

Bill as Introduced

SB 72-FN-LOCAL - AS AMENDED BY THE SENATE

01/21/10 0136s

2009 SESSION

09-0978
06/04

SENATE BILL **72-FN-LOCAL**

AN ACT consolidating cemetery boards of trustees in Nashua.

SPONSORS: Sen. Lasky, Dist 13; Rep. Clemons, Hills 24; Rep. Cote, Hills 23; Rep. Campbell,
Hills 24; Rep. P. Price, Hills 26

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill consolidates the boards of the Edgewood, Woodlawn, and Suburban Cemeteries in Nashua into 2 boards, one for the Edgewood and Suburban cemeteries and the other for the Woodlawn and Lithuanian Cooperative cemeteries.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 72-FN-LOCAL - AS AMENDED BY THE SENATE

01/21/10 0136s

09-0978
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT consolidating cemetery boards of trustees in Nashua.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Nashua; Cemeteries; Trustees; Meetings; Vacancies. 1893, 243 is repealed and reenacted to
2 read as follows:

3 243:1 Boards of Trustees.

4 I. There is hereby constituted 2 boards of trustees, each made up of 10 members. One board
5 to be known as the Edgewood Cemetery Board of Trustees shall have supervision of the cemetery
6 located between Amherst, Cushing, and Forest streets in the city of Nashua, known as the Edgewood
7 Cemetery, together with any and all additions thereto, and the cemetery situated on the west side of
8 the Lowell road adjoining and northerly of the brick schoolhouse, and bounded on the west by land of
9 Lund, on the north by land of Thompson, and commonly known as the "Old South Cemetery"; the
10 cemetery situated on the west side of the Lowell road, bounded on the south by land of Hiland A.
11 Holt, on the west by land of Marshall, on the north by land formerly owned by Aaron F. Stevens, and
12 known as the "Pratt Cemetery" and also known as the "Evergreen Cemetery"; the cemetery near the
13 Stillman Swallow place, and known as the "Gilson's Road Cemetery"; and the cemetery situated on
14 the easterly side of Amherst Road, so called, bounded on the north by land of Roby, on the south by
15 land of Roby and known as the "Roby Cemetery" and also known as the "Hillside Cemetery", which
16 cemeteries are known as Suburban Cemeteries; and the other board to be known as the Woodlawn
17 Cemetery Board of Trustees shall have supervision of the cemetery located between Hollis and
18 Kinsley streets in the city of Nashua, known as the Woodlawn Cemetery, together with any and all
19 additions thereto; and the cemetery known as the Lithuanian Cooperative Cemetery located on Pine
20 Hill Road in the city of Nashua, together with any and all additions thereto. The initial members of
21 the Edgewood Cemetery Board of Trustees and the Woodlawn Cemetery Board of Trustees shall be
22 constituted by the mayor in convention with the board of trustees in office at the date of enactment
23 of this act. Two members of each board shall retire from office each year, and 2 members of each
24 board shall be elected by ballot, annually, in the month of March, by the board of mayor and
25 aldermen of said city, in convention with said board of trustees, by majority vote, to hold their office
26 for 5 years, retiring trustees having no vote therein, the first of which elections shall take place in
27 March, 2011; and the term for which the members of each board herein appointed shall hold their
28 office shall be determined by lot, 2 to hold their office for 5 years, 2 for 4 years, 2 for 3 years, 2 for 2
29 years, and 2 for one year. The mayor of said city shall be an ex-officio member of both boards and
30 shall be entitled to vote. Said trustees shall receive no compensation for their services as such. Said

1 boards shall meet annually on the first Monday in April for organization, and each shall elect a
2 chairman, a vice-chairman, and secretary from their own number and 6 members of a board shall
3 constitute a quorum for the exercise of the powers and the performance of the duties of said boards.
4 Any vacancy occurring in either board, by death, removal, resignation, or otherwise, shall be filled by
5 said board of mayor and aldermen in convention with such board of trustees for the remainder of the
6 term.

