Linda

April 12, 2023

TO: ARPA COMMITTEE

FROM: RICHMOND CEMETERY COMMISSIONERS

RE: VILLAGE CEMETERY LOCATED ON BRIDGE STREET: FENCING / STONE REPAIR

The Richmond Cemetery Commissioners are presenting the following proposal to the ARPA Committee:

- A 4' high fence, with gate be installed on four sides around the Village Cemetery located between Jolina Court and the Richmond Free Library.
- We feel this is important to provide a respectful and protected final resting place for many Richmond citizens.
- When the Jolina Court property was being developed, a fence was asked for, between the Jolina Court property and the cemetery, but the DRB decided against requiring the builder to erect it.
- We have had problems in the past with the residents of the Creamery Apartments recreating in the Cemetery.
- A properly installed fence would deter other vandalism to the Cemetery.
- If in the future a sidewalk is installed in front of the Cemetery property, a fence would deter people cutting through the cemetery.

We have a proposal for the fence from FE Hart Fence Company of Williston for \$ 27,829.00 We have consulted Middlebury Fence & Ferrick Fences of Fairfax, but have not received any estimates.

We have a proposal for installing the fence & cement from Whites Fencing in Hinesburg of \$10,177.50

The stones in the Village cemetery are in dire need of restoration and repair. We have an estimate of \$6,700.00 from James Woodman. We have been extremely happy with Mr. Woodman's work in the past. This is very precise and detailed work. There are a very limited number of people who do this work. We did try to get an estimate from another vendor, they came to look, but they did not get back to us.

We are proposing that the Cemetery Association cover 50% of the costs for this project and ARPA funds be used for a match of 50% of the project. Which would calculate to \$22,353.25 of ARPA funds.

In the recent past, the Cemetery Association has paid for the removal of 3 large trees in front of the Village Cemetery.

We hope that the ARPA Committee will consider our request for funds.

Respectfully, Richmond Cemetery Commissioners Clint Buxton, George Gifford, Dennis Gile, Heidi Bormann & Linda Parent F. E. Hart Fence Co., Inc.

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Wed, Mar 29, 2023 at 7:39 A

wd: Fence Estimate (installation only) message

ETER BORMANN

>: Linda Parent

| Sparent@richmondvt.gov>

Sent from my iPhone

Begin forwarded message:

From: Mike White <mike2754@msn.com>

Date: March 29, 2023 at 12:25:28 AM EDT

To: cjclabounty@comcast.net, bmannvt@aol.com Subject: Fence Estimate (installation only)

Ξ̈́

Here is the estimate for the installation (labor and concrete) of the fence at Bridge Street cemetery, estimated cost \$10177.50

Any questions, let me know.

Thanks

Mike

White's Fence

802-482-2754 619 Tyler Bridge Rd Hinesburg, VT 05461

10,177, SC

STO3NES

CUSTOMER: RICHMOND TOWN

STONE: MANY

SIZE:

DATE: JULY 2022

CEMETERY: Next to library

CONTACT LINDA

PRICE \$ 6700.00

Repair damaged headstones JAMES WOODMAN P.O. BOX 3072 BURLINGTON VT On the other hand, if a person who owns or has an interest in lands taken for a burial ground is dissatisfied with the taking or with the damages received, he or she may appeal to the superior court, in the same manner as when an appeal is taken relating to the laying out of a highway. 18 V.S.A. § 5485; 19 V.S.A. chapter 7.

2. Cemetery governance

The town selectboard has control and oversight over the town's public burial grounds unless the town has voted to elect cemetery commissioners. 18 V.S.A. § 5367. Once a town votes to elect cemetery commissioners, the cemetery commissioners automatically assume all duties for care and management of town cemeteries that were previously fulfilled by the selectboard. 18 V.S.A. § 5373. If the voters later change their minds, they may vote to move the responsibility for town cemeteries back under the selectboard's control, at which time the office of cemetery commissioner will cease. 18 V.S.A. § 5381.

a. Election of cemetery commissioners; vacancies

When a town votes to place its public burial grounds under the charge of cemetery commissioners, it must decide whether it will elect a board of three or five commissioners. The voters may subsequently vote to enlarge a three-member board to five or to reduce a five-member board to three. 18 V.S.A. § 5373. Boards with five commissioners serve five-year staggered terms, so that only one new commissioner is elected each year. Boards with three commissioners serve three-year staggered terms. 18 V.S.A. § 5374.

