

Town of Auburn
Board of Cemetery Trustees
May 5, 2016

Members Present: David Jenkins, Chairman; and Don Dollard

Also Present: Trustees of Trust Funds Barbara Carpenter, Patty Allard and Dorothy Carpenter; Charitable Trust Director Thomas Donovan, Charitable Trusts Assistant Director Terry Knowles, Richard Eaton, Atty. Nicholas Lazos, Finance Director Adele Frisella, Road Agent Michael Dross, Susan Jenkins, Linda Dross, Michael Rolfe, Dennis Vieira, and Bill Herman, Town Administrator

David Jenkins convened the meeting at 4:30 PM.

Mr. Herman indicated the meeting was originally called as a workshop meeting for the Trustees to discuss the authority and responsibilities for the Cemetery Trustees, but noted an issue was raised at the May 2nd Board of Selectmen's meeting that perhaps could be addressed first. Mr. Jenkins agreed.

Roby Cemetery:

Richard Eaton indicated a concern was raised at the Board of Selectmen's meeting about a liability the Town may have with a small cemetery located within the Wethersfield Development if the Town accepted roads within the subdivision. Mr. Eaton and Attorney Lazos noted the cemetery is clearly defined on the subdivision plans and a right-of-way from Winters Way is provided. They noted the grounds are within a grove of trees and is bounded by granite posts. Mr. Eaton indicated the grounds are within a conservation easement held by the Town.

Mr. Herman noted the burial ground is of the Roby (Robie) Family and dates back to approximately 1840. The cemetery had approximately eight headstones, but in the 1990's many of them had been damaged and vandalized as the area was a remote wooded area. The prior Trustees of the Longmeadow Cemetery had removed the headstones to the Longmeadow Cemetery, where they are clearly marked and protected. The question the Selectmen had was if it was appropriate to maintain the headstones at the Longmeadow Cemetery.

Mrs. Knowles indicated that as described, the burial ground is not formally abandoned or accepted by the Town. It belongs to the descendants of the Roby family. She indicated that state statutes concerning cemeteries and burial grounds were very clear, and the headstones should be returned to the original burial ground.

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Mr. Eaton had no objections to the headstones being returned to the burial ground, and agreed that with the development of the area and the traffic on Winters Way, there was substantially less likelihood the headstones would be vandalized again.

David Jenkins indicated the Cemetery Trustees would take the responsibility for ensuring the return of the headstones. Michael Dross indicated he and his crew could physically perform the work, but he was concerned about the state of the cement block containing the broken stones. He thinks it could break apart if it were attempted to be moved in one large piece, and they may need to look at dividing the piece into several pieces before physically moving them.

Mr. Dross asked if there was a deadline the Town should act by, and Director Donovan and Assistant Director Knowles both indicated getting it done before the end of the year be appropriate.

Workshop Meeting:

Mr. Herman reiterated the Cemetery Trustees were interested in meeting with Director Donovan and Assistant Director Knowles to learn what authority and responsibility they have as a Board of Cemetery Trustees; what authority they have as individual Trustees; how bills and expenses should be processed; if they could be paid for working in the cemeteries; and, generally, to ensure they are meeting the obligations of their office.

Donald Dollard provided Mrs. Knowles with a sample of the cemetery deed the Trustees were currently using and asked if there should be a forfeiture clause included in the deeds. Mrs. Knowles indicated there should be, particular in light of a statute change enacted in 1994.

David Jenkins noted they have had some problem with making certain that headstones are placed on the correct gravesites and in the right location within the gravesite, and also the adornments that people have added to various gravesites. He wondered if they should consider placing stronger regulations in place with potential fines on those subjects that the purchasers of headstones would notice. Mrs. Knowles suggested she would take the approach of putting all memorial companies on notice that no one can place a headstone in an Auburn cemetery without having one of the Auburn Cemetery Trustees present. She also suggested the notice should indicate there were be an additional charge to the party responsible if it takes more time and effort to mow and maintain the grave sites because of adornments. She felt this would spread the word and have the affect the Trustees desired.

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Mrs. Knowles indicated the general responsibilities of Cemetery Trustees lies in RSA 289:7 and include the following:

- Adopting rules and regulations for the cemeteries.
- Prepare an annual budget for the operation and maintenance of the cemeteries. She advised the budget needs to be prepared on a gross basis indicating all anticipated expenses, regardless of whether there were perpetual care or other trust funds that may provide off-setting revenues for some expenses.
- Approve expenditures for the operation and maintenance of the cemeteries. She indicated all expenses should be approved by at least a majority of the Board of Trustees.
- Provide documentation to the Trustees of Trust Funds for any reimbursement of expenses that should come from perpetual care funds or other trust funds.
- Prepare deeds for the sale of cemetery lots that should be signed by the Board of Selectmen, and.
- The Trustees may appoint a cemetery custodian or sexton to oversee and maintain the cemeteries. She stressed the sexton cannot be a member of the Cemetery Trustees.

Asked whether a Trustee can be paid for doing work in the cemeteries, Mrs. Knowles indicated you first need to look at local purchasing policies and ethical polices in place, many of which would prohibit such actions. But she noted the maintenance work is the responsibility of the sexton according to the statutes, which specifically prohibit a Trustee from being the sexton. She felt this would prohibit a Trustee for being paid for work in the cemeteries.

Barbara Carpenter asked if it might be possible for the Trustees of Trusts Funds to maintain the individual perpetual care accounts by a map & lot number system, as opposed to original names of donors, who may not ultimately be the occupant of the cemetery plot. Mrs. Knowles reported the State needs to be provided the names for who perpetual care funds are being held, so the Trustees have to report the funds by names. They could also associate lot numbers with the names if it made keeping track of the accounts & lots easier.

Don Dollard reported that in research he and his wife have done as they update all records associated with the cemeteries and the plot maps, he felt there had been upwards of five perpetual care funds that had been created in the past that do not appear to exist today. He indicated there is some indication past Trustees of Trusty Funds closed the accounts in the 1970s, but there has been no information found to explain any action. He felt there were three associated with the Auburn Village Cemetery and two at the Longmeadow Cemetery. Mrs.

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Knowles indicated that once established, the Town is obligated to maintain perpetual care funds as only interest from the accounts may be spent from year to year. If they were inappropriately closed, the Town would need to re-create them. Mr. Herman noted the Longmeadow Cemetery was originally a private held cemetery before being turned over to the Town. He asked if the Town had to recreate perpetual care funds that may have existed when it was a privately held cemetery, and Mrs. Knowles indicated No. The Town only had to maintain what it received when the transition took place.

Mr. Donovan and Mrs. Knowles reported the Legislature has approved legislation in the current session that would allow Towns to enter into agreement with other communities or with private cemeteries to provide for burial space. They indicated for some Towns, who have run out of space in their community, this could be a way to address the statutory requirement for every municipality to provide a place of burial for its citizens within its borders.

They also indicated that statutes were being amended to allow the Trustees of Cemeteries to have up to two alternate cemetery trustees to be appointed to assist the Trustees in the same manner as Library Trustees and Trust Fund Trustees can have alternate members.

There was a general discussion concerning the ability for burials in New Hampshire to take place on private property. Mrs. Knowles indicated it is allowed under New Hampshire law provided a record of the burial is provided to the Town for inclusion on the Town property maps. Notations also need to be placed in deeds for the property. She did indicate that some communities prohibit such burials by way of their Town's Zoning Ordinance by making burials on private property not allowed in any zones of the community.

Adjourn:

David Jenkins moved to adjourn the meeting at 5:30 PM. Seconded by Don Dollard. A vote was taken; all were in favor, the motion carried unanimously.