7 II. Each board shall appoint a chair, a vice chair, and a secretary. The secretary of each
8 board shall keep the minutes of the board, post meetings, and prepare an annual report. The city
9 treasurer shall keep the books and prepare the books for audit. The city treasurer and the trustees
10 of the trust fund shall prepare an annual report for the mayor and the office of the attorney general.

11 243:2 Powers and Duties.

12 I. The Edgewood Cemetery Board of Trustees and the Woodlawn Cemetery Board of
13 Trustees shall:

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

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

20 (c) Authorize the expenditure of all moneys raised and appropriated by the city for
21 cemetery purposes. Such funds shall be maintained in the general fund and paid in the same
22 manner that funds of other city departments are paid.

23 (d) Authorize the expenditure of income from all trust funds for cemetery purposes in
24 accordance with the conditions of each donation or bequest accepted by the city. Such trust funds
25 shall be held in the custody and under the management of the boards of cemetery trustees. The
26 trust income shall be transferred to the city of Nashua by the boards of cemetery trustees and the
27 city treasurer who shall disburse the same in response to vouchers executed by the Edgewood and
28 Woodlawn boards of trustees, if the requested funds are available. Such trust fund income shall not
29 be commingled with the moneys raised and appropriated by the city.

30 (e) Prepare deeds of cemetery lots for the mayor to sign.

31 (f) Set apart and lay out a portion of the Edgewood Cemetery and a portion of the
32 Woodlawn Cemetery; not exceeding one tenth of their area, as a public burial-place for the use of the
33 inhabitants of Nashua, free of any charge, and they shall lay out the balance of said cemeteries in
34 suitable lots or other subdivisions for family or other burying-places with all the necessary paths,
35 avenues, and drives, and may plant and embellish the same with trees, shrubs, flowers, and other
36 ornaments, and may enclose the same with proper and suitable fences or hedges, and erect or annex
37 thereto such suitable edifices, appendages, and conveniences from time to time as expedient.

1 (g) Have the same power and authority as cities and towns may have in such premises,
2 to acquire, by purchase or otherwise, land adjoining said cemeteries, to be used for the same
3 purposes.

4 (h) Hold such property and estate for the same uses and purposes, and charged with the
5 same duties and liabilities for and subject to which the same are now held by the city of Nashua, and
6 all rights of ownership of lots which any person or persons have acquired in such cemeteries shall
7 remain to the same extent as if this chapter had not been passed.

8 II. The boards of trustees may appoint a cemetery custodian or sexton who shall not be a
9 trustee and who shall be responsible to the boards of trustees for supervising work done in the
10 cemeteries.

11 243:3 Authority to Convey Rights and Privileges. The boards of trustees shall have authority to
12 grant and convey to any person or persons, by deeds duly executed, the sole and exclusive right of
13 burial, and of erecting tombs, cenotaphs, tablets, and other monuments, in any of the designated lots
14 or subdivisions of such cemeteries, upon such terms and conditions as they by their rules and
15 regulations shall prescribe.

16 243:4 How Money is Disposed. The proceeds of sales of lots or rights of burial, appropriations by
17 the city of Nashua, or other moneys, except as provided, received for such cemeteries, shall be paid
18 into the city treasury to be kept separate from any other funds of the city and subject to the order of
19 said boards of trustees, and shall be devoted to the care, improvement, embellishment, and
20 enlargement of said cemetery under the direction of said boards of trustees.

