

Bill as Introduced

SB 72-FN-LOCAL - AS INTRODUCED

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

ANALYSIS

This bill consolidates the boards of the Edgewood, Woodlawn, and Suburban Cemeteries in Nashua.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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1 1 Cemeteries; Trustees; Meetings; Vacancies. 1893, 243 is repealed and reenacted to read as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

3 243:1 Trustees; Meetings; Vacancies. There is hereby constituted a board of trustees made up of
4 10 members, who shall have the sole care, superintendence, and management of the property,
5 expenditures, business, prudential affairs, and sale of lots in the cemetery located between Amherst,
6 Cushing, and Forest streets in the city of Nashua, called and known as the Edgewood Cemetery,
7 together with any and all additions thereto; the cemetery located between Hollis and Kinsley streets
8 in the city of Nashua, called and known as the Woodlawn Cemetery, together with any and all
9 additions thereto; the cemetery situated on the west side of the Lowell road adjoining and northerly
10 of the brick schoolhouse, and bounded on the west by land of Lund, on the north by land of
11 Thompson, and commonly known as the "Old South Cemetery;" the cemetery situated on the west
12 side of the Lowell road, bounded on the south by land of Hiland A. Holt, on the west by land of
13 Marshall, on the north by land formerly owned by Aaron F. Stevens, and known as the "Pratt
14 Cemetery;" the cemetery near the Stillman Swallow place, and known as the "Gilson's Road
15 Cemetery;" and the cemetery situated on the easterly side of Amherst Road, so called, bounded on
16 the north by land of Roby, on the south by land of Roby and known as the "Roby Cemetery." Said
17 cemeteries are generally classed and known as Suburban Cemeteries, and shall thereafter be known
18 and called as Suburban Cemeteries. Two members of such board shall retire from office each year,
19 and two members shall be elected by ballot, annually, in the month of March, by the board of mayor
20 and aldermen of said city, in convention with said board of trustees, by majority vote, to hold their
21 office for 5 years, retiring trustees having no vote therein, the first of which elections shall take place
22 in March, 2010; and the term for which the members herein appointed shall hold their office shall be
23 determined by lot, 2 to hold their office for 5 years, 2 for 4 years, 2 for 3 years, 2 for 2 years, and 2 for
24 one year. The mayor of said city shall be ex-officio a member of said board. Said trustees shall
25 receive no compensation for their services as such. No person shall be eligible as such trustee who is
26 not a resident and taxpayer in said city and a lot owner in said cemetery. Said board shall meet
27 annually on the first Monday in April for organization, and shall elect a chairman and secretary from
28 their own number and 6 members shall constitute a quorum for the exercise of the powers and the
29 performance of the duties of said board. Any vacancy occurring in said board, by death, removal,
30 resignation, or otherwise, shall be filled by said board of mayor and aldermen in convention with said
31 board of trustees for the remainder of the term.

1 243:2 Powers and Duties. The said board of trustees shall set apart and lay out a portion of the
2 Edgewood Cemetery and a portion of the Woodlawn Cemetery; not exceeding one tenth of their area,
3 as a public burial-place for the use of the inhabitants of Nashua, free of any charge, and they shall
4 lay out the balance of said cemeteries in suitable lots or other subdivisions for family or other
5 burying-places, with all the necessary paths, avenues, and drives, and may plant and embellish the
6 same with trees, shrubs, flowers, and other ornaments, and may enclose the same with proper and
7 suitable fences or hedges, and erect or annex thereto such suitable edifices, appendages, and
8 conveniences from time to time as expedient; and said board shall have the same power and
9 authority as cities and towns may have in such premises, to acquire, by purchase or otherwise, land
10 adjoining said cemeteries, to be used for the same purposes; and said board may make all necessary
11 by-laws, rules, and regulations in the execution of their trust, not inconsistent with this chapter or
12 the laws of this state, as are expedient; and such board of trustees shall hold such property and
13 estate for the same uses and purposes, and charged with the same duties and liabilities for and
14 subject to which the same are now held by the city councils of the said city of Nashua; and all rights
15 of ownership of lots which any person or persons have acquired in such cemeteries shall remain to
16 the same extent as if this chapter had not been passed provided, however, if any person or persons
17 shall fail or neglect for one year after a written notice to make improvements upon their lot in the
18 Woodlawn Cemetery or in the Suburban Cemeteries, said lot shall be forfeited to this corporation.

19 243:3 Authority to Convey Rights and Privileges. The said board of trustees shall have
20 authority to grant and convey to any person or persons, by deeds duly executed, the sole and
21 exclusive right of burial, and of erecting tombs, cenotaphs, tablets, and other monuments, in any of
22 the designated lots or subdivisions of such cemeteries, upon such terms and conditions as they by
23 their rules and regulations shall prescribe.

24 243:4 How Money Disposed. The proceeds of sales of lots or rights of burial, appropriations by
25 the city councils, or other moneys, except as provided, received for such cemeteries, shall be paid into
26 the city treasury to be kept separate from any other funds of the city and subject to the order of said
27 trustees, and shall be devoted to the care, improvement, embellishment, and enlargement of said
28 cemetery under the direction of said trustees.

29 243:5 Bequests. The board of trustees are authorized to take and hold any grant, donation, or
30 bequest of property; upon trust, to apply the same, or the income thereof, for the improvement or
31 embellishment of such cemeteries, or for the erection, repair, preservation, or renewal of any
32 monument or other erection, or for the planting and cultivation of trees, shrubs, or plants in or
33 around any lot, or for improving the premises in any other manner or form consistent with the
34 purposes for which such cemeteries are established, according to the terms of such grant, donation,
35 or bequest; and whenever any such grant, donation, or bequest, or any deposit, shall be made by the
36 owner of any lot in such cemetery, for the annual repair, preservation, or embellishment of such lot
37 and the erection thereon, the trustees may give to such owner, or his or her representative, an

1 agreement or obligation, in such form and upon such terms and conditions as they may establish,
2 binding themselves and their successors to preserve and keep in repair said lot forever, or for such
3 period as may be agreed on; and any legacy, bequest, donation, grant, or deposit heretofore made to
4 said city for like purposes in such cemetery, and now in force, shall be placed under the control of the
5 board of trustees. The board of trustees, as constituted under this chapter, are hereby authorized
6 and empowered to establish and create a perpetual care fund for the Edgewood Cemetery, additional
7 to that authorized by the original act, by setting aside such sum or sums as the board may deem best
8 and to take, receive and place therein any donation, legacy or bequest specifically made therefore
9 and which shall be known as the fund for the perpetual care of the paths, walks, drives and avenues
10 of such cemetery, as well as for the fences enclosing the grounds thereof; that such fund created as
11 aforesaid shall be invested, treated, considered, and held and the liability of the city of Nashua shall
12 be the same as other perpetual care funds, as set forth in the original act; that the interest or income
13 only of such fund shall be used and applied by said board of trustees for the construction, care, and
14 maintenance of such paths, walks, drives, avenues, and fences of such cemetery.

15 243:6 Disposal of Gifts. Any sums of money so received by the trustees shall be invested by the
16 city treasurer of Nashua, under the direction of the trustees, in savings banks, or in any securities in
17 which savings banks are authorized to invest, and all such property received under the provisions of
18 the foregoing section, unless other provision is made by the terms of any such grant, donation, or
19 bequest, shall be invested under the charge of said city treasurer, but shall always remain separate
20 from and independent of any other moneys or property belonging to said city of Nashua and free
21 from all control of the city council; and the income of such fund or funds shall be received by said
22 treasurer, subject to the order of said trustees, and shall be appropriated by them in such manner as
23 shall in their opinion best promote the purposes for which said grants, donations, bequests, or
24 deposits are made.

25 243:7 City Responsible for Trustees. The city of Nashua shall be responsible for the good faith of
26 said trustees and the treasurer of said city in the execution of any trust which they may assume
27 pursuant to the foregoing provisions; but said trustees shall not be liable to make any renewal or
28 reconstruction of any monument or other erection, on any lot in such cemeteries, unless such liability
29 shall be expressed in the agreement given them as aforesaid, or in the terms and conditions under
30 which they accept any grant, donation, or bequest.

31 243:8 Report. The board of trustees shall annually, in the month of December, make a detailed
32 report in writing to the city councils of their acts and proceedings and of the condition of the cemeteries,
33 and an account of the receipts and expenditures for the same, and funds subject to their order.

