

~~Unapproved~~Approved  
**Cemetery Trustee's Public Meeting Minutes**  
**Monday April 14, 2014**

**Attendance:** Trustee Chair Richard Snow, Trustee Carleton Robie, Trustee Amanda Soares, Trustee Dave DePuy, Trustee Boyd Chivers, and Administrative Assistant Andria Hansen.

**Regular Business**

1. **Proof of posting:** Trustee Snow noted the proof of posting and the meeting notice was posted in two places. Trustee Snow noted the Administrative Assistant Hansen has agreed to stay and take the minutes. He would like to pay her out of the administrative line of the Cemetery Trustees. She will be paid the same rate she gets paid for everything else. He didn't want to argue what they are Trustees or Selectmen.
2. **Review and acceptance of minutes of the previous meeting (09/23/13):** Trustee Soares motioned to approve the minutes as written. Seconded by Trustee DePuy. 4 were in favor with one abstention (4-0-1).
3. **Overview of cemetery statutes and annual review of bylaws:** Trustee Snow noted that he didn't think the by-laws needed any changes right now. The status at the present time is that the legislative body has voted to get rid of what they did before and elect Cemetery Trustees. This will happen next election with 3 trustees will be elected and two appointed by the Board of Selectmen.
4. **Election of Officers (Chair person & Bookkeeper:** Trustee Snow noted the bookkeeper can be the same person as the Chairperson. Trustee Chivers nominated Trustee Snow as Chair for the next year. Trustee Chivers moved to nominate Trust Snow as the Chair and Bookkeeper of the Cemetery Trustees. Seconded by Trustee Soares. All were in favor. Motion carried.
5. **Appointment of cemetery custodian:** Trustee Snow said he needed a nomination to appoint Mr. Becker as the Custodian of the Cemeteries. Trustee Chivers moved to appoint Jerry Becker as the Custodian of the Cemeteries. Seconded by Trustee DePuy. Trustee Snow noted they are doing this because Mr. Becker is elected as an optional elected officer. He has no authority and no responsibility under statute. However, the Cemetery Trustees can appoint someone as Custodian. He has no intention of changing the way he is operating this year. Trustee Soares said she was confused he is an elected official for the position. There are optional elected offices and he has no statutory authority. The do not have the Superintendent of Cemeteries in the statute. Trustee Chivers asked if there were Custodians in the statute. Trustee Snow explained that it says the Cemetery Trustees can appoint a Custodian. The Custodian takes care of the maintenance of the cemeteries. Trustee Soares noted he is an elected official and they have no control over him. Trustee Chivers said what we are getting at here is someone is in charge of managing the cemeteries. Trustee Snow said by statute the Cemetery Trustees are in charge of taking care of and managing the cemeteries. They can appoint someone that does what they tell them to. Trustee Chivers asked what Jerry Becker does, because Bob Pike is the one that pushes the lawn mower around. Trustee Snow explained Jerry supervises him and he also does a lot of other things that he considers to be outside of his the statutory authority. Theoretically, he has never tested this in court. They could give him those responsibilities and the court has done that. Trustee Robie said in Candia when they have a Superintendent of Cemeteries that gentleman

took care of those cemeteries as though he was a custodian. He hired the people he wanted to come in and do the work. Most of us know what Jerry's job description was and still is as Superintendent. He thought they should leave it like it is until they get into next year and they have some trustees. If the trustees want to go in and change things then they can do that, but he is going to recommend that they keep doing it the way they have. Trustee Snow said he agreed with what he was saying in practice. There was some discussion on a superintendent and a custodian. Trustee DePuy said he seconded the motion because the statute changed and even though we keep re-electing Jerry into that position it's no longer supported by the laws of the State of New Hampshire. The Trustees may appoint a cemetery custodian or a sexton who shall on their behalf. So no harm done and he has been elected, but it wouldn't hurt to appoint him under our authorities in case the elected thing doesn't work. Trustee Robie said they only have one more year to go and then we eliminate ourselves from this unless we sign up for trustees. Trustee DePuy said he wasn't voting to change anything, he was just saying the Trustee Snow has a point. Trustee Snow said the bottom line is if you look at the statute for Cemetery Trustees, there is one of them in there that says if you don't do your duty it's a misdemeanor. He doesn't want to go to the Chief and tell they have a misdemeanor here. Also, when you become an elected official you take an oath of office and the oath of office says you will do your duties agreeable with the terms of your state laws, national laws, and constitution. If laws change and you don't obey them you can be removed from office. This is one of the few times you can be removed from office. He doesn't want to have to remove you from office. He is doing the best he can to try to get them through the last 9 months. They are going to do things pretty much the way they have been doing them. They could have a long discussion about the problems that exist with Superintendent of Cemeteries prior to the time they changed the laws. They could steal money and get away with it and that's not a good thing that's why they changed the laws. They are operating in the same way. Trustee Robie said anyone who has been Superintendent in Candia, he was pretty sure they haven't stolen a dime. Trustee Snow said the motion on the table is to appoint Jerry as the Custodian of the cemeteries and they are going to let things run the same way they have been running from now until next year. Trustee DePuy will be the liaison talking to Jerry. Trustee Snow called for a vote. Trustee Snow, Trustee DePuy, Trustee Chivers were in favor, Trustee Robie was opposed and Trustee Soares abstained. Motioned carried on a vote of three in favor, 1 opposed, and 1 abstention (3-1-1).