21 243:5 Bequests. The boards of trustees are authorized to take and hold any grant, donation, or
22 bequest of property; upon trust, to apply the same, or the income thereof, for the improvement or
23 embellishment of such cemeteries, or for the erection, repair, preservation, or renewal of any
24 monument or other erection, or for the planting and cultivation of trees, shrubs, or plants in or
25 around any lot, or for improving the premises in any other manner or form consistent with the
26 purposes for which such cemeteries are established, according to the terms of such grant, donation,
27 or bequest; and whenever any such grant, donation, or bequest, or any deposit, shall be made by the
28 owner of any lot in such cemetery, for the annual repair, preservation, or embellishment of such lot
29 and the erection thereon, the boards of trustees may give to such owner, or his or her representative,
30 an agreement or obligation, in such form and upon such terms and conditions as they may establish,
31 binding themselves and their successors to preserve and keep in repair said lot forever, or for such
32 period as may be agreed on; and any legacy, bequest, donation, grant, or deposit heretofore made to
33 said city for like purposes in such cemetery, and now in force, shall be placed under the control of the
34 boards of cemetery trustees. Each board of trustees, as constituted under this chapter, is hereby
35 authorized and empowered to establish and create a perpetual care fund, additional to that
36 authorized by the original act, by setting aside such sum or sums as the board may deem best and to
37 take, receive, and place therein any donation, legacy or bequest specifically made therefore and

1 which shall be known as the fund for the perpetual care of the paths, walks, drives, and avenues of
2 such cemetery, as well as for the fences enclosing the grounds; that such fund shall be invested,
3 treated, considered, and held, and the liability of the city of Nashua shall be the same as, other
4 perpetual care funds, as set forth in the original act; that the interest or income only of such fund
5 shall be used and applied by said board of trustees for the construction, care, and maintenance of
6 such paths, walks, drives, avenues, and fences of such cemetery.

7 243:6 Disposal of Gifts. Any sums of money so received by the boards of trustees shall be
8 invested under the direction of said boards of trustees; said boards of trustees may manage and
9 invest such funds in accordance with the prudent investor rule under RSA 564-B:9-901 – RSA 564-
10 B:9-906 and all such property received under the provisions of the foregoing section, unless other
11 provision is made by the terms of any such grant, donation, or bequest, shall be invested under the
12 charge of said boards of cemetery trustees and shall always remain separate from and independent
13 of any other moneys or property belonging to said city of Nashua and free from all control of the city
14 council; and the income of such fund or funds shall be received by said treasurer, subject to the order
15 of said boards of trustees, and shall be appropriated by them in such manner as shall in their opinion
16 best promote the purposes for which said grants, donations, bequests, or deposits are made.

17 243:7 City Responsible for Trustees. The city of Nashua shall be responsible and bond for the
18 good faith of said boards of trustees, the trustees of trust funds, and the treasurer of said city in the
19 execution of any trust which they may assume pursuant to the foregoing provisions; but said
20 trustees shall not be liable to make any renewal or reconstruction of any monument or other
21 erection, on any lot in such cemeteries, unless such liability shall be expressed in the agreement
22 given them as aforesaid, or in the terms and conditions under which they accept any grant, donation,
23 or bequest.

24 243:8 Reporting. The chairs of the Edgewood Cemetery Board of Trustees and the Woodlawn
25 Cemetery Board of Trustees, the city treasurer, and the trustees of the trust funds shall make
26 annual reports of their acts and proceedings, the condition of the cemeteries, and their receipts and
27 expenditures, to the attorney general and the mayor and board of aldermen of the city of Nashua.

28 243:9 Open Meetings and Records. The boards of trustees shall be subject to all requirements of
29 RSA 91-A.

30 2 Repeal. The following are repealed:

- 31 I. 1895, 223 relative to Woodlawn Cemetery.
- 32 II. 1897, 194 relative to Suburban Cemeteries.

33 3 Effective Date. This act shall take effect 60 days after its passage.

LBAO
09-0978
01/21/09

SB 72-FN-LOCAL - FISCAL NOTE

AN ACT consolidating cemetery boards of trustees in Nashua.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2009 through 2013.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 72-FN-LOCAL

BILL TITLE: consolidating cemetery boards of trustees in Nashua.