34 2 Repeal. The following are repealed:

35 I. 1895, 223 relative to Woodlawn Cemetery.

36 II. 1897, 194 relative to Suburban Cemeteries.

37 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.

SB 72-FN-LOCAL - AS INTRODUCED

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SENATE BILL

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COMMITTEE:

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21 office for 5 years, retiring trustees having no vote therein, the first of which elections shall take place
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25 receive no compensation for their services as such. No person shall be eligible as such trustee who is
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SB 72-FN-LOCAL - AS INTRODUCED

- Page 2 -

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13 estate for the same uses and purposes, and charged with the same duties and liabilities for and
14 subject to which the same are now held by the city councils of the said city of Nashua; and all rights
15 of ownership of lots which any person or persons have acquired in such cemeteries shall remain to
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36 owner of any lot in such cemetery, for the annual repair, preservation, or embellishment of such lot
37 and the erection thereon, the trustees may give to such owner, or his or her representative, an

1 agreement or obligation, in such form and upon such terms and conditions as they may establish,
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6 and empowered to establish and create a perpetual care fund for the Edgewood Cemetery, additional
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10 of such cemetery, as well as for the fences enclosing the grounds thereof; that such fund created as
11 aforesaid shall be invested, treated, considered, and held and the liability of the city of Nashua shall
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19 bequest, shall be invested under the charge of said city treasurer, but shall always remain separate
20 from and independent of any other moneys or property belonging to said city of Nashua and free
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29 shall be expressed in the agreement given them as aforesaid, or in the terms and conditions under
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32 report in writing to the city councils of their acts and proceedings and of the condition of the
33 cemeteries, and an account of the receipts and expenditures for the same, and funds subject to their
34 order.

35 2 Repeal. The following are repealed:

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SB 72-FN-LOCAL - AS INTRODUCED

- Page 4 -

1 3 Effective Date. This act shall take effect 60 days after its passage.

SB 72-FN-LOCAL – AS INTRODUCED

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SB 72-FN-LOCAL - FISCAL NOTE

AN ACT consolidating cemetery boards of trustees in Nashua.

FISCAL IMPACT:

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

01/21/10 0136s

2009 SESSION

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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.

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AN ACT consolidating cemetery boards of trustees in Nashua.

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

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.

SB 72-FN-LOCAL - AS AMENDED BY THE SENATE
- Page 5 -

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.

CHAPTER 32
SB 72-FN-LOCAL - FINAL VERSION

01/21/10 0136s

2010 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.

CHAPTER 32
SB 72-FN-LOCAL - FINAL VERSION

01/21/10 0136s

09-0978
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT consolidating cemetery boards of trustees in Nashua.

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

1 32:1 Nashua; Cemeteries; Trustees; Meetings; Vacancies. 1893, 243 is repealed and reenacted
2 to 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

CHAPTER 32
SB 72-FN-LOCAL – FINAL VERSION
- Page 2 -

1 shall be entitled to vote. Said trustees shall receive no compensation for their services as such. Said
2 boards shall meet annually on the first Monday in April for organization, and each shall elect a
3 chairman, a vice-chairman, and secretary from their own number and 6 members of a board shall
4 constitute a quorum for the exercise of the powers and the performance of the duties of said boards.
5 Any vacancy occurring in either board, by death, removal, resignation, or otherwise, shall be filled by
6 said board of mayor and aldermen in convention with such board of trustees for the remainder of the
7 term.

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

12 243:2 Powers and Duties.

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

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

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

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

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

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

32 (f) Set apart and lay out a portion of the Edgewood Cemetery and a portion of the
33 Woodlawn Cemetery; not exceeding one tenth of their area, as a public burial-place for the use of the
34 inhabitants of Nashua, free of any charge, and they shall lay out the balance of said cemeteries in
35 suitable lots or other subdivisions for family or other burying-places with all the necessary paths,
36 avenues, and drives, and may plant and embellish the same with trees, shrubs, flowers, and other

CHAPTER 32
SB 72-FN-LOCAL – FINAL VERSION
- Page 3 -

1 ornaments, and may enclose the same with proper and suitable fences or hedges, and erect or annex
2 thereto such suitable edifices, appendages, and conveniences from time to time as expedient.

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

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

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

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

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

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

CHAPTER 32
SB 72-FN-LOCAL – FINAL VERSION

- Page 4 -

1 authorized and empowered to establish and create a perpetual care fund, additional to that
2 authorized by the original act, by setting aside such sum or sums as the board may deem best and to
3 take, receive, and place therein any donation, legacy or bequest specifically made therefore and
4 which shall be known as the fund for the perpetual care of the paths, walks, drives, and avenues of
5 such cemetery, as well as for the fences enclosing the grounds; that such fund shall be invested,
6 treated, considered, and held, and the liability of the city of Nashua shall be the same as, other
7 perpetual care funds, as set forth in the original act; that the interest or income only of such fund
8 shall be used and applied by said board of trustees for the construction, care, and maintenance of
9 such paths, walks, drives, avenues, and fences of such cemetery.

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

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

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

31 243:9 Open Meetings and Records. The boards of trustees shall be subject to all requirements of
32 RSA 91-A.

33 32:2 Repeal. The following are repealed:

34 I. 1895, 223 relative to Woodlawn Cemetery.

35 II. 1897, 194 relative to Suburban Cemeteries.

36 32:3 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 32
SB 72-FN-LOCAL – FINAL VERSION
- Page 5 -

- 1
- 2 Approved: May 18, 2010
- 3 Effective Date: July 17, 2010

Amendments

Amendment to SB 72-FN-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Nashua; Cemeteries; Trustees; Meetings; Vacancies. 1893, 243 is repealed and reenacted to
4 read as follows:

5 243:1 Boards of Trustees.

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

Amendment to SB 72-FN-LOCAL

- Page 2 -



1 shall be entitled to vote. Said trustees shall receive no compensation for their services as such. Said
2 boards shall meet annually on the first Monday in April for organization, and each shall elect a
3 chairman, a vice-chairman, and secretary from their own number and 6 members of a board shall
4 constitute a quorum for the exercise of the powers and the performance of the duties of said boards.
5 Any vacancy occurring in either board, by death, removal, resignation, or otherwise, shall be filled by
6 said board of mayor and aldermen in convention with such board of trustees for the remainder of the
7 term.

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

12 243:2 Powers and Duties.

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

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

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

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

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

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

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



1 thereto such suitable edifices, appendages, and conveniences from time to time as expedient.

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

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

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

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

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

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

Amendment to SB 72-FN-LOCAL

- Page 4 -



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

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

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

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

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

31 2 Repeal. The following are repealed:

32 I. 1895, 223 relative to Woodlawn Cemetery.

33 II. 1897, 194 relative to Suburban Cemeteries.

34 3 Effective Date. This act shall take effect 60 days after its passage.



2010-0111s

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.

Amendment to SB 72-FN-LOCAL

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Nashua; Cemeteries; Trustees; Meetings; Vacancies. 1893, 243 is repealed and reenacted to
4 read as follows:

5 243:1 Boards of Trustees.

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



1 shall be entitled to vote. Said trustees shall receive no compensation for their services as such. Said
2 boards shall meet annually on the first Monday in April for organization, and each shall elect a
3 chairman, a vice-chairman, and secretary from their own number and 6 members of a board shall
4 constitute a quorum for the exercise of the powers and the performance of the duties of said boards.
5 Any vacancy occurring in either board, by death, removal, resignation, or otherwise, shall be filled by
6 said board of mayor and aldermen in convention with such board of trustees for the remainder of the
7 term.

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

12 243:2 Powers and Duties.

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

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

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

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

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

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

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



1 thereto such suitable edifices, appendages, and conveniences from time to time as expedient.

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

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

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

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

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

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

Amendment to SB 72-FN-LOCAL

- Page 4 -

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

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

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

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

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

31 2 Repeal. The following are repealed:

32 I. 1895, 223 relative to Woodlawn Cemetery.

33 II. 1897, 194 relative to Suburban Cemeteries.

34 3 Effective Date. This act shall take effect 60 days after its passage.



2010-0136s

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.

