

ROXBURY SELECTBOARD MEETING  
MINUTES OF FEBRUARY 7, 2022  
7:01PM – 8:45PM  
THIS MEETING WAS HELD IN PERSON AT COMMUNITY HALL

MEMBERS PARTICIPATING: Chair Jon Guiffre and Road Commissioner Dave McShane  
STAFF PARTICIPATING: Selectboard Assistant Tammy Legacy  
PUBLIC: Carl Ellis, Jack Cashman, Tom Frazier, Michelle Acciavatti, Tim Graves, Nik Sargent, Ben Pincus, Dave Santi, Sean Cummings & Children

1. The meeting was called to order at 7:01 p.m.
2. There were no additions or deletions to the agenda.
3. Natural Cemetery – Michelle Acciavatti Request

Chair Jon Guiffre informed the attendees that he will guide the meeting and referee but he will not chime in, no voting can happen because Jon has a conflict with this project.

Dave McShane started the discussion by answering some of the questions that were brought up at the last meeting. The Board received some legal opinion.

- 1) The Town does not have to take over a cemetery, it may but is not required.
- 2) Clarification on the depth of burial. It is 3.5 feet from the natural ground.
- 3) There is nothing prohibiting pets from being buried by law.

18 V.S.A. 5439 – A cemetery association, which is not owned and operated by a church or by a religious or ecclesiastical society, may be dissolved under the provisions of 11B V.S.A. chapter 14. Upon dissolution, all lands owned or held by it for cemetery purposes and all perpetual care funds, trust funds, and all other property held or owned by it, less dissolution expenses, may be transferred to the town in which the lands are located, and thereafter these lands may become public burial grounds, and the town shall hold the perpetual care funds and trust funds in trust for the care, improvement, and embellishment of the lots therein, according to the terms upon which they were held by the association.

Michelle Acciavatti explained the dissolution process. Ben Pincus was wondering what Tom Frazier's concerns were. Ben stated that Michelle helped the State write the laws on burials. Tom stated he thinks it is a conflict to dig in the winter and does not want the Town to write a letter. Michelle stated that non-profits are required to provide a dissolution plan. There was a discussion on burying pets. Human remains must be buried in a cemetery but pets can be buried anywhere. Michelle stated that she planned on having the same requirements for pets as humans. Articles of Corporation for Non-Profits was mentioned. There was discussion on decomposition of remains and natural burial grounds. There was a discussion on how many graves the cemetery would have. Michelle stated it is just an estimate but she expects 200. The cemetery is 60 acres. People had concerns about the ground and ledge. Michelle stated testing had been done; a geological survey was done and there is no reason to see a problem. Tim Graves stated that they will look out for down trees and trees that are in danger of falling so things can be taken care of. Tim and Michelle will do most of the work at the cemetery but they may hire people to help with the burial and to keep the path cleared. Insurance is required. Tim stated that graves will not be close to the anchor roots or close to trees. Michelle stated that if a body was upheaved, which is unlikely, they would respectfully rebury the body after notifying the family members. Ben Pincus stated he endorses this project. Michelle stated she would be willing to have her attorney create a document - a dissolution plan that stated the Town would not be responsible if the non-profit no longer existed. She also stated that the Board had only required her to get an Act 250 Permit, she now has a State approved Act 250 Permit. She did not know there were other issues; she would like things to

be resolved so she can move forward with the project. A funeral home is included in the Act 250 Permit. Jon stated he will contact the Town's attorney.

4. Public

- a) Sean Cummings asked about the position of Fence Viewer. Tammy stated the position is no longer required.

5. Road Commissioner's Report

- a) Roads are in good shape.
- b) Equipment is good. There was an electrical issue at the garage.
- c) Tom Frazier asked about future plans for the town garage. He stated it was in bad shape, cost a lot to heat. The infrastructure funds were a possibility.

6. Financial Report

- a) The orders were reviewed. Dave moved to approve the orders with add-on to Jim Barlow. The motion was seconded and passed with all ayes.

7. Unfinished Business

- a) No Update on Emerald Ash Borer.
- b) No Update on ARPA Funds.

8. New Business

- a) Zoom Meetings – Jon moved to host the two Informational Meetings via Zoom, with a link to be distributed as soon as possible, on the 19<sup>th</sup> and 28<sup>th</sup>. The motion was seconded and passed with all ayes.

9. Other Business

10. Approval of minutes – Jon moved to approve minutes just for January 24<sup>th</sup> with modification. The motion was seconded and passed with all ayes.

11. At this time there was a discussion on whether a non-profit cemetery would pay taxes and who the actual owner was of the non-profit cemetery.

12. Executive Session – Jon moved to go into executive session with an invitation to Tammy Legacy to join them to discuss a personnel issue. The motion was seconded and passed 2 to 0. The Board entered executive session at 8:30 p.m. The Board exited executive session at 8:45 p.m.

No action taken.

With no further business to discuss, the meeting adjourned at 8:45 p.m.

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Tammy Legacy, Selectboard Assistant  
Approved on April 4, 2022