DATE: March 30, 2010

LOB ROOM: LOB 301 **Time Public Hearing Called to Order:** 11:00 AM

Time Adjourned: 11:36 AM

(please circle if present)

Committee Members: Reps. ~~Cooney, Gagnon, Osborne, L. Brown, Caliberto, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, & Soucy, J. Sullivan, Crisler, Ferrante, Perkins, Sterling and Cunningham~~

Bill Sponsors: Sen. Lasky, Dist 13; Rep. Clemons, Hills 24; Rep. Cote, Hills 23; Rep. Campbell, Hills 24; Rep. P. Price, Hills 26.

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Sen. Lasky, sponsor, introduced the bill. This bill was retained and we worked hard on it. It was brought to us by the mayor, city corporation counsel and cemeteries. It refers to specific cemeteries in Nashua. We are the only city in the state that has this control over the cemetery board. I have a letter from the mayor and there is someone from the city who can answer your questions.

Rep. Lauterborn: Mayor's letter doesn't talk about suburban cemeteries. Ans. - Everyone who was relevant has weighed in, this represents all concerns.

Terry Knowles, Attorney General's Office. Here to answer questions. City of Nashua is unique. All other cemeteries are controlled by cemetery boards under RSA 289. It was decided to combine some of Nashua's cemeteries into two. This will bring Nashua more into line with what everyone else is doing.

Rep. Osborne: Why is there a fiscal impact? Ans. - Most of them have a budget. Edgewood and Woodlawn have some perpetual funds that cannot be used for these purposes. So they will need a small budget to do what's needed in the others.

Rep. Sterling: Is this one of those laws that is so old and outdated that it should be done away with. Ans. - Yes, there are those laws. RSA 243:2 on pg. 2 "Powers and duties" shall adopt all through to subsec. e, the language does not change. That has been retained because in order to undo it we would probably have to go to Probate Court. Under the new laws of the state they have difficulty functioning.

Rep. Boyce: What about RSA 289? Ans. - We did not tie this to 289 because these laws were set when there were no other cemetery trustees or trust funds. We had suggested that they just adopt RSA 289, but that was met with objections from these two cemeteries because of their restrictions.

Rep. Boisvert: In my city, cemeteries are under parks and recreation, Nashua is different? Ans. - It is different. AG's office is concerned that they have a reporting mechanism for the funds they control. The trustees manage the cemeteries.

Rep. Crisler: IF RSA 289 is amended, we have to amend 243 also? Ans. - Yes

Rep. Gagnon: How much money is involved now? Ans. - Over \$2 million. Our concern is that donations used here must be overseen. There is more money donated to cemetery costs than to any other charitable cause in the state.

Rep. Perkins: Why didn't Nashua want RSA 289? Ans. - the trustees objected. This is a compromise -

it's important for you to know that.

Rep. David Campbell, spoke in favor. Stated that this is a compromise.

Rep. Perkins: If there was a vote by the people where is that recorded. What were the Lithuanians doing prior? Ans. - deferred to David Alukonis.

***David Alukonis**, City of Nashua, representing Mayor Lozeau. Spoke in favor. The city has agreed to take these over. The members have not taken a vote yet but appear to be in favor of this.

Rep. Brown: If RSA 289 has been sufficient for fiduciary trustees elsewhere, what is so bad to the trustees in Nashua about it? Ans. - I too am a cemetery trustee, and am familiar with the statute. I was not at the table when Woodlawn and Edgewood met with the city, but those two groups wished to remain under their current structure of law.

Rep. Gagnon: This is really local control, correct? Ans. - This bill is trying it's best to maintain the control for those two largest cemeteries and expanding those boards to include the smaller and 'ancient' ones, adding those into the larger ones as well as adding the Lithuanian cemetery.

Rep. Crisler: How are the large sums of money spent? Ans. - I believe on a site by site basis. (Ans. by Ms. Knowles- Moneys are donated for specific gravesites, but there is extra income that is not used. There is a mechanism to deal with that extra money.)