Committee Minutes

**SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Senator Jacalyn Cilley Chairman
 Senator Martha Fuller Clark V Chairman
 Senator Betsi DeVries
 Senator Michael Downing
 Senator Sharon Carson

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 28, 2009

HEARINGS

Tuesday

2/3/2009

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

LOB 101

2:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: INFORMATIONAL MEETING WILL FOLLOW THE HEARING ON SB 122.

2:00 PM	SB13	declaring the chinook the state dog of New Hampshire.
2:20 PM	SB72-FN-L	consolidating cemetery boards of trustees in Nashua.
2:35 PM	SB77	renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center.
2:50 PM	SB81	relative to urology patients.
3:05 PM	SB122	relative to the quorum of the commission to oversee and negotiate issues relative to NAFTA and the WTO.

Sponsors:

SB13

Sen. Sheila Roberge
 Rep. John Reagan

Sen. Jacalyn Cilley
 Rep. Jayne Spaulding

Rep. Peter Schmidt

Rep. Mary Cooney

SB72-FN-L

Sen. Bette Lasky
 Rep. Pamela Price

Rep. Jane Clemons

Rep. David Cote

Rep. David Campbell

SB77

Sen. Harold Janeway
 Rep. Jessie Osborne

Sen. Lou D'Allesandro
 Rep. Candace Bouchard

Sen. Sylvia Larsen

Sen. Robert Letourneau

SB81

Sen. Lou D'Allesandro

Sen. Kathleen Sgambati

SB122

Sen. Jacalyn Cilley

Rep. Susi Nord

**SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

- ✓ Senator Jacalyn Cilley Chairman
- ✓ Senator Martha Fuller Clark V Chairman
- ✓ Senator Betsi DeVries
- ✓ Senator Michael Downing
- ✓ Senator Sharon Carson

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Start 2:40

Date: January 28, 2009

HEARINGS

Tuesday

2/3/2009

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

LOB 101

2:00 PM

(Name of Committee)

(Place)

(Time)

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 renaming the Christa McAuliffe planetarium the McAuliffe-Shepard discovery center.
 relative to urology patients.
 relative to the quorum of the commission to oversee and negotiate issues relative to NAFTA and the WTO.

Sponsors:

SB13 Sen. Sheila Roberge Rep. John Reagan	Sen. Jacalyn Cilley Rep. Jayne Spaulding	Rep. Peter Schmidt	Rep. Mary Cooney
SB72-FN-L Sen. Bette Lasky Rep. Pamela Price	Rep. Jane Clemons	Rep. David Cote	Rep. David Campbell
SB77 Sen. Harold Janeway Rep. Jessie Osborne	Sen. Lou D'Allesandro Rep. Candace Bouchard	Sen. Sylvia Larsen	Sen. Robert Letourneau
SB81 Sen. Lou D'Allesandro	Sen. Kathleen Sgambati		
SB122 Sen. Jacalyn Cilley	Rep. Susi Nord		

*end
2:55*

Kathryn Cummings 271-3207

Sen. Jacalyn Cilley
Chairman

Executive Departments and Administration Committee

Hearing Report

TO: Members of the Senate

FROM: Shannon Whitehead, *Legislative Aide*

RE: Hearing report on **SB 72 FN LOCAL – AN ACT** relative to the consolidating cemetery boards of trustees in Nashua.

HEARING DATE: February 3, 2009

MEMBERS OF THE COMMITTEE PRESENT: Senators: Cilley, Downing, Carson and DeVries.

MEMBERS OF THE COMMITTEE ABSENT: Senator Fuller Clark.

Sponsor(s): Sen. Lasky, Dist 13; Rep. Clemons, Hills 24; Rep. Cote, Hills 23; Rep. Campbell, Hills 24; Rep. P. Price, Hills 26

What the bill does: This bill consolidates the boards of the Edgewood, Woodlawn, and Suburban Cemeteries in Nashua.

Who supports the bill: Rep. David Campbell Hills 24, Senator Bette Lasky Dist.13, and Donnalee Lozeau, Mayor of Nashua.

Who opposes the bill: No one appeared in opposition.

Summary of testimony received:

Prime Sponsor: Senator Lasky

- Prime Sponsor and Introduced the bill of consolidating the boards of the Edgewood, Woodlawn, and Suburban Cemeteries in Nashua.
- Brought this bill forward on behalf of the City of Nashua.
- This will better serve the city of Nashua.
- Senator Lasky did not know of the reason as to why there was a fiscal note added on to the bill.

- Referred any other questions to the following speakers for further discussion.

Rep. Campbell

- In support of the bill and knows the City of Nashua is in support as well.
- This will provide efficiency and cost savings in consolidating these boards.

Mayor Donnalee Lozeau: Nashua

- In support of the bill.
- Reviewed all the existing boards, commissions and task-forces that Nashua had. Overall, looked at the boards that exist in relation to the cemeteries and saw that consolidating these boards together would make more sense. In addition, there are members that are on more than just one of these boards for the cemeteries, which consolidating them would help to make them run more functional.
- We can only get these boards consolidated with state legislation. We want to take care of this the way it was intended.
- Senator DeVries questioned if the language of the bill been before the Aldermen of Nashua? Mrs. Lozeau responded that all Aldermen are aware and are in full support to make this happen.
- Senator Cilley questioned is this simply enabling? Manchester and Nashua are full time Mayors, long time trust funds are dedicated to each cemetery Edgewood, Woodlawn and Suburban Cemeteries in Nashua.
- The trustees are older and interested in this and want to make sure it comes together, so for consolidating many members support this for better efficiency.
- Senator DeVries questioned from page 2 of the bill lines 24-30 243:4.
- 243:4 How Money Disposed. The proceeds of sales of lots or rights of burial, appropriations by the city councils, or other moneys, except as provided, received for such cemeteries, shall be paid into the city treasury to be kept separate from any other funds of the city and subject to the order of said trustees, and shall be devoted to the care, improvement, embellishment, and enlargement of said cemetery under the direction of said

trustees.

- **Donnalee Lozeau responded that the general fund is separate. The city of Nashua has dedicated funds for the individual cemeteries.**
- **The function of the board or to any cemetery will not change. This will give us a better base for the city's responsibilities and making sure the duties are met.**

Funding: *See Fiscal note*

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.

Future Action: The Committee voted the bill to be "re-referred" 3-0. First motion made by Senator Carson, Seconded by Senator Cilley. Senator Carson will be reporting it out.

sgw

[file: SB 72 report]

Date: 2-8-09

Date: February 3, 2009
Time: 2:40 PM
Room: LOB 101

The Senate Committee on Executive Departments and Administration held a hearing on the following:

SB 72-FN-L consolidating cemetery boards of trustees in Nashua.

Members of Committee present: Senator Cilley
 Senator DeVries
 Senator Downing
 Senator Carson

The Chair, Senator Jacalyn L. Cilley, opened the hearing on Senate Bill 72-FN-L and invited the prime sponsor, Senator Bette Lasky, to introduce the legislation.

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. For the record, I'm Senator Bette Lasky from District 13 in Nashua. I'm here today on behalf of the City of Nashua to present to you a bill to consolidate the local Cemetery Boards of Trustees in the City of Nashua.

We have three cemeteries, I believe, in the City and of which right now they all need trustees and Boards of Trustees that have to be appointed by the Mayor. As you know, it's difficult to find good people to do anything these days without pay.

So, it makes much more sense to and will probably better serve the cemeteries to consolidate them and have one board. I have the Mayor here who has been dealing with this and who requested that this be done and who's much more capable to speak to it than I.

So, I would appreciate it that we bring her forth after our Representative Campbell. Thank you for hearing this.

Senator Jacalyn L. Cilley, D. 6: Thank you, Senator Lasky. I do have one question. I noticed that there's a fiscal note on it that says total impact of less than ten thousand dollars. Could you explain that?

Senator Bette R. Lasky, D. 13: Particularly no, but evidently...

Senator Jacalyn L. Cilley, D. 6: And one would think it would be less than more.

Senator Bette R. Lasky, D. 13: Exactly. I would think it is less and probably the Mayor can enlighten you on that and the other thing is I wonder why it had a fiscal note to begin with. But, maybe someone can shed some light on that, I'm afraid I can't, sorry.

Senator Jacalyn L. Cilley, D. 6: Are there any other questions for Senator Lasky? Thank you.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Jacalyn L. Cilley, D. 6: And with that, I'm not seeing, thank you very much. The Chair recognizes Representative Campbell.

