



Good Morning Senator Coleman, Representative Sharkey, Senator Fasano, Representative Aman and members of the Planning and Development Committee. My name is Derek Buckley and I am the Town Clerk for the Town of Easton. I am writing to you today in support of **Senate Bill 547 that pertains to Abandoned Cemeteries.**

Abandoned cemeteries are a problem for many municipalities because they are not maintained and attract vandalism. Because title is not clear, they are open to abuse with overnight drinking parties, ghost hunters, souvenir hunters, and removal, or destruction of gravestones. Many of these sites are pre-revolutionary war, or pre-civil war, and contain historically significant burials. A significant part of the historic heritage is in an advanced state of deterioration. Action is required before it is lost forever. In many small communities, the cost of restoration is prohibitive. At the same time, private and government funding is not available because the municipality does not own the cemetery. These funds will be available if the municipality can take title to the cemetery.

It would be helpful if the proposed legislation included the following features:

1. Distinguish between ownership of the cemetery and ownership of the burial rights to individual gravesites acquired by cemetery deed.
2. The municipality should be able to acquire the cemetery after a due diligence effort to locate the owners. This should be in place of, or as an alternative to, the forty-year requirements.
3. Individuals who can be located should continue to own burial rights to gravesites.
4. The municipality should be able to assume ownership of individual gravesites after a due diligence effort to find the owners. If the owners cannot be found, or are unable, or unwilling to maintain the graves then the municipality should be able to assume ownership.
5. If the cemetery deed was not recorded and cannot be located then after a due diligence effort to find the owners, the municipality should be able to acquire ownership. The municipality would then be able to authorize burial of family members in family graves.
6. The legislation should permit the establishment of the position of Town Sexton for abandoned cemeteries. The municipality should be authorized to appoint the Sexton and appropriate funds to support that office, subject to the normal budget process.
7. Acquired cemeteries should be eligible for state funds, within available appropriations, for maintenance and restoration.
8. Some cemeteries are on watershed property acquired by the water company. This land is Class 1 watershed and cannot be sold or transferred to the municipality. The legislation should permit municipalities to acquire sufficient title to restore and maintain the cemetery. Alternatively, it could permit joint application by the municipality and the water company. It should make the cemeteries eligible for state and private funding.

There are at least four types of abandoned cemeteries in Easton. These are:

Perpetual Care Association Cemeteries. The cemetery is privately owned by the Association. The association sells burial rights to gravesites to individuals through cemetery deeds. Usually, the funds raised are devoted to perpetual maintenance of the cemetery in general. Individual gravesites are maintained by the owners of burial rights.

Unfortunately, the funds raised are not sufficient to provide perpetual care. Once the cemetery is substantially full, there is not sufficient funding to provide maintenance. In addition, individual gravesites may be abandoned as families move away, or die out. At the same time, a few graves are maintained since the family is still in the area.

The result is deterioration of the cemetery and the individual graves. This attracts vandalism and further deterioration of the cemetery. The association ceases to function and members cannot be located. There is no Sexton. In the absence of funds, or identifiable owners, it is difficult to rectify the problems.

These may still have an occasional burial as family members use empty gravesites. In the absence of a Sexton, these may occur without prior approval. The effect of this is to reset the forty-year wait clock. The municipality should be able to acquire the cemetery without waiting forty years.

Ancient Cemeteries. These are very old cemeteries in which, the Perpetual Care Association, if it ever existed, is long gone. There is no known funding and there is no Sexton.

Family Cemeteries. These are often in an area set aside on a family farm, or between neighboring family farms. They often contain several generations of a family. The family has sold out and moved away and there is no funding available and it is difficult to trace ownership.

Multiracial Cemetery. This specific case is an early example of multi-racial burials in a single cemetery. These include whites, African American freemen and slaves and Native Americans burials. The cemetery is owned by the water company. It was acquired when the watershed was purchased to build the reservoirs. It has been neglected for many years.

It is on Class 1 watershed land and cannot be sold. The legislation should include some method for the town to acquire sufficient rights to be eligible for maintenance and restoration funding from the state and private organizations. One possibility is making the owner of the cemetery eligible for funding, either alone or in conjunction with the municipality.

I know that have many items on your agenda this session. I appreciate the opportunity to provide comments on this bill and am willing to work with all interested parties to revise the language. Thank you in advance for your attention to this matter.