, owned or controlled by the Presbytery, and to ensure that only members of the faith are interred at such locations. The Corporation’s authorized purposes shall include retaining the services of persons and entities to maintain the assets and the disbursement of funds, as authorized by the Presbytery, to maintain and improve said cemeteries and burial places.

Section 3 Authority. In carrying out such purposes, the Trustees and the Corporation shall be under the authority of the Presbytery and shall at all times and in all respects conform to and support the Constitution of the Presbyterian Church (U.S.A.) as it is now or shall be from time to time amended, established, made, and declared by the authority of the Presbyterian Church (U.S.A.), the Religious Societies Act and the Act.

Section 4 Duration. The duration of the Corporation shall be perpetual.

Section 5 Limitation of Authorities and Duties. The authorities and duties of the Corporation and its Trustees shall not infringe upon the authorities and duties of the Presbytery.

Section 6 Authorities and Duties. The Corporation shall have the authority to manage and maintain the cemeteries, properties and related lands suitable for such purposes, owned or controlled by the Presbytery, but only within the budgetary limits and authorities granted by said Presbytery. Acts by any Trustee that extend beyond the limits of the authorities granted by the Presbytery, set forth in these Bylaws, or that are inconsistent with the Constitution of the Presbyterian Church (U.S.A.) are barred as ultra vires.

B. MEMBERS The Corporation shall have no members.

C. TRUSTEES

Section 1 Membership on Board. The directors of the Corporation are designated "Trustees." The Trustees of the Presbytery serve *ex officio* as Trustees of this Corporation and shall be automatically appointed upon their election as Trustees of said Presbytery. Trustees shall be eligible to serve only so long as they are qualified and in good standing as Trustees of the Presbytery. The President of the Presbytery corporation and the Stated Clerk of the Presbytery shall serve *ex officio* as Trustees if they are eligible; if either is not eligible, then the Nominating Committee of the Presbytery shall nominate an eligible person for election under the rules of the Presbytery.

Section 2. Term. The term of each Trustee shall coincide with his or her term of office as Trustee of the Presbytery.

D. CEMETERY BOARDS

Section 1 Appointment. The Trustees shall annually appoint a Cemetery Board of no fewer than three persons to oversee and manage a single cemetery, as assigned by the Trustees, as, in its judgment, shall be necessary to carry out the purposes and duties of the Corporation. ~~Only those persons who are Trustees of the Corporation may serve on a Board.~~

Section 2 Duties. Each Cemetery Board shall serve at the pleasure of the Trustees, attend to the management and maintenance of a cemetery, burial place and related properties designated by the Trustees, including the oversight and maintenance of all funds kept in trust for said property. Each Cemetery Board shall report its activities, budget and statement of assets to the Trustees for ratification.

Section 3 Chairperson. Each Cemetery Board shall elect, by simple majority vote, a Chairperson to preside at all meetings of the Cemetery Board. The Chairperson shall prepare and circulate to all members of the committee in advance of meetings all correspondence and agenda items to be considered. In the event of a vacancy in the office of Chairperson, the Cemetery Board shall elect a successor Chairperson at its next meeting or as soon as practicable.

Section 4 Meetings. Meetings of each Cemetery Board shall be called by the Chairperson upon written notice sent pursuant to the notice requirements for meetings of the Board of Trustees as are specified in these Bylaws. The meeting requirements and provisions of the Constitution of the Presbyterian Church (U.S.A.) shall govern the conduct of all meetings. In addition to those requirements and provisions, these Bylaws provide specific guidance for the

Corporation. The most recent edition of *Robert's Rules of Order* shall provide the rule for parliamentary process. Minutes of all Cemetery Board meetings shall be kept by a Cemetery Board member designated by the Chairperson and a copy of all such minutes shall be transmitted to the Secretary of the Corporation within the time designated by the President.

