

## **FINAL Minutes of the Cemetery Trustees**

Location of Meeting:       Boscawen Municipal Facility  
                                  116 North Main Street  
                                  Boscawen, N.H. 03303

Present at Meeting:       Rhoda Hardy, Cemetery Trustee Chair  
                                  Beverly Lacoy, Cemetery Trustee  
                                  Lauren Hargrave, Cemetery Trustee Secretary  
                                  Dean Hollins, Sexton  
                                  Irene Wright, Alma Bean's Estate Executrix  
                                  Diane Ross, Alma Bean's Daughter  
                                  Raymond Hollins, Alma Bean's Son  
                                  Katie Phelps, Town Administrator

The special meeting of the Cemetery Trustees was called to order at the Boscawen Municipal Facility, 116 North Main Street, Boscawen, N.H. on September 27, 2023, at 9:07 a.m.

### **Approval of minutes from last meeting:**

Dean Hollins requested that August 24, 2001, be corrected to read August 24, 2021, in the two places on page one of the September 20, 2023, draft minutes. Beverly Lacoy joined the meeting. Irene Wright, Alma Bean's Estate Executrix, requested that "Diane Ross stated this is when the family found out Cindy Peterson had purchased the lot for their mother and wanted to control it." on page two of the September 20, 2023, draft minutes be deleted because she is not sure if that was actually said and due to the fact that it appears twice within the document. Irene Wright pointed to the following on page three of the September 20, 2023, draft minutes as being the duplicate statement. "The family reported they do not understand why Cindy Peterson does not want Alma Bean's name as the owner, they are unsure if it is a control issue or what exactly Cindy Peterson's reason is." Lauren Hargrave addressed Irene Wright and explained she does not have the recording from that meeting with her today to listen to. Further, Lauren Hargrave reported normally when she listens to a tape of the meeting, she tries to put exactly what someone says in the minutes. At this point Lauren Hargrave does not want to remove the requested sentence until she is able to listen to the recording again. She noted she listened to the recording numerous times when producing the draft minutes due to difficulty hearing the meeting conversation on the provided tape. Irene Wright also reported she questions the sentence on page two which states "Dean Hollins also reported the family tried to come up with a compromise but there is a disagreement on

a headstone.” She is questioning the wording “disagreement to a headstone” and stating this is regarding a disagreement on the lot not being in her mother’s name. Again, at this point Lauren Hargrave does not want to remove or change the requested sentence until she is able to listen to the recording again. *Lauren Hargrave made a motion to table approval of the Regular Meeting Minutes of September 20, 2023, to allow the Secretary Lauren Hargrave, the opportunity to review the meeting recording again relative to the issues brought forward today by Irene Wright. The Cemetery Trustees will revisit the approval of the Regular Meeting Minutes of September 20, 2023, at the next regularly scheduled Cemetery Trustee meeting. Seconded by Beverly Lacoy. Passed Unanimously.*

### **Old Business:**

Alma Bean - Pine Grove Cemetery: Katie Phelps, Town Administrator, reported that she reached out to Town Counsel, on behalf of the Cemetery Trustees, regarding the situation with the plot. They recommended that the Cemetery Trustees not get involved in making any changes to what is already in place because at the time of purchase that was how it was presented. If the family cannot come to an agreement together it is a civil matter and will have to be taken to court. Rhoda Hardy explained to Alma Bean’s family members present that if the family cannot come to an agreement together Irene Wright will have to take the matter to court as the Executrix. Irene Wright questioned if in the event that Cindy Peterson does not agree, what can be done to relocate her mother, Alma Bean. Rhoda Hardy explained that anything from here on needs to be done with all six children’s consent and then come back to the Trustees as expeditiously as possible. Dean Hollins noted that if it ends up having to go through attorneys once that is settled Alma Bean can be moved and placed in another lot. Irene Wright explained that the siblings’ present at the meeting want their mother to have her own lot so no one can tell them they cannot bring flowers to the grave or anything like that. Dean Hollins noted he has never moved a cremation, only a casket. He does not believe there is any paperwork to be filed with the State to move a cremation, however, he will look into that further. Lauren Hargrave expressed her condolences for the loss of their mother and explained that if it does end up in court the court documents should be given to the Cemetery Trustee related to the court disposition. Irene Wright asked if the Cease and Desist is still active until a decision is made. Dean Hollins explained it was a letter from the estate attorney to Cindy Peterson and he was only copied the letter as Pine Grove Cemetery. A brief discussion took place regarding the letter from the law firm. Lauren Hargrave read a portion of the letter which requested Cindy Peterson to cease and desist from taking any action with respect to the purchase and/or installation of a headstone on your mother’s Pine Grove Cemetery plot. Rhoda Hardy asked if anything had been done at the gravesite. Dean Hollins reported the base for a headstone has been poured and is in place. Lauren Hargrave noted the letter in question also states the attorney is going to contact Laconia Monument in order to instruct them to refrain from taking any further action with respect to your mother’s cemetery plot. TA Katie Phelps noted that although Dean Hollins was copied on the letter from the attorney the actual letter was addressed only to Cindy Peterson. Rhoda Hardy pointed out that the attorney letter was reviewed last week by the Cemetery Trustees. Dean Hollins questioned if Laconia Monument appears at the current plot and starts to set the

