

289:2 Municipality to Provide. – Every municipality shall provide one or more suitable cemeteries for the interment of deceased persons within its boundaries, which shall be subject to such regulations as the municipality may establish. In the absence of regulations established by vote of the legislative body, the cemetery trustees may establish such regulations pursuant to RSA 289:7, I(a). The operation and maintenance of all cemeteries owned and maintained by the municipality shall be in the charge of the cemetery trustees.

289:5 Cemetery Records. – The corporate officer or designee of a cemetery corporation or town cemetery trustees charged with the responsibility of operation and administration of any cemetery under their control shall keep a record of every burial showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, plot, or part of such plot or lot, in which the burial was made. Such records shall also be kept of every private burial site within a municipality by the owner of the land containing the burial site, and a copy of the information shall be supplied to the cemetery trustees who will maintain the municipal records of such sites. A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee established in compliance with RSA 91-A:4. The location of each cemetery and private burial site may be annotated on the municipal tax map.

289:6 Cemetery Trustees. –

I. Every municipality shall elect a board of cemetery trustees consisting of 3 members, unless a town at an annual or special town meeting votes that the board shall consist of 5 members. In the initial election of cemetery trustees, they shall be elected by ballot at an annual town meeting. One shall be elected for a one-year term, one for a 2-year term and one for a 3-year term. In towns with a board of 5 trustees the 2 additional trustees shall be appointed by the selectmen, one for one year and one for 2 years. Subsequent trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years. Vacancies shall be filled by the selectmen for the remainder of the term. In cities the trustees shall be chosen and hold their office for such term as shall be provided by city ordinance. Trustees shall organize by electing one of their number chairperson and another bookkeeper, who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the bookkeeper may be the same member.

II. Any town that has the town manager form of government may vote to not have cemetery trustees by delegating all of the duties and responsibilities of cemetery trustees to the town manager, as specified in RSA 289. This option may be adopted by a vote of the town meeting. The warrant article question to be voted shall be: "Shall we discontinue the board of cemetery trustees by delegating their duties and responsibilities to the town manager?" If the majority votes in the affirmative, then the discontinuance shall take effect 90 days after adoption.

II-a. (a) Any town, with a traditional town meeting form of government, may adopt by a vote of the town meeting to have the board of selectmen serve for the term of elected office as the cemetery trustees. The warrant article to be voted shall be:

"Shall we delegate the duties and responsibilities of the cemetery trustees to the board of selectmen?"

(b) If the majority vote in the affirmative then the delegation shall take effect 90 days after adoption and shall continue until rescinded by vote of the town meeting.

III. At any subsequent town meeting, the town may vote to reinstate the board of cemetery trustees. A new board of cemetery trustees shall be elected at the town meeting next following the vote to reinstate the board of cemetery trustees.

IV. Any town that has a municipal charter form of government may specify in its charter the procedure to be utilized for the election or appointment of cemetery trustees. Such procedure shall be adopted under the provisions of RSA 49-B.

289:7 Powers and Duties. –

I. Except in those municipalities in which other provisions have been made by a general or special act of the legislature, all cemetery trustees in the state shall:

(a) Adopt bylaws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility.

(b) Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality. A separate budget request shall be submitted for planning and establishment of a new public cemetery and for capital improvements or expansion of an existing public cemetery.

(c) Expend all moneys raised and appropriated by the municipality for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner that funds of other municipal departments are paid.

(d) Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality. Such trust funds shall be held in the custody and under the management of the trustees of trust funds. The trust income shall be transferred to the cemetery trustees by the trustees of trust funds in response to vouchers executed by the cemetery trustees, if the requested funds are available. Such trust fund income shall not be commingled with the moneys raised and appropriated by the municipality.

(e) Prepare deeds of cemetery lots for the governing body to sign.

II. Cemetery trustees may appoint a cemetery custodian or sexton who shall not be a trustee and who shall be responsible to the cemetery trustees for supervising work done in the cemeteries.



Town of Candia

Cemetery Trustees

74 High Street

Candia, New Hampshire

03034

Bylaws

Authority

In accordance with Chapter 289 of the NH Revised Statutes, every municipality shall provide one or more suitable cemeteries for the interment of deceased persons within its boundaries. The operation and maintenance of all cemeteries owned and maintained by the municipality shall be in the charge of the cemetery trustees. The Candia Town Meeting has voted to have the selectmen serve for their term of elected office as cemetery trustees.

Officers

Trustees shall organize by electing one of their number chairperson and another bookkeeper, who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the bookkeeper may be the same member.

Powers and Duties

Cemetery trustees shall:

(a) Adopt bylaws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility.

(b) Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality. A separate budget request shall be submitted for planning and establishment of a new public cemetery and for capital improvements or expansion of an existing public cemetery.

(c) Expend all moneys raised and appropriated by the municipality for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner that funds of other municipal departments are paid.

(d) Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality. Such trust funds shall be held in the custody and under the management of the trustees of trust funds. The trust income shall be transferred to the cemetery trustees by the trustees of trust funds in response to vouchers executed by the cemetery trustees, if the requested funds are available. Such trust fund income shall not be commingled with the moneys raised and appropriated by the municipality.

