

**New Jersey Cemetery Board  
Public Session Minutes  
January 8, 2004**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J., on the sixth floor, on Thursday, January 8, 2004. 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 out 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 Chairman Frank J. DeGeeter, Jr. called the meeting to order at 9:40 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski	Present
Frank J. DeGeeter, Jr.	Present
Paul M. Desbiens	Present
Stephen F. Hehl	Present
David Mallach	Absent
June Nikola	Present
William Nichols	Present
Marianne Panico	Absent

Also in attendance were: Dianne L Tamaroglio, Executive Director for the New Jersey Cemetery Board, DAG John Hugelmeyer, and Managing Executive Director William Mandeville.

## **I. PUBLIC COMMENT**

Bernard E. Stoecklein, Jr. , President, Friends of Rural Cemeteries advised the Board that he has spoken with Emery Bittman, President, Cedar Grove Cemetery regarding the cemetery's Maintenance & Preservation Trust Fund. Mr. Stoecklein has advised that the Fund is in line and is growing. The Friends of Rural Cemeteries is continuing to pay the fees for the Trust. Mr. Stoecklein and Mr. Bittman have discussed the feasibility of selling graves in the Veteran's section of the cemetery which would generate more income for the cemetery. Mr. Stoecklein advises that he is working on advertising strategy for this sales campaign. Mr. Stoecklein will keep the Board apprized of the progress of this matter.

## **III. ELECTION OF NEW JERSEY CEMETERY BOARD OFFICERS FOR 2004**

Executive Director Dianne L. Tamaroglio opened nominations for Chairman of the New Jersey Cemetery Board for 2004. William Nichols nominated Frank J. DeGeeter, Jr. for Chairman of the Board. The nomination was seconded by Marion Brozowski. With no further nominations being made Paul M. Desbiens made a motion to close nominations. Steven F. Hehl seconded the motion. A vote was taken and Frank J. DeGeeter, Jr. was voted Chairman of the Board for 2004 by acclamation.

As the newly elected Board Chairman, Frank J. DeGeeter, Jr. opened nominations for Vice-Chairman of the New Jersey Cemetery Board for 2004. Frank J. DeGeeter, Jr. nominated David Mallach for Vice-Chairman of the Board. The nomination was seconded by William Nichols. With no further nominations being made Marion Brozowski made a motion to close nominations. June Nikola seconded the motion. A vote was taken and David Mallach was voted Vice Chairman of the Board for 2004 by acclamation.

## **IV. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF DECEMBER 11, 2003**

A motion was made by William Nichols and seconded by Marion Brozowski to approve the Public Session Minutes of December 11, 2003 as presented. A vote was taken and the motion was passed by a unanimous vote.

## **V. OLD BUSINESS**

### **A. Advisement that the County of Ocean is taking a portion of cemetery property**

**Re: Greenwood Cemetery (CA #370)**

This matter will be carried over.

### **B. Concern regarding a retaining wall**

**Re: Beth David Cemetery (CA #308)**

Board Member William Nichols conducted an on-site inspection of the area in question at Beth David Cemetery. Mr. Nichols advised the Board that a drainage ditch runs approximately 12' under the graves in the cemetery, right across the Boulevard and that erosion is occurring under the fence that separates the cemetery from a golf course. The Board will ask Sanford B. Epstein, who is responsible for the maintenance of the cemetery, to provide the Board with a plan for corrective action for the retaining wall that appears to be falling apart by the February 19, 2004 Board meeting including a time frame for completion of the work. This matter will be carried over.

### **C. Requesting approval for credit taken on Maintenance & Preservation Trust Fund**

**Re: Heavenly Rest Memorial Park (CA #304)**

The Board has been provided with a bank statement that confirms the name change for Heavenly Rest Memorial Park's Maintenance & Preservation Trust Fund. The change appropriately reflects the name of the cemetery. However, the bank statement shows that the Fund is not held in a custodial trust fund in a banking institution authorized by law to maintain trust accounts and having and maintaining a place of business within this state as required by N.J.S.A. 8A:4-3(b). It would appear from the bank statement that the Trust is in a Working Capital Management Account with Merrill Lynch in New York, not in New Jersey. The cemetery will be advised that these matters must be rectified immediately to bring the cemetery to compliance with the statute. Any delays in rectifying this matter, could possibly result in disciplinary action being taken against the cemetery by the Board. This matter will be carried over.

### **D. Request for approval of amended easement agreement**

**Re: Hillside Cemetery Company (CA #398)**

The Board has received correspondence from Glen Pierce regarding Hillside Cemetery. Mr. Pierce stated that at the October 9, 2003 New Jersey Cemetery Board, Michael Maneri, attorney representing the Estate of Susie Romano, et al., stated that the Romano's will pave over graves within the 22.5 foot easement area if they must repave the 540 foot driveway. Mr. Pierce goes on further to say that the Board advised that paving over graves could not happen. Mr. Pierce stated that in the October 9, 2003 Cemetery Board minutes, there was no reference to the Board's admonishment of paving over graves nor did the Board cite the applicable Title 8A law to Mr. Manieri and requests that a letter be sent to Mr. Manieri, Hillside Cemetery and Fairfield Engineering Department. It was the decision of the Board that a letter is not required at this time, as the minutes of the October 9, 2003 Board meeting are adequate, absent any information that there is a present intention to pave over any graves. A letter will be sent to D.F. Moore Craig, attorney representing Hillside Cemetery inquiring as to the status of the litigation and the easement. This matter will be carried over.