headstone what he should do at that point. TA Katie Phelps stated that the Town should have a letter from the estate attorney specifically addressed to the Cemetery Trustees relative to this matter if they are to take any action. Irene Wright will speak to their attorney and request a letter be sent to the Cemetery Trustees. Further, Irene Wright reported the attorney told her that since the lot was purchased by Alma it belongs to the estate. Lauren Hargrave noted she is not an attorney and cannot give legal advice. However, she has been given information that if a cemetery plot is not mentioned in the Will of the individual then it is not part of the estate. Lauren Hargrave would like clarification as to whether the plot is part of the estate if it is not referenced in the Will. Even if it is part of the estate, it will still have to be brought to a court if the family cannot come to an agreement. Lauren Hargrave recommended that the Cemetery trustees ask legal Counsel about the Will and the plot being part of the Estate. However, the deed is still in Cindy Peterson's name. A brief discussion took place regarding the attorney letter to the Cemetery Trustees who are part of the Town. Irene Wright asked whom she should contact in the future because she has been speaking to Dean Hollins and she does not want conflict of interest because they are related. TA Katie Phelps suggested that Irene Wright contact her directly and the Trustees agreed. It was again noted that before Alma Bean's cremains can be moved there first has to be some sort of resolution, with either Cindy Peterson coming forward and allowing a disinterment or a court order being presented which permits the disinterment. Beverly Lacey questioned if Cindy Peterson is aware of the intentions the other family has regarding moving their mother's cremains. Irene Wright reported she does not yet as they were hoping Cindy Peterson would make it easy on the family and their mother and sign the deed over. Irene Wright noted that she does not understand why Cindy Peterson has control over the lot and control of disinterment of their mothers' cremains. If the Town owns the land, why there is so much control by the person who has the deed that they do not even legally own the property too. Lauren Hargrave explained the person who presents the payment is the person who would go on the "deed" or as it is currently the "right-to-inter". Although Alma Bean's check referenced cemetery plot in the note field, the check was written to the Town by Cindy Peterson, and she presented the payment for the plot to Dean Hollins and asked him to put the deed in her name. Lauren Hargrave again expressed her sympathy to the family and her hopes that the situation can be resolved with Cindy Peterson. Rhoda Hardy noted the next regular meeting of the Cemetery Trustees is October 18<sup>th</sup> but if there is something that needs to be done before that date to let Katie Phelps know. Katie Phelps noted she can communicate with the Cemetery Trustees directly. Rhoda Hardy expressed that the Cemetery Trustees look forward to a resolution.

The family of Alma Bean departed the meeting at 9:32 a.m.

TA Katie Phelps asked what questions the Trustees had for legal counsel. Lauren Hargrave explained that she deals a great deal with Jill McDaniel-Huckins who is the Administrator for all Concord Cemeteries and posed a hypothetical question to her regarding a situation such as this. Lauren Hargrave noted she did not mention any details relative to the Alma Bean interment issue. Jill McDaniel-Huckins said the same as legal and that the Cemetery Trustees should not get involved as it is a civil issue. However, Jill McDaniel-Huckins did say unless a cemetery plot is written in a Will it is

not considered part of the estate. Therefore, Lauren Hargrave is questioning that information. TA Katie Phelps questioned if the Cemetery Trustees should request a copy of the Will. A discussion regarding the Will took place. Lauren Hargrave also noted the Cemetery Trustees do have forms and questioned if Alma Bean had filled out a form prior to her death regarding who would be responsible for her cemetery plot. Dean Hollins would have caught the fact that the lot was deeded to Cindy Peterson and not Alma Bean at that time. A discussion took place regarding what should be asked of legal counsel. Rhoda Hardy brought up the situation with a divorced wife who did not want her ex-husband to be interred with her, but his name was on the deed and at that time it was determined that a cemetery plot is an asset. TA Katie Phelps noted that currently there are two plots which are an asset to Cindy Peterson as the owner, not Alma Bean. Therefore, the issue is Moot because it is not Alma Bean's lot as it was purchased by Cindy Peterson. A further discussion took place regarding plot ownership and this situation being a legal issue for the courts. Dean Hollins proceeded to speak about his plans with Laconia Monument and was interrupted by Lauren Hargrave who questioned if the Trustees wanted to go into nonpublic session to discuss the issue further. Dean Hollins noted when he receives the letter from the estate attorney directed to the Cemetery Trustees, he will reach out to Laconia Monument and let them know the Cemetery Trustees are in possession of the letter and for them to not place a stone until the Cemetery Trustees have further legal advice.

TA Katie Phelps let the Trustees know that in the future if they see an issue which could be considered damaging to someone's reputation, other than a member of the Committee, the Trustees can go into nonpublic session under RSA 91-A so that the discussions are private. A discussion took place regarding Nonpublic sessions and public sessions and the fact that this issue was already discussed in public at a prior meeting, and you cannot change what has already been said in public to nonpublic retroactively. Going forward the Trustees should be cognizant of discussing private matters involving individuals in nonpublic session.

**New Business:**

1. None

**Other Business:**

1. None

**Meeting Closed: *Motion to Close the Meeting by Beverly Lacoy. Seconded by Rhoda Hardy. Passed unanimously. The meeting was adjourned at 9:44 a.m. by Rhoda Hardy, Chair.***

**Next Meeting:** The Next Regular Meeting of the Cemetery Trustees will be held at the Boscawen Municipal Facility, 116 North Main, Boscawen, N.H. on Wednesday, October 18, 2023, at 9:00 a.m.

Minutes submitted by: Lauren Hargrave, Cemetery Trustee Secretary 9/28/2023.