Rep. Sterling: It seems whenever you need a change you will have to come back to the legislature. Why can't we put this under RSA 289 so that doesn't become necessary? Ans. - I can't argue except to say that this was the compromise reached. (Rep. Campbell Ans. - we are amending the authorization in RSA 243, which did exist, and I want to emphasize this is a compromise.)

Rep. Carlson: Two different things controlled, the money and the actual operation of the gravesites. The trustees have asked to retain the lots and sites control? Ans. - The mayor and aldermen don't see a problem with that.

Rep. Carlson: Is that why they want to just work with the AG about the money but control the gravesites? Ans. - Yes, they have been in control since the 1890's.

Rep. Brown: If there is a problem for Nashua, couldn't it be fixed to meet new criteria? Ans. - I don't think this is that complicated. We are just trying to satisfy both the city and the cemetery trustees - this is their compromise.

Rep. Sullivan: Are there other towns in the state with this kind of regulation. (Ans. Ms. Knowles- No.)

Rep. Sullivan: Isn't it true that the ancient amounts contributed at some point will not be enough to cover costs? Ans. - Some of these smaller cemeteries have that problem but the larger ones have enough to cover.

Rep. Wheeler: Many of the smaller cemeteries in New England have funding problems. Ans. - If you will allow this, this will help our smaller cemeteries.

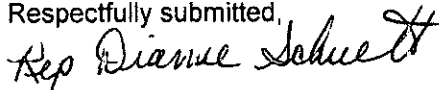
Rep. Crisler: Comparing the two RSA's, is the difference here that they will continue to control the money. (Ans. Ms. Knowles - it is all about the money, the trustees have investment policies that they adhere to and this proposal will also have them be bonded.)

Rep. Gagnon: There are 6 of us here who live in cities, would you agree that the Nashua cemetery trustees are semi-autonomous and do not involve the city bureaucracy in their business? Ans. - Yes

Rep. Lewis: If one site has no dedicated funds, can they use other funds? Ans. - If a perpetual fund, that cannot be used, but they have funds for overall maintenance that can be used to mow, etc.

Rep. Boyce: Would you believe that my town takes care of all it's cemeteries?

Respectfully submitted,



Rep. Dianne Schuett
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 72-FN-LOCAL

BILL TITLE: consolidating cemetery boards of trustees in Nashua.

DATE:

3/30/2010

LOB ROOM:

LOB 301

Time Public Hearing Called to Order:

11:00 am

Time Adjourned:

11:36 am

(please circle if present)

Committee Members: Reps. Cooney, Gagnon, Osborne, L. Brown, Laliberte, Wheeler, Boisvert, Carlson, Lauterborn, Lewis, Schuett, Patten, Boyce, C. Soucy, J. Sullivan, Crisler, Ferrante, Perkins, Sterling and Cunningham.

Bill Sponsors: Sen. Lasky, Dist 13; Rep. Clemons, Hills 24; Rep. Cote, Hills 23; Rep. Campbell, Hills 24; Rep. P. Price, Hills 26.

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Hearing, minutes on
SB 72 Mar. 30, 2010

Hearing opened at 11:00 a.m.

Sen. Lasky, sponsor, introduced the bill. This bill was retained and we worked hard on it. It was brought to us by the mayor, and city council and cemeteries. It refers to specific cemeteries in Nashua. We are the only city in the state that has this control over the cemetery board. I have a letter from the mayor and there is someone from the city who can answer your questions.

Rep. Lauterborn: Mayor's letter doesn't talk about suburban cemeteries. Ans. - Everyone who was relevant has weighed in, this represents all concerns.

Terry Knowles, Attorney General's Ofc. Here to answer questions. City of Nashua is unique. All other cemeteries are controlled by cemetery boards under RSA 289. It was decided to combine some of Nashua's cemeteries into two. This will bring Nashua more into line with what everyone else is doing.

Rep. Osborne: Why is there a fiscal impact. Ans. - Most of them have a budget. Edgewood and Woodlawn have some perpetual funds that cannot be used for these purposes. So they will need a small budget to do what's needed in the others.