Representative David Campbell, Hills/24: Thank you, Madam Chairman and honorable Senators. I will be very brief, I too am here at the request of the City and representing many members of the House delegation who are in favor of this.

It's basically an efficiency matter. Hopefully there will be some costs savings as well and dare I say I've been dying to say this all day...

Senator Jacalyn L. Cilley, D. 6: No pun intended, I'm sure.

Representative Campbell: Volunteers are not dying to take these jobs. So, with that...

Senator Jacalyn L. Cilley, D. 6: In this business, one has to get their chuckles any where you can.

Representative Campbell: Any where you can.

Senator Jacalyn L. Cilley, D. 6: Exactly. Are there any questions for, Representative Campbell? Thank you very much.

Representative Campbell: Thank you all.

Senator Jacalyn L. Cilley, D. 6: Now I only see, not only, I see also Donnalee Lozeau of Nashua. Are you the Mayor?

Mayor Donnalee Lozeau: Yes.

Senator Jacalyn L. Cilley, D. 6: Okay and is there anybody else that has not signed up to speak or in support or opposition? So, Ms. Lozeau, if you would come forward?

Mayor Lozeau: Thank you, Madam Chairman. For the record, my name is Donnalee Lozeau. I serve as the Mayor for the City of Nashua and this issue is before you because as I started my term about a year ago, looking at the different responsibilities I had, one of them was to collect all of the boards and commissions and task forces that exist in Nashua and determine whether or not we had vacancies and if we did where were they and how would we fill them and at the same time, taking a look at any that maybe don't need to exist anymore, or just taking a look overall.

One of the things I quickly discovered was that we had three Cemetery Boards of Trustees and we had difficulty filling any of the positions on all of them, never mind three separate ones. In addition, I was really excited to learn that I was a member of each of them and they had meetings when they thought they should or shouldn't and there was really no way to support them and provide any of the administrative support they needed.

I had a meeting with each of the members that were on a Board of Trustees and have one right now that has no members at all, which was a real problem. So, instead of trying to find members for that other group, it seemed to make sense for any number of reasons to have a single Cemetery Board of Trustees in the City of Nashua and give them responsibility for the three separate. One is a cemetery Woodlawn and one is a cemetery Edgewood and then the suburban cemeteries kind of all those other ones that aren't Woodlawn or Edgewood.

We have also had an offer of late to take ownership of the Lutheran Cemetery in Nashua and I'm not in a position to really make a determination on whether that's a good idea or a bad idea and really don't have a Board of Trustees in place that I could go to and say, could you take a look at this and tell me whether it makes sense.

When I took a look at this, I thought, well, I'll just look at the city ordinance, see what we can do to change it and discovered that really the only way to change it was through state legislation.

So, that's why I'm here today asking you to grant this change in the state law so that we can take care of the cemeteries in Nashua the way the law

intended us to take care of it and not in the manner in which I discovered we are taking care of it.

Senator Jacalyn L. Cilley, D. 6: Thank you very much. Are there any questions for Mayor Lozeau? Senator DeVries.

Senator Betsi DeVries, D. 18: Thank you, Madam Chair and your Honor, welcome back to the Legislature.

Mayor Lozeau: Thank you.

Senator Betsi DeVries, D. 18: I have a couple of questions for you. First, has this been before the Board of Mayor and Aldermen? I assume you brought it forward at the local level and they approved this action or do they not need to?

Mayor Lozeau: They don't need to necessarily. There may be some charter changes that we'll have to do after, but I have found unlike me, they don't have a whole lot of faith oftentimes. I'll often get, well, you know you have to change the state law and I say, okay, well, that's a big deal. Actually, it's not. So, I really wanted to be able to come back and say, they're letting us do this, let's get it done.

All my appointments go through the Board of Aldermen, so they have to approve that and they know that I've made a concerted effort since I've been there. I've had almost a hundred appointments now in a year to our different boards and commissions and we're almost at full compliment citywide.

Senator Jacalyn L. Cilley, D. 6: Follow up, Senator DeVries?

Senator Betsi DeVries, D. 18: Follow up if I might? I'm not sure that this is enabling legislation; I believe that our action will be the final action. So I'm hoping that your board is in agreement with you, that they would like to see this action taken. But, that being said, I see within the legislation, there is a separation of existing trusts, so there will be the continuation of maintenance of funds dedicated for that purpose of certain gravesites? I guess is the proper term. Do you believe in this you have the ability to separate future grants or receipts of dollars that and dedicate them either to specific gravesites or specific cemeteries?

Mayor Lozeau: Yes.

Senator Betsi DeVries, D. 18: So, you can go forward with a grant just for one of the three?

Mayor Lozeau: Absolutely.

Senator Betsi DeVries, D. 18: And keep those funds dedicated? That is your intent?

Mayor Lozeau: That's my intent. We're going to keep them separate now. As a matter of fact, I grabbed my folder before I came up here and I found that I have the trust fund information for this suburban cemetery, which is Whitman Fund and there's like two or three for each of the different cemeteries. We've been able to, we have an investment management group and I should also, because you gave me the opportunity, all of the Alderman know that I'm interested in doing this. As a matter of fact, Representative Clemons who's on this, her son is an Aldermen-at-Large, so they're very well aware that I've been talking about doing this. I would not be here asking for this if I thought that when I got back, they were going to say, I don't know why you did it, you shouldn't have.

So, I think, that we're in good stead there and our financial department also is on board, because they're the ones that manage these trusts. Well, the Trustees oversee them, the funds are actually in an account that the City is responsible to oversee.

Senator Betsi DeVries, D. 18: Thank you, your Honor.

Mayor Lozeau: You're welcome.

Senator Jacalyn L. Cilley, D. 6: Are there further questions? Mayor Lozeau, as I read this bill, this isn't simply enabling, this is directive in terms of this is the way things will be if this passes both Chambers. I'm wondering, I personally would feel a little bit more comfortable to know that the Council... Is it the Council or the Selectmen?

Mayor Lozeau: Board of Aldermen in Nashua.

Senator Jacalyn L. Cilley, D. 6: Board of Aldermen, okay. I come from an SB2 town, so, I would feel a little more comfortable knowing that there was support. Did they know this hearing was today?

Mayor Lozeau: No. Well, I guess no. I don't see why they would. Nashua and Manchester are your two towns where you have a full-time Mayor. This, from our legal counsel perspective, fell under the administration of the City and so, I felt comfortable in coming here and doing this.

Senator Jacalyn L. Cilley, D. 6: Oh, okay. I don't want to imply, it seems to make an awful lot of sense to me, but...

Mayor Lozeau: I'm just saying that the next steps to this are going to require action by both myself and the Board of Aldermen.

Senator Jacalyn L. Cilley, D. 6: Okay. Also, is there any concern whatsoever. You've now had three Boards of Trustees, one of which is vacant in its entirety and then you've had two others. Is there any question or concern that the trustees and I'm assuming if you have trustees who have been willing to serve given how difficult it is to attract very many others, Is there any danger that they would be more favorable to one of the cemeteries than the other? I guess I'm just trying to anticipate whether there would be an outcry from families of residents of the other cemetery. I don't know how to ask that delicately.

Mayor Lozeau: I know exactly what you're asking.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Mayor Lozeau: All of the funds that exist for all of our cemeteries right now are long-time trusts and many of them do not have family that's in a position to raise any concerns. But, it has been quite some time that those funds have existed and they are specifically within the trust dedicated to, this is for the Pratt Cemetery, this is for Edgewood. So, there wouldn't be an opportunity, I think, for favoritism to be one way or the other. We have been providing city resources for a very long time to do what needs to be done in the cemeteries, with all due respect to the trustees, without much of their involvement. We oversee the purchase of the equipment necessary. We provide fuel for the vehicles. We employ the staff that provides the work. Right now, we have one staff person that is responsible for the Edgewood Cemetery and all the suburban cemeteries. Just because the trustees at Edgewood said, okay, why don't you do it. The Woodlawn Cemetery is larger than Edgewood, so, they take care of just that one. The only pushback I've had, was from the two staff members who said, who's going to be in charge? Thinking that one of them would become the assistant to the other and that's...

Senator Jacalyn L. Cilley, D. 6: That was part of my question.

