

**Milton Cemetery Trustees
Special Meeting Minutes
Lebanon Maine Town Hall
03/24/2014**

Milton Attendees: John Katwick (Cemetery Trustee Chairman), Larry Brown (Cemetery Trustee), Donna Elliot (Guest), Atty. Sessler (Milton Lawyer Elizabeth Dionne (Town Administrator), Tom Gray (B.O.S. Chairman), Robert Bridges (B.O.S.), Mike Beaulieu (B.O.S.), Pat Smith (Public Works Director). Pam Smith (Guest)

Lebanon Attendees: Karen Gerrish (B.O.S. Chairman), Ben Thompson (BOS), Paul Philbrick (BOS).

The Meeting was called to order at 5:35 pm. By Chair John Katwick.

The topic of the meeting was the Prospect Hill Cemetery located in the Town of Lebanon, presently maintained by the Town of Milton which also, by Town Warrant Vote of 1966 holds certain Perpetual Care Funds previously administered by the Prospect Hill Cemetery Association- now dissolved by time and death.

Major points of discussions.

- 1- An overview by John Katwick with John's handout of total history of Cemetery for Town of Lebanon's use/information.
- 2- Milton Attorney Jim Sessler – Milton cannot continue to pay/control/accept responsibility for an out of State entity-no matter how well intentioned, the Warrant was not legal. The Town cannot accept the liability nor can it violate the laws of N.H. in its operations.
- 3- On the record of burials and cost: the cemetery is still active perhaps up to 5 burials per year. John Has extensive contacts with Funeral Directors, detailed records of ownership / interments and Perpetual Care fund records. John presented a fair estimate of a total annual cost for mowing/ maintenance/ material of \$1,700 (paid from Perpetual Care earnings 53% and Milton taxes 47%).
- 4- Individual plots are owned and a few of these recorded in Strafford County Registry, but there is no owner of the roads and ways that make up the balance of the parcel. Only the graves are accounted for-and corner posts of adjoining properties.

Lebanon's present situation and understandings

- 1- Maine Law provides for Lebanon to care for Veterans graves.
- 2- Lebanon has no Town Cemetery or municipal Cemetery Trustees.
- 3- It does pay certain expenses at a Forest Grove Cemetery:
There are some references to dollar accounts and Monument repair at Prospect Hill Cemetery.
- 4- Lebanon has yet to begin a claim for an adverse possession title to the Prospect Hill Cemetery parcel under Maine Law.
- 5- There will be a June 20th Town Meeting/Legislation Sessions. There is no Warrants or Ordinances planned or in place to create a Cemetery Trust Fund/Cemetery Trustees under Municipal control to (a) provide a home for the trust funds for the monies now held by Milton or (b) a care, accounting and disbursement office of a Public Cemetery Trustee.

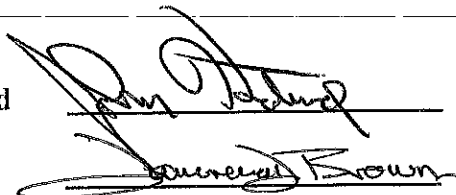
Statement of practical actions as time and State Statutes permit:

- 1- Lebanon will, through its Attorney/begin to reclaim its proper ownership of Prospect Hill Cemetery lands and funds.
- 2- Town of Milton Attorney Jim Sesser, under the direction of the Town of Milton Selectmen, will work with the Town of Lebanon to correct those defects under Milton's control. A petition to N.H. Superior Court to redirect the Perpetual Care Funds of the Prospect Hill Cemetery to the Town of Lebanon Maine – for good cause, to correct an error, for a just and comparable purpose, the original terms of the trust no longer viable/applicable.
- 3- The Towns will work cooperatively to respect and preserve the honorable rest of these interred.
- 4- John Katwick is available for practical and detailed advice and hands on help. Pat Smith Department Public Works, as the Trustees Sexton is also a good resource.
- 5- Incidental private benefit is permitted as long as the main purpose of the appropriation is to promote the public welfare, 107.N.H. 89 (1966) and opinion of the Justices, 88 N.H.484 (1937). N.H. and Maine law provide for and demand considerable protections for our burial grounds as they promote the public welfare.

Motion to adjourn the meeting of the Milton Cemetery Trustees – by John 2nd
Larry vote 3/0 – meeting adjourned 6:25 pm

Minutes prepared by Larry Brown.

Minutes approved



The block contains two handwritten signatures. The top signature is in dark ink and appears to be 'John Katwick'. The bottom signature is in lighter ink and appears to be 'Larry Brown'.

Cemetery Trustee Chair

acting
Secretary/Bookkeeper