E. MEETINGS OF THE BOARD OF TRUSTEES

Section 1 Conduct. The meeting requirements and provisions of the Constitution of the Presbyterian Church (U.S.A.) shall govern the conduct of all meetings. In addition to those requirements and provisions, these Bylaws provide specific guidance for the Corporation. The most recent edition of *Robert's Rules of Order* shall provide the rule for parliamentary process.

Section 2 Notices. The President shall give notice of the time and place and, in the case of a special meeting, the purpose of every meeting of the Board of Trustees, in writing and shall be duly sent, mailed, e-mailed or otherwise delivered to each trustee not less than ten (10) days before the meeting; provided, that no notice of any regularly scheduled or adjourned meeting need be given. Meetings may be held at any time without notice if all of the Trustees are present or if those not present waive notice of the time, place, and purpose of the meeting, either before or after the holding thereof.

Section 3 Quorum. A majority of the trustees on the Board of Trustees shall constitute a quorum for the transaction of business at the regular meetings of the Board of Trustees, and the action of the Board of Trustees present at any meeting at which a quorum is present shall be the action of the Board of Trustees; provided that if the trustees shall unanimously consent in writing to any action to be taken by the Board, such action shall be valid as though it had been authorized at a meeting of the trustees. If at any meeting of the Board of Trustees there shall be less than a quorum present, a majority of those present may adjourn the meeting from time to time until a quorum shall have been obtained.

Section 4 Special Meetings. Special meetings may be held at any time upon the call of the President, or of not less than one-third of the Trustees then in office.

Section 5 Minutes. The minutes of the proceedings of the Board of Trustees and of all annual and special business meetings of the Corporation, and a statement of the receipts and disbursements of the Treasurer, shall at least annually, be submitted to the Presbytery for review, for incorporation in its records, and for report to the higher judicatories of the Corporation, according to the provisions of the Constitution of the Presbyterian Church (U.S.A.) . The Trustees shall promptly provide any record, account, book or thing requested by the Presbytery.

F. ANNUAL MEETING OF THE CORPORATION

Section 1 Annual Meeting, Place and Time. There shall be an Annual Meeting of the Corporation that shall take place ordinarily on the first Sunday in February, or as soon thereafter as shall be decided by the Trustees.

Section 2 Moderator, Quorum. The President of the Board of Trustees shall be the moderator for the business conducted at the Annual Meeting of the Corporation. The quorum for the transaction of business shall be a majority of the number of Trustees.

Section 3 Voting. Unless otherwise specified in these Bylaws, all actions taken by the Trustees shall be by simple majority vote of the quorum present. Voting by proxy shall not be allowed.

G. OFFICERS

Section 1 Officers. The Board of Trustees shall have these officers: President, Secretary and Treasurer. The Board of Trustees, at each Annual Meeting, shall elect from their number a President and Secretary. The Treasurer of the Corporation shall serve as *ex officio* Treasurer of the Cemetery corporation.

Section 2 Term. The term of office for all officers shall be one (1) year or until their respective successors are chosen. Any officer elected by the Board of Trustees may be removed from the office at any meeting of the Board of Trustees by the affirmative vote of a majority of the trustees then in office, whenever in their judgment the interest of the Corporation will be served thereby. Upon vacancy in any office of the Board of Trustees, the Board of Trustees shall elect a successor at the earliest opportunity.

Section 3 Authorities and Duties. The officers of the Corporation shall respectively have such authorities and perform such duties in the management of the affairs of the Corporation subject to the control of the Trustees as generally pertain to their respective offices, as well as such additional authorities and duties as may from time to time be conferred by the Board of Trustees. No action taken by the officers shall infringe upon the authority of the Presbytery and all actions shall be in conformity with the Constitution of the Presbyterian Church (U.S.A.). Subject to this Section, these Bylaws, and the Articles of Incorporation of the Corporation, the officers shall have the following authorities and duties in regard to the Corporation:

- (a) The President shall: (1) preside at meetings of the Corporation and the Board of Trustees; (2) make such appointments as directed, authorized, or required, including appointing Trustees to serve on committees who shall be responsible for reporting to the Board of Trustees on the activities of their respective committees; (3) execute any and all documents of whatsoever kind and nature necessary to carry out the purpose and functions of the Corporation; (4) be responsible for carrying out the directives and requirements of applicable law, these Bylaws, and the Articles of Incorporation; (5) in general, perform all duties incident to the office of President; and (6) perform such other duties as may from time to time be assigned by the Board of Trustees.
- (b) The Secretary shall: (1) perform for the Corporation those duties set out in the Constitution of the Presbyterian Church (U.S.A.); (2) keep the record of the proceedings

of all meetings of the Board of Trustees and provide minutes of such meetings to the Trustees; (3) be the custodian of the corporate seal, if any, and affix it to all documents to be executed on behalf of the Corporation under its seal; (4) receive reports of all Committees of the Corporation; (5) report periodically, but not less than semi-annually, to the Presbytery on the affairs and activities of the Corporation; (6) in general, perform all duties incident to the office of secretary; and (7) perform such other duties as may from time to time be assigned by the Board of Trustees.

- (c) The Treasurer shall: (1) perform for the Corporation those duties set out in the Constitution of the Presbyterian Church (U.S.A.); (2) have charge of and be responsible for the safekeeping of monies which are contributed to the Corporation, and shall keep a correct account of the receipts and disbursements of the same, under his or her official title as "Treasurer" of all funds and assets; (3) render a statement in writing of the receipts and disbursements for the preceding year at each Annual meeting of the Corporation, and from time to time render such other financial statements as shall be required by the Presbytery or the Board of Trustees; (4) be responsible for the filing of any and all tax and other financial reports as required by applicable law; (5) be responsible for the deposit of all monies, drafts, and checks in the name of or to the credit of the Corporation at such banks or depositories as the Board of Trustees shall designate; (6) in general, perform all duties incident to the office of Treasurer; and (7) be the custodian of all policies of insurance and securities of the Board of Trustees, and all books, papers and documents pertaining to the temporal affairs of the congregation, except the book of minutes of the proceedings of the Board of Trustees, which shall remain in the custody of the Secretary of the Board, and shall deliver them and the balance of monies in his hands as such treasurer to his successor in office on demand, and, (8) perform such other duties as may from time to time be assigned by the Board of Trustees.
- (d) No member or members of this Board shall have any authority whatsoever except in conformity with the Constitution of the Presbyterian Church (U.S.A.).

Section 4 Checks, Notes, Drafts. The Board of Trustees may, from time to time, prescribe the manner of making signature or endorsement of bills of exchange, notes, drafts, checks, acceptances, obligations, and other negotiable paper or other instruments for the payment of money and designate the officer or officers, agent or agents, who shall from time to time be authorized to make, sign, or endorse the same on behalf of the Corporation.

H. FISCAL YEAR; SEAL; OFFICE OF REGISTERED AGENT

Section 1 Fiscal Year. The fiscal year of the Corporation shall be the calendar year: January 1-December 31.

Section 2 Seal. The Board of Trustees shall provide a suitable corporate seal for use by the Corporation if deemed appropriate.

Section 3 Office. The name and address of the Corporation's registered agent is, "Secretary, Board of Trustees of Presbytery of the Highlands, New Jersey Cemetery Association, 390 Route 10 West, Randolph, New Jersey 07869."

I. AMENDMENTS

These Bylaws of the Corporation may not be amended or added to, nor may new bylaws be adopted, unless such amendment, addition or deletion comports with the Constitution of the Presbyterian Church (U.S.A.), and takes place at a duly called meeting of the Board of Trustees, by a two-thirds (2/3) vote of the members present and eligible to vote; provided that there has been a full reading of the proposed change(s), or the Board of Trustees shall have distributed a printed version before the meeting.