Mayor Lozeau: And most of the trustees know that. Many of our trustees are older and more interested and/or funeral directors that sort of thing. I...

Senator Jacalyn L. Cilley, D. 6: Sorry.

Mayor Lozeau: And I do understand that after I leave here, I have to make sure that they are all onboard with it and I have to appoint in a manner that brings them to the table so that when we choose the trustees for the one Board, that they are all on board. I could take every single trustee that's in place right now, put them on this new Board and still have vacancies and that's my intention. My intention is take all the existing trustees and simply move them into here and then fill the remaining slots.

Senator Jacalyn L. Cilley, D. 6: Thank you very much. Any further questions? Senator DeVries.

Senator Betsi DeVries, D. 18: Thank you, Madam Chair. I just want to be clear that I understand the intent of what you think is happening with the legislation. On page two, I don't know if you have a copy of the bill?

Mayor Lozeau: I do.

Senator Betsi DeVries, D. 18: I know you know the process. On page two, lines twenty-four to thirty, talk about how the money can be disposed. My understanding is that the funds from the sale of lots will be now co-mingled, rather than separately into three as they exist today? Co-mingled into one account that will flow into the City and be appropriated in any way the Board and Mayor and Aldermen feel appropriate for repair of the, any of the three. So, it's not like the funds will remain segregated to any one cemetery. Sale of lots will flow into one column and then can possibly be used to repair one of the other cemeteries. Is that correct?

Mayor Lozeau: Actually, let me just tell you a little bit of the process. When I had this discussion with our legal department and some of the trustees and staff and folks involved and I said here's the goal. We provided to Legislative Services all of the information that we could find that was related to this. The money is divided this way. There is the money that is dedicated through trust funds that has to do whatever that says. The other money that you're referring to, doesn't come into the city general fund. The City, although it may not lay out in the State legislation, the City has a dedicated fund right now in place for those cemeteries.

So, it's not like the money might come in and the City is short of funds for something else, so they take those funds and they use them for a new plow truck. That can't happen. This is still to give the authority to the trustees to designate how the funds might come in. So, if you buy a plot in one cemetery and you pay for it, those funds go into that cemetery. Just how we set it up structurally within that fund, we haven't talked about.

But, I just wanted to make sure that you understood that it's not part of our general fund and if they say, for instance, the cemetery trustees decide that our suburban cemetery needs more funds, they could take money out of the cemetery general fund or designated fund and maybe move things around. This does not preclude that from happening.

Senator Jacalyn L. Cilley, D. 6: Okay, thank you. Senator DeVries, follow up?

Senator Betsi DeVries, D. 18: Because I see that I do understand that it's falling into some sort of a dedicated fund, but no longer dedicated to the cemetery that the sale of lots occurred at?

Mayor Lozeau: Doesn't have to be. Right.

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Mayor Lozeau: Right.

Senator Betsi DeVries, D. 18: ...completely full cemetery. There is a proper term for that.

Mayor Lozeau: I know.

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Mayor Lozeau: Yes, because I wanted the control to still rest with the trustees and that's what this does.

Senator Jacalyn L. Cilley, D. 6: Thank you. Seeing no other questions and no other speakers, I'll close the hearing.

Respectfully submitted,

Kathryn Cummings
Senate Secretary
3/24/09

KL

Date: February 3, 2009
Time: 2:40 PM
Room: LOB 101

The Senate Committee on Executive Departments and Administration held a hearing on the following:

SB 72-FN-L consolidating cemetery boards of trustees in Nashua.

Members of Committee present: Senator Cilley
Senator DeVries
Senator Downing
Senator Carson

The Chair, Senator Jacalyn L. Cilley, opened the hearing on Senate Bill 72-FN-L and invited the prime sponsor, Senator Bette Lasky, to introduce the legislation.

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. For the record, I'm Senator Bette Lasky from District 13 in Nashua. I'm here today on behalf of the City of Nashua to present to you a bill to consolidate the local Cemetery Boards of Trustees in the City of Nashua.

We have three cemeteries, I believe, in the City and of which right now they all need trustees and Boards of Trustees that have to be appointed by the Mayor. As you know, it's difficult to find good people to do anything these days without pay.

So, it makes much more sense to and will probably better serve the cemeteries to consolidate them and have one board. I have the Mayor here who has been dealing with this and who requested that this be done and who's much more capable to speak to it than I.

So, I would appreciate it that we bring her forth after our Representative Campbell. Thank you for hearing this.

Senator Jacalyn L. Cilley, D. 6: Thank you, Senator Lasky. I do have one question. I noticed that there's a fiscal note on it that says total impact of less than ten thousand dollars. Could you explain that?

KC

Senator Bette R. Lasky, D. 13: Particularly no, but evidently...

Senator Jacalyn L. Cilley, D. 6: And one would think it would be less than more.

Senator Bette R. Lasky, D. 13: Exactly. I would think it is less and probably the Mayor can enlighten you on that and the other thing is I wonder why it had a fiscal note to begin with. But, maybe someone can shed some light on that, I'm afraid I can't, sorry.

Senator Jacalyn L. Cilley, D. 6: Are there any other questions for Senator Lasky? Thank you.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Jacalyn L. Cilley, D. 6: And with that, I'm not seeing, thank you very much. The Chair recognizes Representative Campbell.

Representative David Campbell, Hills/24: Thank you, Madam Chairman and honorable Senators. I will be very brief, I too am here at the request of the City and representing many members of the House delegation who are in favor of this.

It's basically an efficiency matter. Hopefully there will be some costs savings as well and dare I say I've been dying to say this all day...

Senator Jacalyn L. Cilley, D. 6: No pun intended, I'm sure.

Representative Campbell: Volunteers are not dying to take these jobs. So, with that...

Senator Jacalyn L. Cilley, D. 6: In this business, one has to get their chuckles any where you can.

Representative Campbell: Any where you can.

Senator Jacalyn L. Cilley, D. 6: Exactly. Are there any questions for, Representative Campbell? Thank you very much.

Representative Campbell: Thank you all.

Senator Jacalyn L. Cilley, D. 6: Now I only see, not only, I see also Donnalee Lozeau of Nashua. Are you the Mayor?

KC

Mayor Donnalee Lozeau: Yes.

Senator Jacalyn L. Cilley, D. 6: Okay and is there anybody else that has not signed up to speak or in support or opposition? So, Ms. Lozeau, if you would come forward?

Mayor Lozeau: Thank you, Madam Chairman. For the record, my name is Donnalee Lozeau. I serve as the Mayor for the City of Nashua and this issue is before you because as I started my term about a year ago, looking at the different responsibilities I had, one of them was to collect all of the boards and commissions and task forces that exist in Nashua and determine whether or not we had vacancies and if we did where were they and how would we fill them and at the same time, taking a look at any that maybe don't need to exist anymore, or just taking a look overall.

One of the things I quickly discovered was that we had three Cemetery Boards of Trustees and we had difficulty filling any of the positions on all of them, never mind three separate ones. In addition, I was really excited to learn that I was a member of each of them and they had meetings when they thought they should or shouldn't and there was really no way to support them and provide any of the administrative support they needed.

I had a meeting with each of the members that were on a Board of Trustees and have one right now that has no members at all, which was a real problem. So, instead of trying to find members for that other group, it seemed to make sense for any number of reasons to have a single Cemetery Board of Trustees in the City of Nashua and give them responsibility for the three separate. One is a cemetery Woodlawn and one is a cemetery Edgewood and then the suburban cemeteries kind of all those other ones that aren't Woodlawn or Edgewood.

We have also had an offer of late to take ownership of the Lutheran Cemetery in Nashua and I'm not in a position to really make a determination on whether that's a good idea or a bad idea and really don't have a Board of Trustees in place that I could go to and say, could you take a look at this and tell me whether it makes sense.

When I took a look at this, I thought, well, I'll just look at the city ordinance, see what we can do to change it and discovered that really the only way to change it was through state legislation.

So, that's why I'm here today asking you to grant this change in the state law so that we can take care of the cemeteries in Nashua the way the law

KC

intended us to take care of it and not in the manner in which I discovered we are taking care of it.

Senator Jacalyn L. Cilley, D. 6: Thank you very much. Are there any questions for Mayor Lozeau? Senator DeVries.

Senator Betsi DeVries, D. 18: Thank you, Madam Chair and your Honor, welcome back to the Legislature.