Cemetery commissioners must be residents of the town in which they serve. 17 V.S.A. § 2646(14). A cemetery commissioner may not simultaneously serve as town auditor, treasurer, or manager. 17 V.S.A. § 2647(a).

Unlike the general law that permits the selectboard to fill vacancies in town offices, there is a specific law that applies to filling vacancies on the cemetery commission. That law provides that vacancies on the cemetery board may be filled by the remaining commissioners until the next annual meeting. 18 V.S.A. § 5374. Though the cemetery commissioners have discretion over whether to fill the vacancy, they must still post notice of the vacancy within 10 days of its creation. 24 V.S.A. § 961(a).

b. Powers and duties of cemetery commissioners

i. Overview of responsibilities

Cemetery commissioners have all the powers and responsibilities regarding cemeteries that were formerly under the charge of the selectboard, 18 V.S.A. § 5373. Their primary duties include, very generally: care and management of cemetery property, including fence repair, 18 V.S.A. §§ 5361, 5362, 5364–5366; laying out, sale, and conveyance of cemetery lots,

grass or weeds, the commission must clear them of overgrowth. When headstones or monuments become displaced or out of repair, the commissioners must repair or replace them. 18 V.S.A. § 5363(a). (If replacing a headstone or monument, the commissioners must notify the relatives of the deceased, if known, that the relatives may claim the removed headstone or monument within 30 days after the stated date of removal. 18 V.S.A. § 5363(b).) The commission may also lay out unoccupied portions of the cemetery with paths and plant them with trees, shrubs, and flowers. 18 V.S.A. § 5375.

b. Fencing

The cemetery commission has the authority to take steps to ensure that there is adequate fencing around a cemetery. 18 V.S.A. § 5361. Indeed, the commission may be fined up to \$400 for neglecting to repair the fence around a public burial ground. 18 V.S.A. § 5364. In addition, the town may be liable for damage caused by domesticated animals to graves, headstones, monuments, shrubbery, or flowers due to lack of a legal fence around a public burial ground. 18 V.S.A. § 5365. The commission's liability is triggered 20 days after receipt of written notice that a fence is out of repair. 18 V.S.A. § 5366. The commission may make necessary regulations addressing fencing, as well as cemetery care and maintenance more generally. 18 V.S.A. § 5361.

c. Maintaining abandoned private burial grounds

When three voters of a town make a request to the cemetery commission to maintain a private burial ground that has been abandoned and has become "unsightly" or has displaced headstones or monuments, the commission is required to take some action. First, it must publish a newspaper notice for three consecutive weeks, calling on any person who is interested in the burial grounds to put the cemetery into proper condition within three months of the notice. After expiration of the three months, if no one has come forward to repair and maintain the cemetery, the commission must proceed as though it were a public burial ground. 18 V.S.A. § 5321. Note that a "private burial ground" is generally considered a burial ground that is on property that is otherwise dedicated to a non-cemetery use, such as a farm or homestead. For more information on private burial grounds, see section II, F-1.

4. Laying out, sale, and conveyance of cemetery lots

Cemetery commissioners are responsible for laying out, selling, and conveying cemetery lots. 18 V.S.A. §§ 5367, 5375. The board is authorized to fix lot prices and to make regulations relating to sale and care of lots, as well as regulations more generally concerning burial grounds. 18 V.S.A. §§ 5377, 5378. One cemetery commissioner, appointed by the commission, may grant and convey lots in the town's name. The deeds to these lots must be recorded in the clerk's office of the town where the lots lie. 18 V.S.A. § 5376. (Note that cemetery lots are tax exempt. 32 V.S.A. § 3802(7).)

wer to raise money to keep burial ome of which was to be applied to on that it would agree to keep the the town would become bound to 67 Vt. 299, 31 A. 414.

und become unsightly with from any other cause, or splaced or out of repair, the s shall cause such lots and lstones or monuments to be removed, and may draw incurred.

eplaced, the selectboard or elatives of the deceased, if he relative may claim the lays after the date of the

Adj. Sess.), § 1, eff. May 4, 2016.