(e) Prepare deeds of cemetery lots for the governing body to sign.

Meetings

Meetings are at the call of the chairperson. The cemetery trustees shall meet monthly on the 2nd Friday of each month for a work session. Special meetings shall be scheduled, whenever possible, to immediately follow a regularly scheduled selectmen's meeting. The cemetery trustees shall meet formally on at least a quarterly basis. Meetings shall conform fully with NH RSA 91-A.

Quorum

The quorum for any meeting is three (3) members. Decisions by the cemetery trustees require a motion, second and approval by a majority of the members present and voting.

Chairperson

The chairperson, or their designee, sets the agenda for and presides at all meetings of the cemetery trustees. They are responsible for ensuring that the duties and responsibilities of the cemetery trustees are carried out in an efficient, orderly and timely manner. They or their designee(s) provide the necessary interfaces with other officials and the public in the performance of those duties and responsibilities. They shall be responsible, in coordination with the bookkeeper, for the development, preparation and maintenance of the required budget(s), bylaws and regulations for the review and approval by the cemetery trustees and/or the Town Meeting.

Bookkeeper

The bookkeeper shall prepare a draft of the annual operating budget and a separate budget for capital improvements, if applicable, for the review and approval by the cemetery trustees before submission to the municipal budget committee. They shall ensure that all moneys raised and appropriated by the municipality for cemetery purposes are properly recorded and expended, including any income from trust funds for cemetery purposes. They shall prepare the vouchers necessary to effect the proper transfer of trust fund moneys to the cemetery trustees by the trustees of trust funds. They shall prepare deeds for the sale of cemetery lots for the governing body to sign and shall prepare and maintain such other records of the cemeteries as are required by statute or necessary for the cemetery trustees to properly carry out their duties and responsibilities.

Cemetery Trustees Annual Report

Our Annual Report got lost in transit last year, so you'll have to go to the town website to read it, but basically, the cemeteries in town are still there this year, as they were last year and we continue to operate without any complaints from the occupants. Again this year, we invite you to visit our cemeteries, to see our town's history and heritage. To read the markers, see the names carved on those markers, plain and ornate, dating back to the earliest days of our civilization. Familiar names, families that you know, many that you don't know but may have read about or seen on buildings in town. Your ancestors, perhaps. All, each and every one of them, contributed something to our heritage. At the last meeting of the NH Cemetery Association, we were treated to an excellent presentation by the Hopkinton Historical Society Executive Director, showing us the results of their efforts with a Cemetery Walk in one of their cemeteries. The Walk was a historical drama about some of their more notable occupants, brought back to life by the efforts of historians, actors, writers, costume makers and a professional director, all drawn from a cadre of talented volunteer residents. They documented the Walk with a professionally produced DVD, done again by volunteers. The presentation also included information about the process and procedures necessary to successfully pull off a feat of this magnitude. I was suitably impressed and acquired enough copies of the DVD to bring back to Candia and distribute to encourage our cadre of talented volunteers to consider doing something like this in Candia, perhaps as a part of our 250th. Keep your eyes and ears open, there will be a showing soon.

Robert Pike, Ellsworth Williams and Jerry Becker continued their exemplary efforts and activities maintaining the physical infrastructure. Unfortunately, Ellsworth left us at the end of the year to seek other employment. His efforts over the past years are appreciated and he'll be sorely missed. Bill Cooper helped us out again this year with tree work, trimming and removing trees that were encroaching on the stone wall along the Village Cemetery entrance road. Labor expenditures, just for the normal work necessary to keep the cemeteries looking good and minimal restoration activities, again exceeded the appropriation line, offset by lower than budgeted expenditures in most other lines as the result of prudent use of available funds. A restoration project to rebuild the stone wall running from the Congregational Church building to the Old School House in the Hill Cemetery was deferred until 2012. The wooden fence on the other side of the church building also needs work.

The cemetery trustees continued our efforts on the project to formally document the status of our cemeteries, public and private. The goal continues to be to clearly define what physical real estate has been and is being used for burial sites. Two years ago, only Holbrook Cemetery had an actual surveyed plot plan, clearly defining its boundaries, derived from deed research. With the help of Jim Franklin, we've been able to get deed research and a boundary survey of Bean Island, East Candia, the Hill and both the Village and the Old Village Cemeteries done, at a bargain price. The result of the deed research begs the question for several cemeteries of who actually owns them. More research is needed. We also started surveys of the individual plots in Holbrook, using the corner markers, where they exist. Additionally, with the research assistance of Jim Lindsey, a dedicated and industrious volunteer, we continued our review of all of the currently available deeds from the sale of cemetery plots. This information is essential to being able to clearly define what parts of the cemeteries have been sold, to whom they've been sold, what portion of each plot has been used for gravesites, which plots do (and don't) have paid perpetual care and who currently has the right to inter in each lot. If you have a deed for a cemetery lot in Candia, we'd love to hear from you, to help update our records. Our door is always open and volunteer help is always welcome and appreciated.

Richard H. Snow, Cemetery Trustee