Mayor Lozeau: Thank you.

Senator Betsi DeVries, D. 18: I have a couple of questions for you. First, has this been before the Board of Mayor and Aldermen? I assume you brought it forward at the local level and they approved this action or do they not need to?

Mayor Lozeau: They don't need to necessarily. There may be some charter changes that we'll have to do after, but I have found unlike me, they don't have a whole lot of faith oftentimes. I'll often get, well, you know you have to change the state law and I say, okay, well, that's a big deal. Actually, it's not. So, I really wanted to be able to come back and say, they're letting us do this, let's get it done.

All my appointments go through the Board of Aldermen, so they have to approve that and they know that I've made a concerted effort since I've been there. I've had almost a hundred appointments now in a year to our different boards and commissions and we're almost at full compliment citywide.

Senator Jacalyn L. Cilley, D. 6: Follow up, Senator DeVries?

Senator Betsi DeVries, D. 18: Follow up if I might? I'm not sure that this is enabling legislation; I believe that our action will be the final action. So I'm hoping that your board is in agreement with you, that they would like to see this action taken. But, that being said, I see within the legislation, there is a separation of existing trusts, so there will be the continuation of maintenance of funds dedicated for that purpose of certain gravesites? I guess is the proper term. Do you believe in this you have the ability to separate future grants or receipts of dollars that and dedicate them either to specific gravesites or specific cemeteries?

Mayor Lozeau: Yes.

Senator Betsi DeVries, D. 18: So, you can go forward with a grant just for one of the three?

JL

Mayor Lozeau: Absolutely.

Senator Betsi DeVries, D. 18: And keep those funds dedicated? That is your intent?

Mayor Lozeau: That's my intent. We're going to keep them separate now. As a matter of fact, I grabbed my folder before I came up here and I found that I have the trust fund information for this suburban cemetery, which is Whitman Fund and there's like two or three for each of the different cemeteries. We've been able to, we have an investment management group and I should also, because you gave me the opportunity, all of the Alderman know that I'm interested in doing this. As a matter of fact, Representative Clemons who's on this, her son is an Aldermen-at-Large, so they're very well aware that I've been talking about doing this. I would not be here asking for this if I thought that when I got back, they were going to say, I don't know why you did it, you shouldn't have.

So, I think, that we're in good stead there and our financial department also is on board, because they're the ones that manage these trusts. Well, the Trustees oversee them, the funds are actually in an account that the City is responsible to oversee.

Senator Betsi DeVries, D. 18: Thank you, your Honor.

Mayor Lozeau: You're welcome.

Senator Jacalyn L. Cilley, D. 6: Are there further questions? Mayor Lozeau, as I read this bill, this isn't simply enabling, this is directive in terms of this is the way things will be if this passes both Chambers. I'm wondering, I personally would feel a little bit more comfortable to know that the Council... Is it the Council or the Selectmen?

Mayor Lozeau: Board of Aldermen in Nashua.

Senator Jacalyn L. Cilley, D. 6: Board of Aldermen, okay. I come from an SB2 town, so, I would feel a little more comfortable knowing that there was support. Did they know this hearing was today?

Mayor Lozeau: No. Well, I guess no. I don't see why they would. Nashua and Manchester are your two towns where you have a full-time Mayor. This, from our legal counsel perspective, fell under the administration of the City and so, I felt comfortable in coming here and doing this.

KC

Senator Jacalyn L. Cilley, D. 6: Oh, okay. I don't want to imply, it seems to make an awful lot of sense to me, but...

Mayor Lozeau: I'm just saying that the next steps to this are going to require action by both myself and the Board of Aldermen.

Senator Jacalyn L. Cilley, D. 6: Okay. Also, is there any concern whatsoever. You've now had three Boards of Trustees, one of which is vacant in its entirety and then you've had two others. Is there any question or concern that the trustees and I'm assuming if you have trustees who have been willing to serve given how difficult it is to attract very many others, Is there any danger that they would be more favorable to one of the cemeteries than the other? I guess I'm just trying to anticipate whether there would be an outcry from families of residents of the other cemetery. I don't know how to ask that delicately.

Mayor Lozeau: I know exactly what you're asking.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Mayor Lozeau: All of the funds that exist for all of our cemeteries right now are long-time trusts and many of them do not have family that's in a position to raise any concerns. But, it has been quite some time that those funds have existed and they are specifically within the trust dedicated to, this is for the Pratt Cemetery, this is for Edgewood. So, there wouldn't be an opportunity, I think, for favoritism to be one way or the other. We have been providing city resources for a very long time to do what needs to be done in the cemeteries, with all due respect to the trustees, without much of their involvement. We oversee the purchase of the equipment necessary. We provide fuel for the vehicles. We employ the staff that provides the work. Right now, we have one staff person that is responsible for the Edgewood Cemetery and all the suburban cemeteries. Just because the trustees at Edgewood said, okay, why don't you do it. The Woodlawn Cemetery is larger than Edgewood, so, they take care of just that one. The only pushback I've had, was from the two staff members who said, who's going to be in charge? Thinking that one of them would become the assistant to the other and that's...

Senator Jacalyn L. Cilley, D. 6: That was part of my question.

Mayor Lozeau: And most of the trustees know that. Many of our trustees are older and more interested and/or funeral directors that sort of thing. I...

Senator Jacalyn L. Cilley, D. 6: Sorry.

KL

Mayor Lozeau: And I do understand that after I leave here, I have to make sure that they are all onboard with it and I have to appoint in a manner that brings them to the table so that when we choose the trustees for the one Board, that they are all on board. I could take every single trustee that's in place right now, put them on this new Board and still have vacancies and that's my intention. My intention is take all the existing trustees and simply move them into here and then fill the remaining slots.

Senator Jacalyn L. Cilley, D. 6: Thank you very much. Any further questions? Senator DeVries.

Senator Betsi DeVries, D. 18: Thank you, Madam Chair. I just want to be clear that I understand the intent of what you think is happening with the legislation. On page two, I don't know if you have a copy of the bill?

Mayor Lozeau: I do.

Senator Betsi DeVries, D. 18: I know you know the process. On page two, lines twenty-four to thirty, talk about how the money can be disposed. My understanding is that the funds from the sale of lots will be now co-mingled, rather than separately into three as they exist today? Co-mingled into one account that will flow into the City and be appropriated in any way the Board and Mayor and Aldermen feel appropriate for repair of the, any of the three. So, it's not like the funds will remain segregated to any one cemetery. Sale of lots will flow into one column and then can possibly be used to repair one of the other cemeteries. Is that correct?

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So, it's not like the money might come in and the City is short of funds for something else, so they take those funds and they use them for a new plow truck. That can't happen. This is still to give the authority to the trustees to designate how the funds might come in. So, if you buy a plot in one cemetery and you pay for it, those funds go into that cemetery. Just how we set it up structurally within that fund, we haven't talked about.

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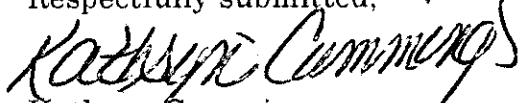
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Senator Betsi DeVries, D. 18: And that's your understanding of what you wanted to happen?

Mayor Lozeau: Yes, because I wanted the control to still rest with the trustees and that's what this does.

Senator Jacalyn L. Cilley, D. 6: Thank you. Seeing no other questions and no other speakers, I'll close the hearing.

Respectfully submitted,



Kathryn Cummings

Senate Secretary

3/24/09

**SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Senator Jacalyn Cilley Chairman ✓
 Senator Martha Fuller Clark V Chairman
 Senator Betsi DeVries ✓
 Senator Michael Downing ✓
 Senator Sharon Carson ✓

For Use by Senate Clerk's Office ONLY		
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Proof:	<input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: January 7, 2010

EXECUTIVE SESSIONS

Tuesday 1/12/2010

EXECUTIVE DEPARTMENTS AND ADMINISTRATION	LOB 101	2:00 PM
<small>(Name of Committee)</small>	<small>(Place)</small>	<small>(Time)</small>

EXECUTIVE SESSION ON PENDING LEGISLATION

Comments: *EXECUTIVE SESSION ON RE-REFERRED BILLS*****

HB360	relative to members of the general court participating in the state group health insurance plan.
HB514	establishing a New Hampshire other post-employment benefits (OPEB) trust and enabling political subdivisions to create or participate in OPEB trusts.
HB651-FN	relative to regulation of private investigative agencies and security services.
SB72-FN-L	consolidating cemetery boards of trustees in Nashua.

