

RETURN DATE: MAY 2, 2023	:	SUPERIOR COURT
PILICY RYAN & WARD, PC	:	J.D. OF FAIRFIELD
	:	
v.	:	
	:	
CENTRAL HILL CEMETERY ASSOCIATION OF THE TOWN OF BROOKFIELD	:	AT DANBURY
CONNECTICUT and LAUREL HILL CEMETERY ASSOCIATION	:	APRIL 20, 2023

**COMPLAINT SEEKING A JUDICIAL DECREE  
TO APPOINT AN INTERIM RECEIVER TO OPERATE THE CENTRAL CEMETERY  
AND LAUREL HILL CEMETERIES LOCATED IN BROOKFIELD, CONNECTICUT**

**INTRODUCTION:**

The Central Cemetery and the Laurel Hill Cemetery (“**Cemeteries**”) are both located in Brookfield, Connecticut. The Cemeteries are currently closed. There is no remaining member or members of the board of directors of the Cemeteries. There is an increasingly urgent demand to have the Cemeteries open and operational because there are numerous families that own burial plots and/or are seeking burial plots in order to conduct burials. This is an urgent matter of statewide interest.

The plaintiff, Pilicy Ryan & Ward, PC, is in possession of certain assets of the Cemeteries and may have access to other assets and records of the Cemeteries. The plaintiff is prepared to deliver all such assets to an interim receiver appointed by the Danbury Superior Court.

**JUDICIAL APPOINTMENT OF BOARD OF DIRECTORS (C.G.S. §33-1091a)**

1. At all relevant times, the plaintiff, Pilicy Ryan & Ward, PC (“**Plaintiff**”), was and is a corporation with a business address 235 Main Street, Watertown, CT 06795.

2. At all relevant times, the defendant, Central Cemetery Association of the Town of Brookfield Connecticut, is a non-stock corporation located at 490 Federal Road, Brookfield,

Connecticut, which is the owner and operator of a cemetery known as the Central Cemetery (“**Central Cemetery**”). Central Cemetery was incorporated in 1887 and is registered with the Secretary of the State of Connecticut.

3. At all relevant times, the defendant, Laurel Hill Cemetery Association, is a non-stock corporation located at 100 Laurel Hill Road, Brookfield, Connecticut, which is the owner and operator of a cemetery known as the Laurel Hill Cemetery (“**Laurel Hill Cemetery**”). The Laurel Hill Cemetery was incorporated in 1900 and is registered with the Secretary of the State of Connecticut. Central Cemetery and Laurel Hill Cemetery are collectively referred to as the “**Cemeteries.**”

4. The **Cemeteries** have historically been managed and operated by a common Boards of Trustees (collectively “**Board**”). During February 2020, each Board suffered the resignation of all board members but one.<sup>1</sup> A copy of the relevant Board resolution is attached as **Exhibit A**. The remaining Board member conducted exhaustive research, contacting numerous parties seeking a credible municipality, existing cemetery association, or similar entity, to assume operation, record keeping, and general management of the **Cemeteries**, all without success. The timeline of this research and contact is as follows:

- a. 2017-2020 Succession planning and search for merger partner by Central Cemetery;
- b. 2018 **Cemeteries** combined Boards;
- c. February 28, 2020, Board resolution attached as **Exhibit A**;
- d. February 28, 2020, Board members begin successive resignations;
- e. May 19, 2020, status report to Laurel Hill Cemetery president John Furlong;

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<sup>1</sup> A timeline of Board member resignations is available at <https://www.centralcemetery.net/trustees.html>.

f. August 15, 2022, last Board member resignation.

5. For the past several years, the one remaining Board member has devoted tireless efforts to keep the **Cemeteries** in operation but cannot possibly continue. During February 2023, the remaining member of the Board resigned. Presently, there are no Board members.

6. The **Cemeteries** have obtained a forensic accounting investigation and report by James T. Wood, CPA, CFF/CFE. This report stated background information as follows:

a. Connecticut cemeteries that fall under the management of community associations face insurmountable conditions that cannot be overcome without professional assistance and the centralization of burial information between relevant parties. A number of factors have and will continue to impact the ability of association-based Connecticut cemeteries to operate and perpetually maintain cemetery property. Contributing issues include:

- an absence of accurate historical burial records
- an absence of accurate and standardized financial recordkeeping
- insufficient disclosure and standardization for financial reporting
- insufficient adoption of technology and electronic resources
- burial actions of third parties without notification
- insufficient oversight of perpetual care and prepaid funds
- lack of professional support and advising

As a result, cemetery association and sextons perpetually inherit problems stemming from previous and current generational accounting and business practices. These practices may lead to liability and potential criminal prosecution of future sextons and association heads for violations that constitute a class D felony under current Connecticut cemetery regulation statutes (Connecticut General Statute (“CGS”) § 7-66(d)).

7. The **Cemeteries** are presently closed. There is an increasingly urgent need to conduct burials. There are an increasing number of families seeking to access the **Cemeteries** to conduct burials in family owned plots and/or seeking to acquire plots and conduct burials. This is more significant during April because burials that could not occur during the winter months are typically scheduled to begin in April of each year.