### **Other Business**

#### **6. Discussion of methodology for creating vouchers for reimbursement of perpetual care:**

Trustee Snow noted that Trustee DePuy suggested that they could use perpetual care funds to pay for some of the costs of the cemetery. He is absolutely correct that you can. You can only use a percent of the amount of money it would cost to maintain the cemeteries and they have to come up with that ratio. There are two ways you can do it. One way is on square footage. You can take the square footage for those lots that we have a deed for and they paid perpetual care, divide the numbers and you come up with a fraction, then you multiply it by 26,000 we spend to take care of the cemeteries. They would have to do this on an annual basis. There was discussion about perpetual care. He noted to be able to do this they will have to consider one of those methods. Trustee Robie noted they voted two months ago to pursue the Trustees of the Trust for some of the perpetual care funds. They refused to give us the funds and Payroll and Accounting Clerk Becker explained why. They are working on how to figure this out to have

those funds available. They need to be getting those funds. The perpetual care funds were how we used to take care of the cemeteries. This was the only money we had to do it with. We used to take that money out every year, but we haven't taken a dime in years. Trustee Snow explained that is exactly why they changed the statute, because Russ Seward who was a Trustee of Trust Funds had a checkbook. He was also Superintendant of Cemeteries and had a checkbook. He managed the funds for the cemeteries and it was illegal. Trustee Robie replied it didn't seem to be. If we can get through this year maybe we can get some perpetual care funds and maybe we won't. This is why they need interested people in these grounds. They need to get these funds and put the money back into the town for revenue. Trustee Chivers asked why we aren't doing it. Trustee Robie explained they've been trying for three years and this is what they do every time they come here. This is the closest answer they got. Trustee Chivers asked Trustee Snow how close were they with coming up with this number. Trustee Snow said the Cemetery Trustee's have not had all of the records and be able to proceed with what they were doing. Trustee Chivers said why don't you ask Bob Pike. Ask him how much time does he take care of the graves and how much time does he mow the open field. Trustee Robie said this is what they've been talking about for years and it always goes around and around. His thing was to collect some revenue from that fund. Trustee Snow replied it's not simple. Trustee Robie thought it was. Boyd just give them a number. Road Agent Lewis asked if every lot is sold with perpetual care. Trustee DePuy replied no. The cemetery is still getting mowed anyway. Why would someone buy perpetual care if the lots are mowed anyway? Trustee Snow said this discussion that needs to take place. Trustee DePuy said he will talk with Jerry since he is the liaison. He'll come back to the Board with a number. Dick he would love for Jerry to come before them. Trustee Snow noted he is having work sessions every month on the first or second Friday.

7. **Update on Boy Scout projects (replacement shed and gate repair):** Trustee Snow asked if there was anything taking place for the replaced of the building in the cemetery. Theoretically, they are going to replace the existing one. He mentioned the placement of the building. Trustee Robie said they already made that decision. Trustee Soares mentioned that Jerry was going to bring in plans, so they could see what the building is going to look like. She asked Trustee DePuy to ask Jerry for a copy of those plans. Trustee Snow said Jerry has been working with the Boy Scout. He talked with Snap and he said if they Boy Scout doesn't do it, they will make sure the building gets up. He just wanted to know what was going on with this.
8. **Future meeting schedules:** Next Cemetery Trustee's meeting is June 9<sup>th</sup>, 2014 immediately following the Selectmen's meeting.

Trustee Soares motioned to adjourn at 9:45 p.m. Seconded by Trustee Snow. All were in favor.

Respectfully submitted,  
Andria Hansen, Recording Secretary