Sponsors:

HB360

Rep. David Hess

HB514

Rep. Edward Butler

HB651-FN

Rep. Jordan Ulery

SB72-FN-L

Sen. Bette Lasky

Rep. Pamela Price

Rep. Jane Clemons

Rep. David Cote

Rep. David Campbell

Speakers

Senate Executive Departments and Administration Committee: Sign-In Sheet

Date: 02/03/09

Time: 2:20 pm Public Hearing on SB 72-FN-L

SB 72-FN-L

consolidating cemetery boards of trustees in Nashua.

Name	Representing	Check those that apply				
✓ David Campbell	Nashua Hills 24	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Sen. Bette Lasky	Nashua Dist B	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
✓ Donnalce Loreau	Nashua	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Senate Executive Departments and Administration Committee: Sign-In Sheet

Date: 02/03/09

Time: 2:20 pm Public Hearing on SB 72-FN-L

SB 72-FN-L

consolidating cemetery boards of trustees in Nashua.

Name	Representing	Check those that apply				
Sen-Lasky	Dist 13	Support <input checked="" type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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		Support <input type="checkbox"/>	Oppose <input type="checkbox"/>	Speaking? <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Testimony

January 12, 2010

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

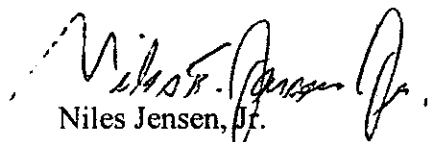
Dear Chairman Cilley and Committee Members:

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.

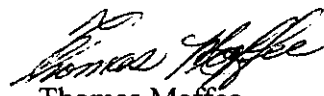
The amendment is a collaborative effort between the boards with assistance and guidance from Mayor Lozeau, city corporation counsel, and the NH Attorney General's Office. We very much appreciate your committee delaying final action so we could have further discussions as a collective group.

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

A

Cummings, Kathryn

From: Niles Jensen [niles@gis.net]
Sent: Wednesday, February 11, 2009 11:56 AM
To: Merrill, Amanda; Cote, David; Barnes, Jack; Sgambati, Kathleen; Hassan, Maggie; Fuller Clark, Martha; Downing, Michael; Price, Pamela; Bragdon, Peter; Letourneau, Robert; Carson, Sharon; Theodore Gatsas
Subject: February 10

February 10, 2009

To: New Hampshire State Senators
 New Hampshire State Senate Committee: Executive Departments and Administration
 SB72 Sponsors
 Board Of Alderman, Nashua, NH
 cc.Mayor of Nashua, NH

From: Board of Trustees for Woodlawn Cemetery

Friday February 6, 2009 is the first time we at Woodlawn Cemetery learned through the grapevine that a bill (SB72) was filed to eliminate our Board of Trustees. We received no communication about this bill from The City of Nashua.

SB72 – Cemetery Consolidation in Nashua.

Facts you may not know when considering this bill.

There are no savings in this bill. There are much higher taxpayer costs. This bill is going to cost the Taxpayers of Nashua, NH a lot more money than the way it is now.

Since 1995 Woodlawn Cemetery in Nashua has been showing a profit. The income from the cemetery exceeds our budget. It costs the City of Nashua \$0.00 for our budget which is not true of any other cemetery. Edgewood requires taxpayers dollars to support their budget. Woodlawn's Perpetual Portfolio is one the best performing cemetery portfolios in the State of New Hampshire.

Woodlawn has an active board. Board meets regularly. We have a 5 trustee investment committee which meets every month. The Perpetual Care Portfolio is monitored daily with a consistent goal of growth and income.

Woodlawn manages its own Perpetual Care Portfolio. There is no cost to the City of Nashua. Edgewood Cemetery, on the other hand, is managed (administered) by the City's bank at an annual cost to the City of Nashua of \$ 27,823.83. (fiscal 2008) Over the last 4 years, Woodlawn has saved the City of Nashua over \$ 97,000.00 in bank administration costs.

And, Woodlawn's perpetual portfolio earns twice as much as Edgewood's. Below I have laid out the investment numbers for you to review. It shows clearly that Woodlawn's performance is far better than Edgewood's. This bill would invest Woodlawn's perpetual trust the same way as Edgewood's, costing the City of Nashua more than \$ 27,000 in annual administration fees because Woodlawn's perpetual trust is larger than Edgewood's. Woodlawn's

perpetual portfolio would also earn a lower yield (return) than it does now if administered by the City's bank. In current percentage terms, the new consolidation plan would reduce Woodlawn's investment income by more than \$50,000.00. if invested by the City's bank.

Bank/Broker Fee	Investment Income		Transfer to General Fund		Transfer to Maintenance		
	Woodlawn	Edgewood	Woodlawn	Edgewood	Woodlawn	Edgewood	Woodlawn
Edgewood							
FY 2005	174,302.46	65,877.11	135,814.68	45,344.98	36,263.00	0.00	0.00
20,718.13							
FY 2006	187,833.24	75,883.16	134,369.00	52,895.97	53,197.57	0.00	0.00
22,805.83							
FY 2007	222,072.12	87,839.40	121,248.77	62,001.86	98,552.70	0.00	0.00
25,735.15							
FY 2008	213,441.61	106,645.82	147,315.64	75,460.54	(NA)	(NA)	0.00
27,823.83							

Woodlawn's investment income is double that of Edgewood's. Edgewood's bank costs are 26% of their total investment income. The City is paying \$ 27,823 to earn \$106,645 for Edgewood.

Consistent with a strategy of growth and income Woodlawn has outperformed Edgewood in growth as well as income.

	Portfolio End Balance		Difference
	Woodlawn	Edgewood	
FY 2005	4,706,419.	3,467,930.	1,238,489.
FY 2006	5,099,198.	3,762,327.	1,336,871.
FY 2007	5,880,795.	4,471,299.	1,409,479.
FY 2008	5,852,502.	4,188,383.	1,664,119.

Woodlawn is taking care of non perpetual care lots out of it's budget. That accounts for one third of the lots at the cemetery. RSA 289 says the City of Nashua is responsible for the cost of maintaining the non perpetual care lots, but we do it.

Edgewood is much smaller in size than Woodlawn, but Edgewood costs more to run. Prices are much higher at Edgewood than Woodlawn. 2 grave lots cost \$1200.00 at Woodlawn and \$2,000.00 at Edgewood. Burial fees are \$450.00 at Woodlawn and \$525.00 at Edgewood. We try to keep the costs down for the taxpayers and families of Nashua.

Our commitment under the Legislative Enactment of 1895, as trustees, is to perpetuate and embellish Woodlawn Cemetery. We do it well. SB72 is fiscally irresponsible. At this difficult economic time please do not end what our Board does so well, and place a larger burden on the taxpayers of Nashua.

Sincerely,

Niles Jensen
niles@gis.net
President
Board of Trustees for Woodlawn Cemetery

B

From: Knowles, Terry [mailto:Terry.Knowles@doj.nh.gov]
Sent: Monday, February 09, 2009 1:51 PM
To: Whitehead, Shannon
Subject: SB 72

Hi Shannon,

Thank you so much for assisting me with SB 72. There are two areas of concern as follows:

243:5 Bequests. The board of trustees are authorized to take and hold any grant, donation, or bequest of property; upon trust, to apply the same, or the income thereof, for the improvement or embellishment of such cemeteries, or for the erection, repair, preservation, or renewal of any monument or other erection, or for the planting and cultivation of trees, shrubs, or plants in or around any lot, or for improving the premises in any other manner or form consistent with the purposes for which such cemeteries are established, according to the terms of such grant, donation, or bequest; and whenever any such grant, donation, or bequest, or any deposit, shall be made by the owner of any lot in such cemetery, for the annual repair, preservation, or embellishment of such lot and the erection thereon, the trustees may give to such owner, or his or her representative, an agreement or obligation, in such form and upon such terms and conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for such period as may be agreed on; and any legacy, bequest, donation, grant, or deposit heretofore made to said city for like purposes in such cemetery, and now in force, shall be placed under the control of the board of trustees. **The board of trustees, as constituted under this chapter, are hereby authorized and empowered to establish and create a perpetual care fund for the Edgewood Cemetery, additional to that authorized by the original act, by setting aside such sum or sums as the board may deem best and to take, receive and place therein any donation, legacy or bequest specifically made therefore and which shall be known as the fund for the perpetual care of the paths, walks, drives and avenues of such cemetery, as well as for the fences enclosing the grounds thereof; that such fund created as aforesaid shall be invested, treated, considered, and held and the liability of the city of Nashua shall be the same as other perpetual care funds, as set forth in the original act; that the interest or income only of such fund shall be used and applied by said board of trustees for the construction, care, and maintenance of such paths, walks, drives, avenues, and fences of such cemetery.**

