

**New Jersey Cemetery Board  
Public Session Minutes  
November 13, 2003**

Due to a lack of quorum the Board met in Committee

A Committee meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, N.J., on the sixth floor, on Thursday, November 11, 2003. 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 9:45 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Marion Brozowski	Absent
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 and DAG John Hugelmeyer.

Out going Executive Director Susan H. Gartland, thanked the Board for all of its work and assistance since the Board was transferred from the Department of Banking to the Division of Consumer Affairs in May, 1995.

## **II. PUBLIC COMMENT**

No public comments were made today.

## **III. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF OCTOBER 9, 2003**

A motion was made by William Nichols and seconded by June Nikola to recommend to the full Board at its December 11, 2003 Board meeting that the Public Session Minutes of October 9, 2003 be approved as amended. A vote was taken and the motion was passed by a unanimous vote.

## **IV. OLD BUSINESS**

### **A. Advisement that the County of Ocean is taking a portion of cemetery property Re: Greenwood Cemetery (CA #370)**

With the County of Ocean's receipt of the paperwork from George Watson regarding the lifting of the restriction

of 100 feet of Greenwood Cemetery's property being sold for future burials, the County is in the process of reassessing the value of the property it is purchasing from the cemetery. Integra Realty Resources the appraisal firm for the County has requested additional information from the cemetery to help with its reassessment of the property. George Watson has requested the Board's assistance in providing any documentation it might have. The Board office has forwarded to Richard Beran, the attorney representing the cemetery, the following documentation it has on file for the cemetery: the cemetery's most current price list; a small map of the cemetery; and copies of the cemetery's last three Annual Reports. This matter will be carried over.

**B. Concern regarding a retaining wall**

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

Sanford B. Epstein will be contacted for an update on the status of the repair of the retaining wall at Beth David Cemetery. This matter will be carried over.

**C. Requesting Board approval for the alteration of cemetery roads**

**Re: Evergreen Cemetery and Crematory (CA #92)**

Board member William Nichols conducted an on-site inspection of the area at Evergreen Cemetery where the cemetery wants to alter the roads for the purpose of creating more burial space. Mr. Nicholas has advised the Board that no road will be taken away from the front of any graves; the road will only be narrowed. With the cemetery's revised plans for its proposal, there will be a 2' wide reservation, leaving room for 4 side by side graves running parallel to the road. A motion was made by June Nikola and seconded by William Nichols to recommend to the full Board at the December 11, 2003 Board meeting that the alteration of Evergreen's roads be approved with the condition that the roadway be wide enough for the passage of a motor vehicle. A vote was taken and the motion for the recommendation was passed by a unanimous vote. This matter will be carried over.

**D. Transferring ownership and management of a cemetery**

**Re: Manahawkin Methodist Cemetery Association (not a CA cemetery)**

Having heard nothing further from the Manahawkin Methodist Cemetery Association, the matter will be removed from future Board meeting agendas.

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

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

The Board has not yet received confirmation that the name for Heavenly Rest Memorial Park's Maintenance & Preservation Trust Fund has been changed. A follow up letter will be sent to the cemetery. This matter will be carried over.

**F. Request for approval of amended easement agreement**

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

Glen Pierce has provided DAG John Hugelmeyer with additional information regarding Hillside Cemetery and the amended easement agreement. Mr. Pierce has been advised that he must provide this information to Michael Manieri, attorney representing the Estate of Susie Romano, et als and D.F. Moore Craig, attorney representing Hillside Cemetery before it can be shared with the Board. It is expected the both attorneys will respond to Mr. Pierce's correspondence. This matter will be carried over.

**G. Requesting Board approval for sale of property**

**Re: Flower Hill Cemetery Association (CA #148)**

The Board has not yet received its requested documentation from Flower Hill Cemetery Association. Board Chairman Frank J. DeGeeter, Jr. will contact Anthony DiVincent, President of the cemetery, for an update on the status of the Board's request.

## **V. NEW BUSINESS**

### **A. Approval of Bulk Sale**

Beth Israel Cemetery Association, (CA #1), Woodbridge, NJ to Congregation Or Chodosh, Brooklyn, NY

Executive Director Susan H. Gartland approved the bulk sale of 77 graves for \$42,453.00 (\$551.34 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

Vogel Brotherhood of Rahway to Congregation Beth Israel, Scotch Plains, NJ

Executive Director Susan H. Gartland approved the bulk sale of 96 graves for \$24,400.00 (\$254.17 per grave). The required amount will be deposited into the Maintenance & Preservation Trust Fund of Beth Israel Cemetery Association.

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

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

Jesse Pebley, President of Eglington Cemetery Company, Joel Schneider and Peter Platten, attorneys representing the Eglington Cemetery appeared before the Committee of the Board to discuss the sale of a portion of the cemetery's property. The cemetery has entered into an agreement with Atlantic Five Development, Inc. for the sale of 36.38 acres for the monetary consideration of \$1,455,200.00 prior to requesting Board approval. The property in question is referred to as Lot No. 3 and is approximately 3 miles away from the cemetery. The cemetery and its attorneys advise that while this property is owned by Eglington Cemetery, it has never been nor will it ever be dedicated for cemetery purposes and therefore believe that because of this, the cemetery did not have to come to the Board for approval for this sale as required by N.J.A.C. 13:44J-13.4. Also required by N.J.A.C. 13:44J-13.4, 15% of the proceeds from the sale is to be deposited into the cemetery's Maintenance & Preservation Trust Fund. If the cemetery believes that it does not need Board approval for the sale, then it would appear that 15% of the proceeds of the sale would not be deposited into the cemetery's M&P Trust Fund. This matter will be carried over for discussion by the full Board at its December 15, 2003 Board meeting.