Rep. Sterling: Is this one of those laws that is so old and outdated that it should be done away with. Ans. - Yes, there are those laws. 243:2 on pg. 2 "Powers and duties" shall adopt all through to subsec. e, the language does not change. That has been retained because in order to undo it we would probably have to go to Probate Court. Under the new laws of the state they have difficulty functioning.

Rep. Boyce: What about RSA 289? Ans. - We did not tie this to 289 because these laws were set when there were no other cemetery trustees or trust funds. We had suggested that they just adopt RSA 289, but that was met with objections from these two cemeteries because of their restrictions.

Rep. Boisvert: In my city, cemeteries are under parks and recreation, Nashua is different? Ans. - It is different. AG's office is concerned that they have a reporting mechanism for the funds they control. The trustees manage the cemeteries.

Rep. Crisler: IF RSA 289 is amended, we have to amend 243 also. Ans. - Yes

Rep. Gagnon: How much money is involved now? Ans. - Over \$2 million. Our concern is that donations used here must be overseen. There is more money donated to cemetery costs than to any other charitable cause in the state.

Rep. Perkins: Why didn't Nashua want RSA 289? Ans. - the trustees objected. This is a compromise - it's important for you to know that.

Rep. David Campbell, spoke in favor. Stated that this is a compromise.

Rep. Perkins: If there was a vote by the people where is that recorded. What were the Lithuanians doing prior. Ans. - deferred to David Alukonis.

David Alukonis, City of Nashua, representing Mayor Lozeau. Spoke in favor.

The city has agreed to take these over. The members have not taken a vote yet

but appear to be in favor of this.

Rep. Brown: If RSA 289 has been sufficient for fiduciary trustees elsewhere, what is so bad to the trustees in Nashua about it? Ans. - I too am a cemetery trustee, and am familiar with the statute. I was not at the table when Woodlawn and Edgewood met with the city, but those two groups wished to remain under their current structure of law.

Rep. Gagnon: This is really local control, correct? Ans. - This bill is trying it's best to maintain the control for those two largest cemeteries and expanding those boards to include the smaller and 'ancient' ones, adding those into the larger ones as well as adding the Lithuanian cemetery.

Rep. Crisler: How are the large sums of money spent. Ans. - I believe on a site by site

basis. (Ans. by Ms. Knowles- Moneys are donated for specific gravesites, but much extra income that is not used. There is a mechanism to deal with that extra money.)

Rep. Sterling: It seems whenever you need a change you will have to come back to the legislature. Why can't we put this under RSA 289 so that doesn't become necessary.

Ans. - I can't argue except to say that this was the compromise reached. (Rep. Campbell Ans. -

we are amending the authorization in RSA 243, which did exist, and I want to emphasize this is a compromise.)

Rep. Carlson: Two different things controlled, the money and the actual operation of the

gravesites. The trustees have asked to retain the lots and sites control? Ans. - The mayor

and aldermen don't see a problem with that.

Rep. Carlson: Is that why they want to just work with the AG about the money but control the

gravesites. Ans. - Yes, they have been in control since the 1890's.

Rep. Brown: If there is a problem for Nashua, couldn't it be fixed to meet a new criteria?

Ans. - I don't think this is that complicated. We are just trying to satisfy both the city and

the cemetery trustees - this is their compromise.

Rep. Sullivan: Are there other towns in the state with this kind of regulation. (Ans. Ms. Knowles-

No.)

Rep. Sullivan: Isn't it true that the ancient amounts contributed at some point will not be

enough to cover costs. Ans. - Some of these smaller cemeteries have that problem but the larger

ones have enough to cover.

Rep. Wheeler: Many of the smaller cemeteries in New England have funding problems. Ans. -

If you will allow this, this will help our smaller cemeteries.

Rep. Crisler: Comparing the two RSA's, is the difference here that they will continue to control

the money. (Ans. Ms. Knowles - it is all about the money, the trustees have investment policies

that they adhere to and this proposal will also have them be bonded.)