The words "perpetual care" have been classified by the NH Supreme Court as creating a valid charitable trust. This means if John Smith gives \$10,000 in trust for the perpetual care of his lot the fund must be accounted for separately and the income can be used for his lot and his lot only and not for general cemetery maintenance or capital improvement. Therefore John Smith's fund could not be placed in a common "perpetual care fund", it must be reported and expended separately. Additionally, the instrument of creation - the will, trust, etc., controls the purpose for which the fund may be expended and the language highlighted above may be problematic if the donor has not given the Trustees the authority to "set aside such sum or sums as the board may deem best" for the purposes specified.

243:8 Report. The board of trustees shall annually, in the month of December, **make a detailed report in writing to the city councils** of their acts and proceedings and of the

condition of the cemeteries, and an account of the receipts and expenditures for the same, and funds subject to their order.

NOTE: My apologies for not bringing this to the Senator's attention sooner and I would welcome the opportunity to speak with her on these issues. Thank you.

Terry M. Knowles
Assistant Director - Charitable Trusts Unit
Dept. of Attorney General, 33 Capitol Street
Concord, New Hampshire 03301
603-271-3591 (phone) 603-223-6221 (fax)
terry.knowles@doj.nh.gov

Voting Sheets

Senate ED&A Committee

EXECUTIVE SESSION

Bill # SB 72-FNL

Hearing date: 2/3/09

Executive session date: 3/3/09

Motion of: re-refer

VOTE: 3-0

Made by Cilley
Senator: Fuller Clark
 DeVries
 Downing
 Carson

Seconded Cilley
by Senator: Fuller Clark
 DeVries
 Downing
 Carson

Reported Cilley
by Senator: Fuller Clark
 DeVries
 Downing
 Carson

Motion of: _____

VOTE: _____

Made by Cilley
Senator: Fuller Clark
 DeVries
 Downing
 Carson

Seconded Cilley
by Senator: Fuller Clark
 DeVries
 Downing
 Carson

Reported Cilley
by Senator: Fuller Clark
 DeVries
 Downing
 Carson

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Cilley, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator DeVries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Downing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Amendments: _____

Notes: _____

Senate ED&A Committee

EXECUTIVE SESSION

Bill # SB 72-FN-L

Hearing date: 2-3-09

Executive session date: 1-12-10

Motion of: OTPA 1115 VOTE: 40

<u>Made by</u>	Cilley <input type="checkbox"/>	<u>Seconded</u>	Cilley <input type="checkbox"/>	<u>Reported</u>	Cilley <input type="checkbox"/>
<u>Senator:</u>	Fuller Clark <input type="checkbox"/>	<u>by Senator:</u>	Fuller Clark <input type="checkbox"/>	<u>by Senator:</u>	Fuller Clark <input type="checkbox"/>
	DeVries <input type="checkbox"/>		DeVries <input checked="" type="checkbox"/>		DeVries <input type="checkbox"/>
	Downing <input type="checkbox"/>		Downing <input type="checkbox"/>		Downing <input type="checkbox"/>
	Carson <input checked="" type="checkbox"/>		Carson <input type="checkbox"/>		Carson <input type="checkbox"/>

Motion of: _____ VOTE: _____

<u>Made by</u>	Cilley <input type="checkbox"/>	<u>Seconded</u>	Cilley <input type="checkbox"/>	<u>Reported</u>	Cilley <input type="checkbox"/>
<u>Senator:</u>	Fuller Clark <input type="checkbox"/>	<u>by Senator:</u>	Fuller Clark <input type="checkbox"/>	<u>by Senator:</u>	Fuller Clark <input type="checkbox"/>
	DeVries <input type="checkbox"/>		DeVries <input type="checkbox"/>		DeVries <input type="checkbox"/>
	Downing <input type="checkbox"/>		Downing <input type="checkbox"/>		Downing <input type="checkbox"/>
	Carson <input type="checkbox"/>		Carson <input type="checkbox"/>		Carson <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Cilley, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Fuller Clark, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator DeVries	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Downing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Carson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 3, 2009

THE COMMITTEE ON Executive Departments and Administration
to which was referred Senate Bill 72-FN-L

AN ACT consolidating cemetery boards of trustees in Nashua.

Having considered the same, the committee recommends that the Bill:

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 3-0

AMENDMENT # s

Senator Sharon M. Carson
For the Committee

Kathy Cummings 271-3207

New Hampshire General Court - Bill Status System

Docket of SB72

Docket Abbreviations

Bill Title: consolidating cemetery boards of trustees in Nashua.*Official Docket of SB72:*

Date	Body	Description
01/08/2009	S	Introduced and Referred to Executive Departments and Administration; SJ 2 , Pg.25
01/28/2009	S	Hearing; February 3, 2009, Room 101, LOB, 2:20 p.m.; SC9
03/04/2009	S	Committee Report; Rereferred to Committee [3/11/09]; SC14
03/11/2009	S	Rereferred to Committee, MA, VV; SJ 7 , Pg.106

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 12, 2010

THE COMMITTEE ON Executive Departments and Administration
to which was referred Senate Bill 72-FN-L

AN ACT consolidating cemetery boards of trustees in Nashua.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 0136s

Senator Sharon M. Carson
For the Committee

Cathy Mullen 271-3067

New Hampshire General Court - Bill Status System

Docket of SB72

Docket Abbreviations

Bill Title: consolidating cemetery boards of trustees in Nashua.*Official Docket of SB72:*

Date	Body	Description
01/08/2009	S	Introduced and Referred to Executive Departments and Administration; SJ 2 , Pg.25
01/28/2009	S	Hearing; February 3, 2009, Room 101, LOB, 2:20 p.m.; SC9
03/04/2009	S	Committee Report; Rereferred to Committee 3/11/09; SC14
03/11/2009	S	Rereferred to Committee, MA, VV; SJ 7 , Pg.106
01/13/2010	S	Committee Report; Ought to Pass with Amendment 0136s, 1/21/10; SC3 Pg. 2
01/21/2010	S	Committee Amendment 0136s AA, VV, SJ 3 , Pg.36
01/21/2010	S	Ought to Pass with Amendment 0136s, MA, VV; OT3rdg, SJ 3 , Pg.39
01/21/2010	S	Passed By Third Reading Resolution, SJ 3 , Pg.44
02/17/2010	H	Introduced and Referred to Municipal and County Government; HJ 18 , PG.1017
03/23/2010	H	Public Hearing: 3/30/2010 11:00 AM LOB 301
03/31/2010	H	Executive Session: 4/13/2010 10:30 AM LOB 301
04/14/2010	H	Committee Report: Ought to Pass for April 21 (Vote 17-0; CC); HC 31 , PG.1527
04/21/2010	H	Ought to Pass: MA VV; HJ 35 , PG.1658
05/05/2010	H	Enrolled; HJ 38 , PG.1914
05/05/2010	S	Enrolled; SJ 17 , Pg.410
05/18/2010	S	Signed by the Governor on 05/18/2010; Effective 07/17/2010; Chapter 0032

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 2271 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED ____ AS AMENDED BY THE HOUSE
____ FINAL VERSION ____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: A, B

EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

6/30/09

Kathryn Cummins
COMMITTEE SECRETARY

COMMITTEE REPORT FILE INVENTORY

 ORIGINAL REFERRAL

SB 72-FN-L RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
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DOCKET (Submit only the latest docket found in Bill Status)

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CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 2010-01365 - AMENDMENT # _____
 - AMENDMENT # 2010-01115 - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED

AS AMENDED BY THE HOUSE

FINAL VERSION

AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

1/12/10 Letter

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 2-3-10

Cathy Mulla
COMMITTEE SECRETARY