

PEMBROKE CEMETERY COMMISSION MEETING
November 10, 2004
Minutes

Present: Gerald Belanger (chair), Kenneth Fowler, James Garvin, Walter Norris, David Richards, Robert Richards. Also present was Gerard Fleury, chairman of the Pembroke Trustees of Trust Funds

1. Chairman Belanger called the meeting to order at 7:15 p.m. at the Pembroke Town Hall.
2. Chairman Belanger introduced Mr. Fleury and invited him to discuss the potential availability of town funds that might be applied to the cost of constructing a new front wall at Evergreen Cemetery in compliance with state law. There are two such sources of funding. **1.** \$17,770 in the capital improvements fund. The freeing of these funds for capital projects can only be authorized by vote at Town Meeting. **2.** The Perpetual Care Fund, which has a total balance of \$63,519.68. Of this total, the principal of \$36,270.00 cannot be touched. The accumulated interest, now amounting to \$27,249.68, can be used under normal circumstances only to reimburse the town for cemetery expenses that can be linked to grave sites that are covered by the Perpetual Care endowment. Former Superintendent of Cemeteries Henry Malo completed an inventory of all grave sites in town and enumerated those specifically covered by the Perpetual Care Fund. The percentage of Perpetual Care graves is very small—less than 3% of graves—and so the reimbursement to the town for eligible cemetery expenses from the interest in the Perpetual Care Fund equals only a small percentage of the total cemetery expenses each year. Excess interest therefore continues to accumulate each year in the Perpetual Care Fund.

The use of this accumulated interest would be allowable only if a specific expenditure is designated for a defined project, and is then approved by Probate Court. Only the Trustees of Trust Funds are permitted to petition Probate Court, and the court can act only on a specific project that is addressed in the petition. Mr. Fleury stated that Attorney Terry Knowles of the State Division of Charitable Trusts is willing to assist the Trustees of Trust Funds in taking the matter to Probate Court, but this would be a new initiative on the part of the Trustees and they have no idea how long the procedure would take.

Even if the court rules favorably on the withdrawal of excess accumulated interest, it may also be necessary to seek permission from Town Meeting to use the funds. The Commission discussed the strategy of preparing a warrant article in anticipation of the need to seek approval of Town Meeting. If this proves unnecessary, the article could be withdrawn. Mr. Fleury offered to contact Ms. Knowles and begin the process of seeking court approval to withdraw a stated amount of the excess accumulated interest to provide a front wall or fence for Evergreen Cemetery.

-2-
MINUTES
November 10, 2004

3. Following Mr. Fleury's report, the Commission thanked him for his time and counsel and turned to the minutes of the meeting of October 15, 2004. On a motion by David Richards, seconded by Kenneth Fowler, the minutes were approved subject to the correction in Item 4 that Mr. Richards has received only one quote (not two) for the cost of supplying a fence for Evergreen Cemetery.
4. Chairman Belanger reported that he had received a letter from Linda Williams, the town's administrative secretary, asking that the Cemetery Commission submit its annual report for the Town Report by January 24th. It was suggested that the Commission members bring ideas for the contents of the Cemetery Commission report to the December Commission meeting.
5. Chairman Belanger reported that he had spoke with Paul Provencher of Green Tomatoes Landscaping on November 2 and informed him that a purchase order for \$1500 for clearing brush along the rear wall of Pembroke Street Cemetery had been submitted and approved. Mr. Provencher will complete the work by November 15th, leaving larger trees (over 8 inches in diameter) in place to avoid damaging any gravestones.
6. James Garvin reported on his meeting on November 4 at Buck Street Cemetery with Beth McGuinn of the Department of Fish & Game. He noted various constraints on the potential use of the Fish & Game property for cemetery expansion, the most stringent of which is the Shoreline Protection Act. He will report further at the December meeting about issues that might affect the Fish & Game lot. If the town wishes to pursue acquisition of the lot, the Fish & Game Lands Team will be meeting again on December 14, 2004.
7. The Commission noted that flags are to be removed from the cemeteries after Veterans' Day, November 11th. Damaged flags may be brought to the next Commission meeting to be gathered for proper disposal.
8. The next meeting of the Commission is scheduled for 7:00 p.m. on Wednesday, December 8, 2004, at the Pembroke Town Hall.
9. On a motion by Jim Garvin, seconded by Ken Fowler, the meeting adjourned at 8:50 p.m.

Respectfully submitted
James L. Garvin
Secretary