No. 157, § 3592. 1927, No. 83. 1923, 3. § 3584. 1886, No. 96, § 1. 1882,

ed "selectboard" for "selectmen"; and deleted the former second

nd inserted "board of" preceding

1 the section catchline, designated subsec. (b).

er, or trustee, who violates ny of the duties imposed by provided, shall be fined not

HISTORY

Source. V.S. 1947, § 4026. P.L. § 3858. G.L. § 4784. P.S. § 4154. 1904, No. 87, § 1. V.S. § 3585. 1882, No. 51, § 2.

Revision note—2017. Substituted "selectboard member" for "selectman" in accordance with 2013, No. 161 (Adj. Sess.), § 72.

Amendments—1989 (Adj. Sess.). Substituted "not more than \$200.00" for "\$10.00"

§ 5364. Fences; penalty

When the selectboard or cemetery commissioners neglect to keep in repair the fence around a public burial ground, the town may be prosecuted for such neglect and fined not more than \$400.00. The fine shall be expended in repairing the fences around such burial grounds under the direction of a commissioner appointed by the court.

Historical Citation

Amended 1989, No. 142 (Adj. Sess.), § 12.

HISTORY

Source. V.S. 1947, § 4027. P.L. § 3859. G.L. § 4785. P.S. § 4155. V.S. § 3586. R.L. § 3193.

Amendments—1989 (Adj. Sess.). In the first sentence, inserted "or cemetery commissioners" following "selectmen", substituted "prosecuted" for "indicted" following "town may be", deleted "by the grand jury of the county" following "neglect" and substituted "\$400.00" for "\$100.00 nor less than \$50.00" following "more than".

§ 5365. Damages for want of fence; liability

When a person or estate is damaged by cattle, horses, sheep, or swine breaking into a public burial ground and injuring a grave, headstone, monument, shrubbery, or flowers, for want of a legal fence around such burial ground, such person or estate may recover of the town double the amount of damages, in a civil action.

HISTORY

Source. V.S. 1947, § 4028. 1947, No. 202, § 4029. P.L. § 3860. 1933, No. 157, § 3595. G.L. § 4786. 1908, No. 62. P.S. § 4156. V.S. § 3587. R.L. § 3194. G.S. 18, § 4, 1857, No. 35, § 2.

Revision note—At the end of the section, substituted "a civil action" for "an action of tort on this statute" pursuant to 1971, No. 185 (Adj. Sess.), § 236(c), (d), which is set out as a note under 4 V.S.A. § 219. See also V.R.C.P. 2.

§ 5366. Not liable until notified

A town shall not be charged for not keeping in repair the fence around a burial ground, or be liable for damage done, unless the selectboard, or

s to be exercised. The applicant shall occupier of the land over which the oard or cemetery commissioners find shall issue a permit for a temporary cular place where, and the manner in e owner or occupier of the land may ich, if reasonable, shall be the place netery commissioners.

d who refuses to comply with a permit section may be liable for reasonable to enforce the permit.

ended 1993, No. 128 (Adj. Sess.), § 1.

TORY

ted existing provisions of the section as subsec.

xemptions

all not be subject to the following

regard to the method of platting so as method of locating human remains that and record of the exact location and as by mapping, surveying, or use of a

the extent that selectboard members or maintain or repair a fence around a g as the perimeter of the natural burial re manner, such as by survey markers;

rulations governing a particular natural n a person's grave, in which case the or the aldermen of a city where the rected on the person's grave a marker that natural burial ground.

ct improvements on property used as a improvements that serve as a winter educational or devotional in nature and

(2) A deed transferring rights in property used as a natural burial ground shall set forth the prohibition in subdivision (1) of this subsection.

Historical Citation Added 2015, No. 24, § 3.

HISTORY

Retroactive creation of natural burial ground prohibited. 2015, No. 24, § 5 provides: "Notwithstanding any other provision of law, a natural burial ground as defined in 18 V.S.A. § 5302 shall not be established prior to the passage of this act."