Rep. Gagnon: There are 6 of us here who live in cities, would you agree that the Nashua cemetery

trustees are semi-autonomous and do not involve the city bureaucracy in their business? Ans. - Yes

Rep. Lewis: If one site has no dedicated funds, can they use other funds? Ans. - If a perpetual

fund, that cannot be used, but they have funds for overall maintenance that can be used to mow, etc.

Rep. Boyce: Would you believe that my town takes care of all it's cemeteries?

Hearing closed at 11:36 a.m.

Respectfully submitted ,

Rep. Dianne Schuett, clerk

Testimony



Donnalee Lozeau
Mayor
City of Nashua



March 30, 2010

The Honorable Mary Cooney
Honorable Committee Members
House Municipal and County Government Committee
Room 301 LOB
Concord, NH 03301

Dear Chairman Cooney and Committee Members:

This letter is in regards to SB 72, an act consolidating cemetery boards of trustees in Nashua. I would have preferred to testify personally today, but unfortunately my schedule would not allow it.

SB 72 as amended has the full support of the boards of trustees of Woodlawn and Edgewood Cemeteries as you will see in the attached letter to the Senate Executive Departments and Administrative Affairs Committee dated January 12, 2010.

As that letter indicates a great deal of work and collaboration has gone into a plan to cooperatively manage Nashua cemeteries. This consolidation will provide for long range planning, development and maintenance of the City's cemeteries. Nashua is greatly appreciative of the time given to this issue and I would ask for your support of a favorable recommendation for final passage.

Thank you for your consideration.

Sincerely,


Donnalee Lozeau

Attachment

cc: Sen. Bette Lasky; Rep. Jane Clemons; Rep. David Cote; Rep. David Campbell;
Rep. Pamela Price

January 12, 2010

**The Honorable Jacalyn Cilley
Honorable Committee Members
Senate Executive Departments and Administrative Committee
Legislative Office Building
Concord, NH 03301**

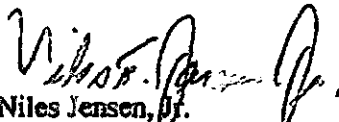
Dear Chairman Cilley and Committee Members:

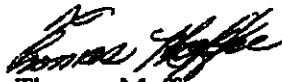
This letter is in regards to SB 72, an act consolidating cemetery boards of trustees in Nashua. We support the amendment that is before you to address the issues related to the Nashua cemeteries and their boards of trustees.

The amendment is a collaborative effort between the boards with assistance and guidance from Mayor Lozeau, city corporation counsel, and the NH Attorney General's Office. We very much appreciate your committee delaying final action so we could have further discussions as a collective group.

Thank you for time and attention to this matter and for providing the time for us to reach consensus. We are hopeful for your support of an amended SB72.

Sincerely,


**Niles Jensen, Jr.
Board of Trustees Chair
Woodlawn Cemetery**


**Thomas Maffee
Board of Trustees Chair
Edgewood Cemetery**

**cc: Sen. Bette Lasky, Rep. Jane Clemons, Rep. David Cote,
Rep. David Campbell, Rep. Pamela Price**

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 72-FN-LOCAL

BILL TITLE: consolidating cemetery boards of trustees in Nashua.

DATE: April 13, 2010

LOB ROOM: LOB 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Lauterborn

Seconded by Rep. Ferrente

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Yes, vv

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: . Refer to Committee Report

Respectfully submitted,

Rep. Dianne E. Schuett, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 72-FN-LOCAL

BILL TITLE: consolidating cemetery boards of trustees in Nashua.

