

**Bristol Town Administrator**

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**From:** Carl Andeer <candeer@vlct.org>  
**Sent:** Tuesday, October 23, 2018 3:13 PM  
**To:** Bristol Town Administrator  
**Subject:** RE: Inactive cemetery >> request for stone installation

Hi Valerie,

No, there are no statutes specific to this question. Generally, cemetery commissioners, or the selectboard if no commission exists, 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.

Usually, cemeteries have recorded the current and available plots in a map or some historical record. Also, if you are able, the town should look up the mapping/plotting of the cemetery to determine where the lots are to ensure that the monument (if allowed) isn't being placed on top of anyone else's plot. If there are no more lots to sell and no room otherwise, then I think it would be perfectly acceptable to say no.

Regards,



**Carl Andeer, Esq.**  
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**From:** Bristol Town Administrator <[townadmin@bristolvt.org](mailto:townadmin@bristolvt.org)>  
**Sent:** Tuesday, October 23, 2018 1:44 PM  
**To:** Carl Andeer <[candeer@vlct.org](mailto:candeer@vlct.org)>  
**Subject:** RE: Inactive cemetery >> request for stone installation

Thank you, Carl! Is there a particular state statute that speaks to situation?

--Valerie

Valerie Capels, Town Administrator  
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**From:** Carl Andeer <[candeer@vlct.org](mailto:candeer@vlct.org)>  
**Sent:** Tuesday, October 23, 2018 1:32 PM  
**To:** Bristol Town Administrator <[townadmin@bristolvt.org](mailto:townadmin@bristolvt.org)>  
**Subject:** RE: Inactive cemetery >> request for stone installation

Hi Valerie,

Even if practically speaking the cemetery is “inactive” there’s not statutory designation to make municipal cemeteries “inactive.” Towns have an obligation to maintain and administer municipal cemeteries. If the town hasn’t elected a cemetery commission under 18 VSA 5367, then the selectboard is the body that maintains and administers the municipal cemeteries.

So the determination of whether to allow the stone monument installation is going to be by the selectboard if the town has not elected a cemetery commission. You stated that the town has no regulations or policies regarding internment of monument/memorial placing. Because there is no policy or regulation that the cemetery commission or selectboard has adopted that addresses this, I think it is within the selectboard’s discretion whether or not to allow the placing of this monument. The potential issue is that others in the future may also want to place additional monuments/memorials in the cemetery. Therefore, whatever the selectboard decides needs to be consistent and not in violation of state law.

Regards,



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**From:** Bristol Town Administrator <[townadmin@bristolvt.org](mailto:townadmin@bristolvt.org)>  
**Sent:** Wednesday, October 17, 2018 2:49 PM  
**To:** Info <[info@vlct.org](mailto:info@vlct.org)>  
**Subject:** Inactive cemetery >> request for stone installation

Hi,

The Town of Bristol does not have a municipal cemetery commission and does not operate or maintain any active cemeteries. Instead, the Catholic Church operates one active cemetery and the Bristol Cemetery Association, a private, non-profit organization, operates Greenwood Cemetery. The Town only provides for regular mowing of the inactive cemeteries, so there is no process in place or designated authority for responding to requests.

We received a request from a resident who would like to install a small, military memorial stone in one of the inactive cemeteries. His ashes will be elsewhere, but he would like just the stone there. Can you offer any guidance on how this request should be handled? Is it something the Selectboard needs to decide, is it an administrative decision, or are there other considerations?

Thank you,

--Valerie

Valerie Capels, Town Administrator  
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