SUBCHAPTER 2. TOWN CEMETERIES

CROSS REFERENCES

Acquisition of property for cemeteries by towns, see § 5481 et seq. of this title. Cemeteries generally, see § 5301 et seq. of this title.

Ownership and operation of cemeteries by cemetery associations, see § 5431 et seq. of this title.

Town finances generally, see 24 V.S.A. ch 51.

§ 5361. Appropriations and regulations by towns

A town may vote sums of money necessary for purchasing, holding, and keeping in repair suitable grounds and other conveniences for burying the dead. The selectboard may make necessary regulations concerning public burial grounds and for fencing and keeping the same in proper order.

HISTORY

Source. V.S. 1947, § 4024. P.L. § 3856. G.L. § 4782. P.S. § 4152. V.S. § 3583. R.L. § 3192. G.S. 18, § § 1, 2. 1856, No. 50, § 1. 1850, No. 25. R.S. 13, § 76.

CROSS REFERENCES

Acceptance and use of trust funds, see §§ 5382-5387 of this title. Appropriations for cemetery associations, see § 5372 of this title.

ANNOTATIONS

1. Dedication of land as a cemetery. Evidence that strips of land adjoining a cemetery granted by deed were added thereto by moving out the boundary walls and extending them to complete an enclosure, and that thereafter lots were taken and interments made in the addition as in the original cemetery, was sufficient to show a dedication of the additional land to the purpose of the original grant as shown by the deed thereof. Hunt v. Tolles (1902) 75 Vt. 48, 52 A. 1042.

Stating to people living in the vicinity that a lot might be used for a burial place and suffering it to be fenced and exclusively used for such purposes for a great number of years constituted a dedication of the land as a burial ground. Pierce v. Spafford (1881) 53 Vt. 394.

2. Acceptance of bequest. Inasmuch as a town had power to raise money to keep burial grounds in repair, it could receive a bequest, the annual income of which was to be applied to beautifying and fencing a particular cemetery, upon condition that it would agree to keep the principal fund intact, and by voting to accept the bequest, the town would become bound to fulfill the condition. Sheldon v. Town of Stockbridge (1895) 67 Vt. 299, 31 A. 414.

§ 5362. Repair; expense; notice

- (a) When lots or walks in a public burial ground become unsightly with weeds or by an unchecked growth of grass or from any other cause, or when headstones or monuments have become displaced or out of repair, the selectboard or board of cemetery commissioners shall cause such lots and walks to be cleared of weeds and grass, the headstones or monuments to be replaced or repaired, or other disfigurements removed, and may draw orders on the town treasurer for the expenses incurred.
- (b) When a headstone or monument is to be replaced, the selectboard or board of cemetery commissioners shall notify relatives of the deceased, if known, of the date of the removal and that the relative may claim the removed headstone or monument within 30 days after the date of the notice.

Historical Citation

Amended 1993, No. 128 (Adj. Sess.), § 2; 2015, No. 85 (Adj. Sess.), § 1, eff. May 4, 2016.

HISTORY

Source. 1951, No. 78. V.S. 1947, § 4025. P.L. § 3857. 1933, No. 157, § 3592. 1927, No. 83. 1923, No. 86, § 4. G.L. § 4783. 1917, No. 138, § 1. P.S. § 4153. V.S. § 3584. 1886, No. 96, § 1. 1882, No. 51, § 1.

Amendments—2015 (Adj. Sess.). Subsec. (a): Substituted "selectboard" for "selectmen"; inserted "board of" preceding "cemetery commissioners"; and deleted the former second

Subsec. (b): Substituted "selectboard" for "selectmen" and inserted "board of" preceding "cemetery commissioners".

—1993 (Adj. Sess.). Added "notice" following "expense" in the section catchline, designated existing provisions of the section as subsec. (a) and added subsec. (b).

§ 5363. Penalty

A selectboard member, cemetery commissioner, or trustee, who violates a provision of this chapter, or willfully neglects any of the duties imposed by this chapter, for which other penalties are not provided, shall be fined not more than \$200.00.

Historical Citation

Amended 1989, No. 142 (Adj. Sess.), § 11.