### **E. Requesting Board approval for sale of cemetery property**

**Re: Eglington Cemetery (CA #98)**

This matter will be continued in today's Executive Session and reported out in Public Session at the February 19,

2004 Board meeting.

**F. Requesting explanation of contribution to M&P Trust Fund in relation to Bulk Sales**

**Re: Beth Israel Cemetery Association**

June Nikola was recused from this matter and moved away from the table.

Ruth Nikola, Regional Administrator, Beth Israel Cemetery Association was to forward to the Board a letter outlining the specifics of her inquiry to the Board at its December 11, 2003 Board meeting for today's discussion. Ms. Nikola advised that she will forward her letter in time for the February 19, 2004 Board meeting. This matter will be carried over.

**G. Inquiry from Emery Bittman regarding investment of M&P Trust Funds**

**Re: Cedar Groove Cemetery, (CA #217)**

This matter was previously reported under Public Comments. This matter will be carried over.

**H. Appropriateness of cemetery price list**

**Re: Glendale Cemetery (CA #114)**

As the Board has not yet received a revised price list from Glendale Cemetery a follow up letter will be sent. This matter will be carried over.

**I. Subdivision of cemetery property**

**Re: George Washington Memorial Park (CA #26)**

Frank J. DeGeeter, Jr. was recused from this matter and moved away from the table.

The Board had previously approved the condemnation of a portion of George Washington Memorial Park's property (not dedicated for cemetery purposes) by the County of Bergen. The Board has now received a copy of the final settlement and terms of the condemnation. The documentation included a copy of a receipt for the deposit of 15% of the net proceeds of the condemnation into the cemetery's Maintenance & Preservation Trust Fund. The Board members believed that the approval was given with 15% of the sale price going into the M&P Trust Fund. The approval for this transaction will be reviewed and Mr. DeGeeter will be advised.

**VI. NEW BUSINESS**

**A. Request for waiver of \$75.00 Filing Fee for Annual Reports**

**Re: West Amwell Cemetery Association (CA #283)**

Gisele Meader, newly appointed Treasurer for West Amwell Cemetery Association has requested that the Board waive the \$75.00 Filing Fee for the Annual Reports for the years 1998 through 2001 due to the cemetery's financial condition. When Ms. Meader took over as Treasurer she realized that the cemetery hadn't filed its Annual Reports with the Board office since 1997. Working with the Board office, Ms. Meader has brought the cemetery's reports up to date. A motion was made by June Nikola and seconded by Marion Brozowski to waive the filing fee for the Annual Reports for the years 1998 through 2001. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board meeting agendas.

**B. Inquiry regarding the cremation of non-Catholics**

**Re: Holy Cross Burial Park, East Brunswick, NJ**

The Diocese of Metuchen, Office of Cemeteries is in the planning stages of building a diocesan crematory at Holy Cross Burial Park in East Brunswick. Their question to the Board is can they cremate non-Catholics without jeopardizing their exemption under Title 8A for the cemetery. If they did cremate non-Catholics, the Diocese would not offer burial or inurnment in their cemeteries. DAG John Hugelmeyer will research this matter and

report back to the Board. This matter will be carried over.

**C. Inquiry from Thomas E. Stover, Esquire**

**Re: Mt. Herman Cemetery Association a/k/a Green's Chapel Cemetery Association**

Mt. Herman's Cemetery Association a/k/a Green's Chapel Cemetery Association surrounds the existing Mt. Herman United Methodist Church which is being sold. Mt. Stover is looking for guidance as to how to handle the cemetery that presently exists under a separate association. All title work to date shows that all of the land that makes up the Church and cemetery is Deeded into the Church by various deeds since 1811. DAG John Hugelmeyer will contact Mr. Stover for more information regarding this matter. This matter will be carried over.

**VII. FOR YOUR INFORMATION**

**A. Notification of Civil Action Complaint**

**Re: Morganville United Methodist Church, Plaintiffs v**

**Forest Green Park Cemetery Association (CA #187) Docket No. C 240-03**

June Nikola was recused from this matter and moved away from the table.

This was considered informational for the Board deeming no discussion or decision making.

**B. Plaintiffs' Expert Report**

**Re: Primer Templo Espiritualista de Nueva York v Rosemount Memorial Park, et al.**

**Docket Number ESX-C-399-02**

This was considered informational for the Board deeming no discussion or decision making.

**C. Advisement of new law firm representing the New Jersey**

**State Funeral Directors Association**

This was considered informational for the Board deeming no discussion or decision making.

**D. Newspaper article**

Cemetery clean-up an annual rite for Scouts

This article advised the Board of the efforts of Boy Scout Troop 49, from Fort Monmouth, New Jersey. The troop organizes yearly to clean up and restore the Pine Brook Cemetery in Tinton Falls, New Jersey. The Board will forward a letter to the Boy Scout Troop commending the boys on their efforts.

**E. Cemetery Consumer Service Council**

**Re: 2002 Activity Survey Data**

This was considered informational for the Board deeming no discussion or decision making.

**F. International Cemetery and Funeral Association**

**Re: Hall of Fame Award**

Board Chairman Frank J. DeGeeter, Jr. advised the Board that former New Jersey Cemetery Board Chairman, Irwin Shipper has received the International Cemetery and Funeral Association's Hall of Fame Award for his 55 years of service to the death care industry. The Board will send Mr. Shipper a congratulatory note.

**VIII. ADJOURNMENT**

A motion was made by William Nichols and seconded by June Nikola to adjourn Public Session at 10:50 AM and

move into Executive Session at 11:00 AM. 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, violations, and/or the Board's regulations:

1. One (1) new matter or complaint filed with the Board which require review and recommendations in regard to investigation and/or actions.
2. Twenty-two (22) 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.

Respectfully Submitted,

Dianne L. Tamaroglio  
Executive Director