J. INDEMNIFICATION OF TRUSTEES AND OFFICERS

Each Trustee and officer of the Corporation shall be indemnified by the Corporation against expenses reasonably incurred in connection with any action, suit, or proceeding to which the Trustee or officer may be made a party by reason of being or having been a Trustee or officer of the Corporation (whether or not he or she continues to be a Trustee or officer at the time of incurring such expenses), except in relation to matters as to which he or she shall finally be adjudged in such action, suit, or proceeding to be personally liable. The foregoing right of indemnification shall not be exclusive of other rights to which any trustee or officer may be entitled as a matter of law.

K. DISSOLUTION

If the Corporation is formally dissolved by action of the Presbytery, or has become extinct by reason of the dispersal of its assets, the abandonment of its work, or any other cause, all such property, both real and personal, present and future, as the Corporation may have shall be vested in and be the property of the Presbytery, pursuant to the Constitution of the Presbyterian Church (U.S.A.), said Presbytery being an organization qualified under section 501(c)(3) of the Internal Revenue Code of the United States and in conformity with the Constitution of the Presbyterian Church (U.S.A.). (Book of Order G-8.0300, G-8.0400, G-1.0103; Article of Incorporation XVII).

I certify that these Bylaws were adopted by the Members of the Corporation at a duly called meeting with proper notice on January 6, 2022.

By: _____

, Secretary Board of Trustees of The Presbytery of Highlands, New
Jersey Cemetery Association



History of the Manse Fund Grant

In 2021 the Manse of the Stillwater Presbyterian Church was sold. A condition on the deed, from 1892, required the money be returned to the people who originally contributed to the manse fund. The task to find living relatives of the original 30+ families who contributed was impractical, so the courts determined that the proceeds

from the sale could be used to provide assistance for minister housing in the Presbytery of the Highlands. The proceeds of \$229,541 were invested with the New Covenant Trust, and income will be distributed based on the Foundation's formula of 4.25% per year of a rolling average balance. The Property and Insurance team has determined that approximately \$10,000 will be available for 2022 from the Manse Fund and can be used for matching grants for energy efficient improvements for manses within the presbytery. The annual amount for use for grants will be determined annually by the Property and Insurance team.

Matching Grants for Energy Efficient improvements for the Manse

All congregations with a manse within the Presbytery of the Highlands may apply. Priority will be given, however, to congregations under 150 members.

Sessions may apply for a **matching grant up to \$2000** for any energy efficient improvement for the manse. The Property and Insurance team will review all requests and award grants up to the allocation of the year. For 2022 the allocation is \$10,000.

Grant applications are available online, and must be submitted by February 20, 2022. Grant awards will be made by late February.

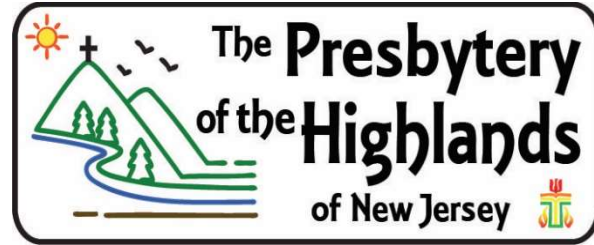
The manse must be used by a Pastor of the requesting church. Congregations in the process of seeking a new pastor may also apply.

Energy Efficient improvements may include new appliances, energy efficient windows or doors, energy efficient air conditioning or heating, insulation or other such types of improvements.

If you have questions to whether your session qualifies, questions about projects or the application process please contact Liz Hutchinson.

Application can be found the Presbytery Website -
<https://highlandspresbytery.org/2022/01/07/manse-improvement-grants-for-2022-are-now-available/>

We were all hopeful that by summer we would be seeing the back end of the COVID virus. That was not to be. We find ourselves this winter amid another surge led by the Omicron Variant. Even though there are reports that this variant is not as “deadly” as previous variants, it still brings on serious illness and death, especially to those who are not vaccinated or have underlying conditions. The long-term effects of this variant are unknown. We strongly recommend that you take this as seriously as previous variants.



That said, this is not March 2020. We do have more tools and experience in managing exposure to the virus such as masking, social distancing, virtual gatherings, digital technology, and vaccinations. We recommend you use all those tools to assist you as you continue your worship and ministry.