Ch. 121

HISTO

Source. V.S. 1947, § 4026. P.L. § 3858. G.L. § 3585. 1882, No. 51, § 2.

Revision note—2017. Substituted "selectboowith 2013, No. 161 (Adj. Sess.), § 72.

Amendments—1989 (Adj. Sess.). Substitut following "fined".

§ 5364. Fences; penalty

When the selectboard or cemetery repair the fence around a public burial; for such neglect and fined not more expended in repairing the fences around direction of a commissioner appointed

Historical Citation

Amended 1989, No. 142 (Adj. Sess.), § 12.

HISTO

Source. V.S. 1947, § 4027. P.L. § 3859. G.L. § G.S. 18, § 3. 1857, No. 35, § 1.

Amendments—1989 (Adj. Sess.). In the first a ers" following "selectmen", substituted "prosecu deleted "by the grand jury of the county" follow "\$100.00 nor less than \$50.00" following "more t

§ 5365. Damages for want of fence;

When a person or estate is damaged breaking into a public burial ground monument, shrubbery, or flowers, for burial ground, such person or estate ramount of damages, in a civil action.

HISTO

Source. V.S. 1947, § 4028. 1947, No. 202, § 40 § 4786. 1908, No. 62. P.S. § 4156. V.S. § 3587. R

Revision note—At the end of the section, sub on this statute" pursuant to 1971, No. 185 (Adj. S under 4 V.S.A. § 219. See also V.R.C.P. 2.

§ 5366. Not liable until notified

A town shall not be charged for not a burial ground, or be liable for dama

CEMETERIES

supply or transient noncommunity public water system; groundwater source that is part of an exempt or permitted potable water

existing or permitted public community water system; (D) outside zone one or two of the source protection area for an

nontransient, noncommunity public water system; (E) outside the source protection area for an existing or permitted

delineated by the Agency of Natural Resources; and (F) outside a river corridor as defined in 10 V.S.A. § 1422 and

Flood Insurance Program. delineated by the Federal Emergency Management Agency, National (G) outside a flood hazard area as defined in 10 V.S.A. § 752, and

withstand all conditions of weather, and of a character to ensure its monuments erected in national cemeteries, of durability sufficient to stone of a standard not less than that required by the U.S. government for above the natural surface of the ground shall be constructed of natural extreme climatic conditions, be waterproof and air tight, and can be sealed of a permanent character; constructed of materials capable of withstanding permanence. permanently so as to prevent all escape of effluvia. That portion of the same ground unless the part thereof below the natural surface of the ground be in a single chamber, vault, or tomb wholly or partly above the surface of the reduction, the permanent disposition of human remains shall not be made (c) With the exception of human remains processed by natural organic

reduction may be deposited in a niche of a columbarium or a crypt of a mausoleum, buried, or disposed of in any manner not contrary to law. (d) The remains of a human body after cremation or natural organic

Historical Citation

Amended 2015, No. 24, § 2; 2017, No. 19, § 1; 2021, No. 169 (Adj. Sess.), § 11, eff. January

HISTORY

Amendments—2021 (Adj. Sess.). Subsecs. (a), (c), (d): Amended generally.

SUBCHAPTER 2.

TOWN CEMETERIES

Appropriations and regulations by towns

improving, and keeping in repair suitable grounds and other conveniences for permanent disposition of the dead. The selectboard may make neces-A town may vote sums of money necessary for purchasing, holding,

> keeping the same in proper order. sary regulations concerning public burial grounds and for fencing and

Historical Citation
Amended 2021, No. 157 (Adj. Sess.), § 7, eff. July 1, 2022; § 12.

merged to arrive at a single version of this section to be effective January 1, 2023. The changes that each of the amendments made are described in the amendment notes set out below. versions of this section on two different dates. In order to reflect all of the changes enacted by the Legislature during the 2021 Adjourned Session, the text of Act Nos. 157 and 169 was Editor's note—2022. The text of this section is based on the harmonization of two amendments. During the 2021 Adjourned Session, this section was amended twice, by Act No. 167, effective July 1, 2022, and by Act No. 169, effective January 1, 2023, resulting in two

the first sentence. Amendments-2021 (Adj. Sess.). Act No. 157 inserted "improving," following "holding," in

Act No. 169 substituted "permanent disposition of" for "burying" in the first sentence.