DATE: 4/13/2010

LOB ROOM: LOB 301

Amendments:

Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Lauterborn*
Seconded by Rep. *Ferrante*
Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) **YES**
Osborne/Carlson

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Dianne E. Schuett, Clerk

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: SB 72 Title: consolidating cemetery boards of trustees in
Nashua
 PH Date: 3/30/2010 Exec Session Date: 4/13/2010

Motion: OTPA Amendment #: _____

MEMBER	YEAS	NAYS
Cooney, Mary R, Chairman	17	
Gagnon, Raymond G, V Chairman	1	
Osborne, Jessie L	2	
Brown, Larry	3	
Laliberte, Suzanne S	4	
Wheeler, Deborah	5	
Boisvert, Ronald R	6	
Carlson, Nancy L	7	
Lauterborn, Elaine M	8	
Lewis, Robert D	9	
Schuett, Dianne E, Clerk	10	
Patten, Betsey L	<i>absent</i>	
Boyce, Laurie J	11	
Soucy, Connie M	12	
Sullivan, James M	13	
Crisler, Margaret M	<i>absent</i>	
Ferrante, Beverly A	14	
Perkins, Amy Stasia	<i>absent</i>	
Sterling, Franklin W	15	
Cunningham, Steven L	16	
TOTAL VOTE:	17	0

Committee Report

CONSENT CALENDAR

April 14, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY

GOVERNMENT to which was referred SB72-FN-L,

AN ACT consolidating cemetery boards of trustees in

Nashua. Having considered the same, report the same

with the recommendation that the bill OUGHT TO

PASS.

Rep. Elaine M Lauterborn

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	SB72-FN-L
Title:	consolidating cemetery boards of trustees in Nashua.
Date:	April 14, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill repeals chapter law from the 1890's and reenacts it to consolidate four cemetery boards of trustees in Nashua into two. The new wording also mirrors RSA 289 which governs cemetery boards of trustees. Testimony described this as a compromise bill that is supported by the current cemetery boards and the mayor of Nashua. The committee heard no opposition.

Vote 17-0.

Rep. Elaine M Lauterborn
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

SB72-FN-L, consolidating cemetery boards of trustees in Nashua. **OUGHT TO PASS.**

Rep. Elaine M Lauterborn for MUNICIPAL AND COUNTY GOVERNMENT. This bill repeals chapter law from the 1890's and reenacts it to consolidate four cemetery boards of trustees in Nashua into two. The new wording also mirrors RSA 289 which governs cemetery boards of trustees. Testimony described this as a compromise bill that is supported by the current cemetery boards and the mayor of Nashua. The committee heard no opposition. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: MUNICIPAL & COUNTY GOVT

BILL NUMBER: SB 72

TITLE: consolidating cemetery boards of trustees in Nashua

DATE: 4/13/2010 CONSENT CALENDAR: YES [X] NO []

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

This bill repeals Chapter Law from the 1890's and reenacts it to consolidate four cemetery boards of trustees in Nashua into two. The new wording also mirrors RSA 289 which governs cemetery boards of trustees. Testimony described this as a compromise bill that is supported by the current cemetery boards and the Mayor of Nashua. The committee heard no opposition.

COMMITTEE VOTE: 17-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

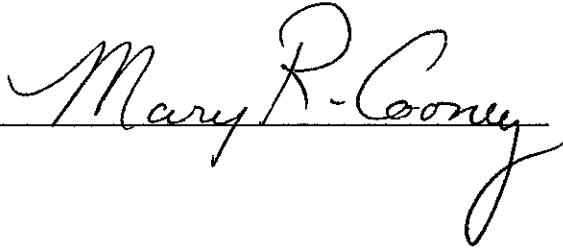
Rep. Elaine M. Lauterborn
For the Committee
Lauterborn

SB 72
OTP
Consent
17-0

This bill repeals chapter law from the 1890's and reenacts it to consolidate four cemetery boards of trustees in Nashua into two. The new wording also mirrors RSA 289 which governs cemetery boards of trustees. Testimony described this as a compromise bill that is supported by the current cemetery boards and the mayor of Nashua. The committee heard no opposition.

Rep. Elaine Lauterborn

Chairman's signature

A handwritten signature in cursive script, reading "Mary R. Cooney", written over a horizontal line.