### **C. Requesting approval of sale of cemetery property**

**Re: Clover Leaf Memorial Park (CA #14)**

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

Clover Leaf Memorial Park has requested Board approval for the sale of a portion of cemetery property to the State of New Jersey, by the Commissioner of Transportation for the monetary consideration of Forty Four Thousand Dollars, (\$44,000.00). The appraised value of this property is the same. The State is purchasing the property for the purpose of widening a State highway. The Committee of the Board reviewed all of the information regarding the sale, provided by Ruth Nikola, Clover Leaf Memorial Park. Upon review of the Statement of the Board of Trustees of Clover Leaf Memorial Park, the Committee had concerns with the wording in No. 4. The Committee wants the wording to be changed to "The deed for the sale for the Conveyed Property will include a prohibition against using the such real property for any prohibited activity pursuant to N.J.S.A. 8A:5-3". The Committee of the Board will make the recommendation to the full Board at its December 11, 2003 Board meeting that the sale of the property from Clover Leaf Memorial Park to the State of New Jersey, by the Commissioner of Transportation be approved with the stipulation that the wording in item No. 4 be changed. This matter will be carried over.

### **D. Requesting explanation of contribution to M&P Trust Fund in relation to Bulk Sales Re: Beth Israel Cemetery Association (CA #1)**

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

Ruth Nikola, Beth Israel Cemetery Association is requesting clarification on contributions to the Maintenance & Preservation Trust Funds with regard to bulk sales. Ms. Nikola advised that the regulations state that the contribution to the Trust Fund is based on the "gross sales price" but there is no definition of gross sales price in either the Board's statutes or its regulations. Depending upon one's interpretation of gross sales price there is a significant difference in the amount required to be deposited into trust. There was much discussion on this topic with varying interpretations by the Committee members as well as by members of the Public. One suggestion was that perhaps the minimum of \$25.00 per grave should be raised to a definite amount. Leonard Auerbach, Manager, Floral Park Cemetery brought up the fact that in discussions with the Board before the Board's changes in the regulations were revised in December, 2000, a definite statement was made regarding society to society bulk sales. We will review the Board's minutes to see if there is anything regarding this. The matter of bulk sales and contributions to the M&P will be carried over for discussion.

#### **E. Approval of 2004 New Jersey Cemetery Board Meeting Dates**

The pending Board meeting dates for 2004 were reviewed by the Committee of the Board. February 12, 2004 was changed to February 19, 2004 as that date is a State holiday & November 11, 2004 was changed to November 4, 2004 as that is also a State holiday. The meeting dates changes will be brought to the full Board at its December 11, 2003 Board meeting for approval.

#### **F. Consumer Correspondence**

##### **Re: Concern for Evergreen Cemetery (CA #72)**

Consumer Angelo Vitalone, Sr. has written to the Board expressing his concerns regarding the conditions of Evergreen Cemetery. Mr. Vitalone claims that there is drug trafficking, prostitution, and homeless sleeping in the cemetery. Mr. Vitalone also advises that in a discussion with Richard Berry, Receiver for the cemetery, he was told that the cemetery has around \$370,000.00 in a bank which cannot be used to clean up the cemetery. Mr. Vitalone also made mention to perhaps a group of volunteers in the area could get together and clean up the cemetery. Mr. Vitalone will be advised that the money referred to by Mr. Berry is the cemetery's Maintenance & Preservation Trust Fund, of which the principle of the Fund cannot be withdrawn and that only the interest generated from the Fund can be used for the care of the cemetery.

Richard Berry, Receiver for Evergreen Cemetery has advised DAG John Hugelmeyer that Norman and Betty Brewer are in arrears with their payments to the cemetery's Maintenance & Preservation Trust Fund. It also appears that they have moved out of state. DAG Hugelmeyer has written to the Brewers at the last known address; perhaps there will be a forwarding address. If there is no response, DAG Hugelmeyer will get in touch with the Brewer's former attorney, John C. Crayton, so see if perhaps he could provide the Board with a new mailing address for the Brewers.

## **VI. FOR YOUR INFORMATION**

#### **A. Notice of Adopted Amendments**

**Re: N.J.A.C. 13:44J-3.1, 10.5, 13.1, 13.3 through 13.7, 14.1, 14.2, 15.2 and 15.3**

#### **B. New Jersey State Board of Mortuary Science**

##### **Open Session Meeting Agenda-October 28, 2003**

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

#### **C. In Memorium-Joseph L. Dodgson, CCE**

This was an obituary for Joseph L. Dodgson printed in the International Cemetery & Funeral Management magazine advising of the passing of Joe on September 26, 2003. Joe was well known throughout the cemetery industry and was Superintendent of Glendale Cemetery for 31 years..

## **VII. ADJOURNMENT**

A motion was made by June Nikola and seconded by Paul M. Desbiens to adjourn Public Session at 12:45 PM and move into Executive Session at 1:30 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, violations, and/or the Board's regulations:

1. Five (5) new matters or complaints 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