§ 5376. Sale of lots; tax exemption

such lots lie. thereof shall be recorded in the office of the town clerk of the town wherein ments are to be erected. Such lots shall be exempt from taxation. The deeds disposition of the dead and on which tombs, cenotaphs, and other monugrant and convey lots in such burial grounds to be used for the permanent appointed by it for that purpose, in the name of the town, by deed, may The board of cemetery commissioners, by one of the commissioners

Historical Citation
Amended 2021, No. 169 (Adj. Sess.), § 13, eff. January 1, 2023

HISTORY

Amendments—2021 (Adj. Sess.). In the first sentence, inserted "of cemetery commissioners" following "board" and substituted "permanent disposition" for "burial" preceding "of the

§ 5378. Bylaws and regulations

and regulations shall be recorded in the office of the town clerk. A bylaw or regulations in respect to such burial grounds, and permanent disposition of the dead not inconsistent with law, and may alter the same. Such bylaws regulation shall not be adopted to restrain a person in the free exercise of his or her religious sentiments as to the permanent disposition of the dead The board of cemetery commissioners may make necessary bylaws and

Historical Citation

Amended 2021, No. 169 (Adj. Sess.), § 14, eff. January 1, 2023

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Permit	#	



ZONING PERMIT APPLICATION

A Zoning Permit is required prior to any land development, as defined in the Zoning Regulations. Additional local permits and approvals, such as Conditional Use Review and Site Plan Review; may be required in order to file the Zoning Permit.

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Site Information: Physical Address of Property: 151 Bridge St	Parcel ID:	BR0151
	Lot size (acres):	
Lotting District.	Applicant Information:	
Property Owner Information: Property Owner Name: Town of Richmond	Applicant Name: Lin da Parent	3
Owner Mailing Address: Village Cemetery	a line Mailing Address: Ceme tery	•
Owner Mailing Address: VIIIage Charles	Applicant Mailing Address.	nusion
PO Box 285 Richmond VT05477		770 00 1
Phone: 802 - 434-2221	Phone:	
Email: Lparent@richmondut. 60V	Email:	
Project Information: Description of Project: / NSTALL a fence	to enclose Village Co.	metery
ACKNOWLEDGEMENTS:		
• The Administrative Officer has 30 days to act on a complete of the 15-day appeal period. No construction is allowed during the right to appeal this permit decision within 15-days of issuand federal regulations may apply to projects and additional cant's responsibility to acquire additional local, state, and Richmond Zoning Regulations, the Richmond Zoning Regulations (ph: 802-477-2241) for more information on state permit Right-of-Way and Access permits. All residential projects murads. For more information, contact the Energy Code Assistation forms, drawings and attachments are binding. Failure t violation of the Richmond Zoning Regulations. The Administration during construction. Signatures: The undersigned hereby certifies the information with acknowledgements as enumerated above and in the Richmond and t	ing the appeal period. The applicant of an interest uance to the Richmond Development Review Board local, state and federal permits may be required federal permits. If those regulations are not as restions applies. Please contact the State of Vermonts. Please contact Pete Gosselin (ph: 802-434-263) ast comply with the Vermont Residential Building ance Center at 855-887-0673. All representations to build according to the approved zoning permit trative Officer shall have the right to conduct inspection of the sequence of t	rd. Local, state, I. It is the appli- estrictive as the It Permit Special- It is the application application is a ections at any
Date 5-1-23	Property Owner Signature	Date
— STAFF ACTION (TO BE COMPL	LETED BY TOWN OF RICHMOND STAFF)—	
Zoning Administrative Officer Decision:		
Decision: DENIED/APPROVED / APPROVED WITH CON		
Zoning Administrative Officer signature:		
Date of Signature:Date Zoning Permit takes en	ffect: Permit Expiration Dat	e:
TOWN CLERK'S OFFICE Received for Record:	A.D Ato'clock	minutesM
And Recorded in Book: page	Attest:	