Over the last few weeks, the following questions have been asked in various ways. The Property and Insurance team, tasked with keeping track of COVID protocols, offers the following as recommendations, guidance and responses to your questions.

Question and Answers concerning the Omicron Variant and Church life.

Should we suspend in person worship/gatherings/meetings?

There are many contributing factors to this question. First, if your county is Red or Magenta (Covidactnow.com) or if the county positivity rate is above 15%, you should consider suspending in person gatherings and programs. (i.e., coffee hour, fellowship, etc.) Worship should be suspended if you are unable to social distance and wear masks safely and/or have a cluster of members test positive for the virus. Have plans ready to go for online alternates for meetings and gatherings.

What about if we wear masks and social distance?

If you are meeting in person, Mask Wearing must be mandatory for all in people at the meeting or gathering. The CDC and NJ Department of Health recommend that people upgrade for single layer of cloth to at least the minimum of two layers and a surgical mask or a N95 or KN95 mask.

Social distancing must also be mandatory while in the building or sanctuary. If your sanctuary is not large enough to keep social distance of 6 feet than you should consider going to online or virtual worship.

What about singing?

Because of the extremely contagious nature of the Omicron Variant all singing, including choirs, should be suspended until the positivity rate in your area is below 15%.

What should we do next?

Your next steps is for the session to approve the protocols for this next season of the pandemic and communicate them with the congregation.

What do we do if someone tests positive and was in worship or another gathering?

- Send a communication to all who may have attended the gathering/worship service. In the case of a worship service, the letter should go to the entire congregation.
- Encourage all who attended to get tested as soon as possible whether they have been vaccinated and/or masked at the time of gathering. Vaccinated people can contract the virus and may spread it to others unknowingly.
- Anyone who comes back with a positive test should contact the church office and should isolate according to their doctor's recommendations.
- Plan for online worship or gatherings should there appear to be a cluster of cases from this incident.
- Have a plan should the COVID positive person (s) are the worship leaders.

What should you include in your communications?

- First find out from the person informing you of their positive test if you can use their name (s). This might be helpful for people to know how close and maybe exposed they were.
- If it was a small group send out an email to everyone who participated with specific information followed by an email to larger congregation informing them that someone at a small group tested positive.
- If it was a large group, like the worship service, send an email to the whole congregation with as much detail information as possible.
- Encourage all participants of whatever event to get tested and to quarantine until they are tested.
- Keep the communication focused on care for the people and not on blaming anyone or any one group.

How do we know the Positivity Rates for our County?

COVID ACT NOW (covidactnow.org) is the best resource to find out the positivity rate for your county on a daily basis. The information is based on the previous day's testing results.

What is the “Percent Positive” or “Positivity Rate” and why does it matter? (from John Hopkins: Bloomberg School of Public Health)

The percent positive is exactly what it sounds like: the percentage of all coronavirus tests performed that are actually positive, or: $(\text{positive tests})/(\text{total tests}) \times 100\%$. The percent positive (sometimes called the “percent positive rate” or “positivity rate”) helps public health officials answer questions such as:

- What is the current level of SARS-CoV-2 (coronavirus) transmission in the community?
- Are we doing enough testing for the amount of people who are getting infected?

The percent positive will be high if the number of *positive tests* is too high, or if the number of *total tests* is too low. A higher percent positive suggests higher transmission and that there are likely more people with coronavirus in the community who haven’t been tested yet.

The percent positive is a critical measure because it gives us an indication how widespread infection is in the area where the testing is occurring—and whether levels of testing are keeping up with levels of disease transmission.

The Positivity Rates for COVID in the Presbyteries Counties **(as of January 10, 2022)**

Sussex County – Severe Risk Level – 34.3 %

Passaic County – Severe Risk Level – 40.6%

Morris County – Severe Risk Level – 33.6%

Warren County – Severe Risk Level – 36.7%

Somerset County – Severe Risk Level – 35.9%

Hunterdon County – Severe Risk Level – 33.4%

Mercer County – Severe Risk Level – 27.9%