

To Whom It May Concern:

While responding to a citizen complaint about the fences in front of two of our cemeteries, the Cambridge Cemetery Commission started looking more deeply into the State cemetery statutes. We found the section about fencing confusing and contacted our Representative (Lucy Rogers) and Senator (Rich Westman) for clarification. The resulting response from legislative counsel was equally vague with qualifiers like "seems to" and "implies" indicating to us that the statute was not easy to understand or explain, even for counsel.

The current statute indicates that a fence is required around a public cemetery to keep out "horses, cows, sheep, and swine." Unfortunately, the statute also places the onus entirely on the **Town** for erecting and maintaining such fences, rather than on the owner of the livestock on the adjoining property.

A fence surrounding a cemetery which is robust enough to keep animals out – as referenced in 6 V.S.A. § 761(1), "Livestock" means cattle, horses, sheep, swine, goats, camelids, fallow deer, red deer, reindeer, and American bison – would create an undue burden on Towns.

For example, the Cambridge Cemetery Commission received a quote this year for 1,000 feet of triple-rail *vinyl* fence costing just over \$24,000. This fence has no hope of keeping out bison or deer. Wooden or chain-link fences to the scale needed, would be very cost-prohibitive.

The current statute also allows an aggrieved party to sue the **Town** for any damages done by livestock to public burial grounds, with no mention of any action taken toward the owner of said livestock – see Sections 5364, 5365, 5366.

Our hope is that, with enough clarification in these statutes, Towns will be relieved of the *requirement* for cemetery fencing by the State, and make their own determinations where they believe fencing is needed or wanted.

For further context, you can find a PowerPoint presentation from the Cambridge Cemetery Commission to the general public at:

<https://cambridgetownvt.documents-on-demand.com/document/649c20b5-7ac8-eb11-a33e-000c29a59557/Responses%20to%20Public%20Comments>

Thank you so much for your time and consideration,

Jennifer Bartlau

Cambridge Cemetery Commission