

# **PEMBROKE CEMETERY COMMISSION MEETING**

**August 12, 2021**

## **Minutes**

Present: Daniel Chase, James Garvin, Ellen Paulsen (chair), Zachary Sawyer, V. J. Ranfos., Adam Mendoza.

1. Chair Ellen Paulsen called the meeting to order at 7:07 p.m. at the Pembroke Public Works garage.
2. On a motion by Daniel Chase, seconded by Zachary Sawyer, the minutes of the meeting of July 8, 2021, were unanimously approved.

New business:

3. Chair Ellen Paulsen reported that she had presented the Commission's requests to the Capital Improvement Program (CIP) Committee on July 29<sup>th</sup> following our discussions at the Commission meeting of July 8<sup>th</sup>. Ellen noted two items that the CIP Committee mentioned during her presentation:
  - a. Review Chapter 155 (Cemeteries) of the Town Code and be sure that our practice in removing overgrown plants or woody shrubs complies with this policy. Commission members did not have a complete copy of Chapter 155 at the meeting, and Commission member Jim Garvin reported that the town website currently displays the 1989 version of Chapter 155 rather than the version that was officially adopted by the town on September 16, 2019 and had previously been posted on the town website. The Commission agreed to review the current Chapter 155 and to request Secretary Garvin to notify the town of the incorrect posting on the website.

[Subsequent checking of the current version of Chapter 155 revealed that it includes the following section:

§155-18 Plants and decorations.

Temporary or permanent plants or decorations which are unsightly or impede the maintenance of the cemetery are not allowed. Authorized decorations may occupy a space of not more than twelve (12) inches in front of the monument and no more than the width of the monument. Winter decorations (wreaths, etc.) shall be removed before April 1. Placement of permanent decorations (urns, etc.) is subject to the approval of the Superintendent.]

- b. When the Commission requests funds for the repair of damaged monuments, we need to determine whether any of the damaged stones have Perpetual Care endowments. When a lot is under Perpetual Care, the town may use accumulated Perpetual Care funds for a portion of the costs of repair.

As an illustration of the calculation of Perpetual Care contributions to monument repairs, Secretary Garvin handed out calculations that were done by the Trustees of Trust Funds in 2014

to determine the amount of the town's Perpetual Care trust fund balance that could be applied to the cost of repairing specific monuments that had been covered by a Perpetual Care contribution.

Garvin noted that current town reports may not list all existing Perpetual Care endowments that were made historically. Former Commission chair David Richards attempted to compile a definitive list of all recorded Perpetual Care endowments. The Commission should request a copy of Mr. Richards' list for our use in determining which damaged monuments may have Perpetual Care funds and thus be eligible for support from the accumulated Cemetery Perpetual Care Trust Funds.

4. The Commission discussed the condition of grass at Pembroke Hill Cemetery, Buck Street Cemetery, and Evergreen Cemetery. In each cemetery, areas of grass had died and had become the focus of complaints by members of the public. As reported in July, Public Works had applied grub killer and weed killer in these areas, and this application was followed by record-setting rainfall totals. Public Works Director V. J. Ranfos is hopeful that the dead areas will return to good health and appearance.
5. The Commission discussed the difficulties posed at Pembroke Hill Cemetery by the white pine trees along the boundary fence between the cemetery and land of Jackie and Stephanie Wylie. In June 2021, the Commission had voted not to send a draft letter to the Wylies at this time, but to move the treatment of the trees and the adjacent driveway to the Six-Year Cemetery Plan.

V. J. Ranfos reminded the Commission that we have a bid of \$1,800 from Accurate Tree Service to trim the white pine trees that overhang the driveway, raising the canopy of branches to 15-20 feet. He suggested that we begin a broader discussion about the trees with the Wylies by first informing them that this year we wish to cut branches on the cemetery side of the fence for unobstructed access by cemetery vehicles. Secretary Garvin will write and send a letter to the Wylies.

#### Old business:

6. The Commission discussed the French-Dearborn (or Old French) Cemetery off Borough Road. Secretary Garvin reported that he had met Mr. and Mrs. Gary Foster on July 24, 2021 at the cemetery and had examined the cemetery, the visible monuments, the wrought iron gate, and the stumps of trees that Mr. Foster had cut as described in his report to the Cemetery Commission of June 29, 2021.

Subsequent to that meeting, Garvin had written to Mr. and Mrs. Foster, sending them a list of known burials and copies of three deeds that reserved the right of descendants of former owners of Mr. Foster's property to repair the cemetery walls (letter attached to these minutes).

Mr. Foster has asked the town to employ a contractor (neighbor Rick Garland) to grind the stumps and permanently prevent their re-sprouting, stating that he would provide access for Mr. Garland and his equipment across his lawn. Jim Garvin had told Mr. Foster that the cemetery remains a private burying ground and that the Town of Pembroke has no authority to spend municipal funds on private land. He described the process of declaring the cemetery a neglected or abandoned burial ground under RSA 289:19-21, thereby making the town responsible for its maintenance and authorizing the town to spend town funds on that maintenance.

The Commission agreed that we cannot expend town funds on stump grinding, monument or wall repair, or any other work in the cemetery as long as the site remains a private cemetery. Secretary Garvin will write to inform the Fosters of this discussion and will send them a copy of RSA 289:19-21 to inform them of the procedures of declaring the cemetery abandoned and making the town responsible for its care.

7. The Commission discussed the status of veterans' flags and flag holders, noting that we currently have six dozen new flags and two metal flag holders in stock. Chair Ellen Paulsen suggested that when we remove the flags after Veterans' Day (November 11<sup>th</sup>), we bundle and count the flags from each cemetery and store them in the hearse house at Pembroke Street Cemetery, adding up the total number needed for all the municipal cemeteries. After we have a total count of flags for all cemeteries and know our budget balance, we can decide on the number of flags and flag holders that we need to order for use over the next period of years.
8. V. J. Ranfos provided updates for the Commission:
  - a. The budget for burials (\$4,000) has been depleted by \$2,400 in expenditures, leaving a balance on July 31 of \$1,600.00.
  - b. The budget for marker repairs and cemetery maintenance (\$2,500) has been depleted by \$1,430.10 in expenditures, leaving a balance on August 2 of \$1,069.90.
  - c. Cemetery fees as of August 9 have totaled \$7,000. These revenues will go to the town's general fund, from which the cemetery budget is allocated each year.
9. V. J. and Adam Mendoza reported that despite record rainfall in July, areas where stump grinding was completed have been cleaned up and loamed, and now look good.
10. The next regular meeting of the Pembroke Cemetery Commission will be held at 7:00 p.m. on Thursday, September 9, 2021, at the Public Works headquarters at 8 Exchange Street in Suncook Village.
11. There being no other business to be brought before the meeting, the meeting was adjourned at 8:02.

Respectfully submitted,  
James L. Garvin, Secretary



# TOWN OF PEMBROKE

TOWN HALL • 311 PEMBROKE STREET • PEMBROKE, NH 03275

24 July 2021

Mr. and Mrs. Gary Foster  
743 Borough Road  
Pembroke, New Hampshire, 03275

Re : Old French-Dearborn Cemetery off Borough Road

Dear Mr. and Mrs. Foster:

It was a pleasure to talk with both of you today at the French-Dearborn Cemetery.

I want to thank you again not only for your work on the cemetery, but also for your fine report on your efforts. I had not yet seen the report when I wrote to express the thanks of the Cemetery Commission on July 8<sup>th</sup>.

You have made great improvements in rescuing the cemetery from its former abandoned condition. The Cemetery Commission hopes to work with you in continuing these efforts.

As I mentioned, the Commission needs to explore its authority to spend town funds on a cemetery that is private, not public. We will continue to explore this issue in our future meetings.

Meanwhile, I'm enclosing two things: 1) a list of the gravestones that were found in the cemetery by the Daughters of the American Revolution in 1945, and 2) three deeds (1874, 1877, and 1902) to land that surrounded the cemetery. These deeds reserved the right of the seller's family and descendants to repair the cemetery walls. I hope that you will find these items to be of interest.

Thank you again for your time today and for all the work that you have contributed to the improvement of this historical cemetery.

Sincerely,

James L. Garvin, Secretary  
Pembroke Cemetery Commission

Enclosures