8. Although there are some liquid finances available and there is a contractor available to assist with organizing and conducting burials, there is no one available to operate and govern the **Cemeteries** which remaining closed.

9. The **Cemeteries** continue to receive numerous contacts from operators of funeral homes and family members seeking a resolution of this situation in getting the **Cemeteries** immediately open and operational.

10. Upon information and belief, the Town of Brookfield and local cemetery associations support this action because all efforts to date to find a solution have not been productive.

11. Upon information and belief, Representative Martin Foncello of the 107<sup>th</sup> district has introduced a bill (Proposed Bill #5193) in this session of the legislature seeking legislative authority for the State of Connecticut as follows:

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That chapter 368j of the general statutes be amended to allow the state, upon request of a cemetery association, to temporarily assume management, care and administration of a cemetery when a cemetery association seeks to be dissolved but cannot find a successor or purchaser until such time that a successor or purchaser may be located to resume operations of the cemetery.

Statement of Purpose:

To aid in the transfer of operations of a cemetery when a cemetery association cannot locate a successor or purchaser.

12. Upon information and belief, it is uncertain whether that bill will pass during the current legislative session.

13. The fact that this proposed bill has been filed is testament to the fact that there is no choice but to file this complaint seeking a judicial decree to immediately appoint a credible party to act as interim receiver to get the **Cemeteries** open.

14. Upon information and belief, there are four types of organizations authorized to operated cemeteries in Connecticut as follows:

- a. Ecclesiastical societies;
- b. Municipalities;
- c. Veteran's organizations; and
- d. IRS §501(c)(13) cemetery associations.

15. Numerous such organizations have been contacted concerning the **Cemeteries** to no avail. Additionally, other organizations and individuals have been contacted concerning this urgent matter during the last several years.

16. With respect to cemeteries, there is a certain need for consumer protection with respect to business continuity, financial record keeping, and durable record keeping of burials that must be guaranteed. For this reason, the **Cemeteries** are closed until an interim credible cemetery operator is appointed to protect the consumer protections described herein.

17. The real parties with an immediate interest in this matter is/are the increasing number of families contacting the undersigned on a daily basis who are more than desperate to get the **Cemeteries** open. These are families that, in some cases, have been waiting all winter to bury loved ones. In addition to families in more recent distress due to the ability to get loved ones respectfully buried in a timely manner in the cemeteries of their choice. In other words, there is no other option but to join forces and get the **Cemeteries** open.

18. Attached to this complaint is a list of all officers of the State of Connecticut municipalities, individuals, and organizations that have been contacted during the last several years seeking to determine a credible and experienced existing entity or new entity or new board of directors to assume control of the **Cemeteries**. All parties on said list will receive a copy of this complaint by email or by overnight delivery and be provided with an opportunity to participate.

**Exhibit B.**

19. The undersigned is stressing that this legal proceeding is not an adversarial proceeding. This is a case seeking cooperation because there are no alternatives.

20. **The Plaintiff respectfully requests a waiver of order of notice or service upon the named defendant Cemeteries because there is no one to receive service. Both Cemeteries have not even one board member at this time and no registered agent for service of process. The Plaintiff is prepared to provide notice by publication if same is ordered by the Court. However, every day of delay in this case is a tremendous hardship for families seeking to conduct burials at the Cemeteries.**

WHEREFORE, the Plaintiff prays for the following relief:

1. An immediate hearing. Once a hearing is noticed, the Plaintiff will provide notice of said hearing to all parties listed on **Exhibits B**. In addition, the Plaintiff will provide notice to any additional parties that express interest prior to the scheduled court hearing date. Further, Plaintiff will propose an Order for the Court's consideration at the time of hearing.
2. Interim relief: A judicial decree to immediately appoint a **Receiver** being a credible municipality, existing cemetery association, or similar entity, to assume operation, record keeping, and general management of the **Cemeteries**.

3. Permanent relief: An **Order** permanently appointing a credible municipality, existing cemetery association, or similar entity, to assume operation, record keeping, and general management of the **Cemeteries**.
4. Such other relief that this Court deems fair, just, and equitable.

The plaintiffs,  
By: /s/ 046648  
Franklin G. Pilicy  
Pilicy Ryan & Ward, PC  
235 Main Street  
Watertown, CT 06795  
T: 860-274-0018  
F: 860-274-0061  
E: FPilicy@PRWPC.com  
Their Attorney

# **EXHIBIT A**





# CENTRAL CEMETERY ASSOCIATION OF BROOKFIELD

PO Box 821 | 490 Federal Road  
Brookfield, Connecticut 06804  
Trustee@CentralCemetery.net  
(203) 775-3278

## BOARD OF TRUSTEES

Thomas R. Nolan  
President  
(203) 775-2762

Donna Pierpont  
Secretary  
(845) 406-8978

Jeffrey G. Nolan  
Treasurer  
(203) 466-6313

George Mann  
Superintendent  
(860) 354-1645

Harold Covill  
(203) 868-2944

Granville Reed  
(203) 788-4959

August L. DeFrance IV  
(860) 301-5101

February 28, 2020

September 23, 2020 revision (LH Board names)

## Resolution to Pursue a New Organizational Structure

We, the undersigned Board of Trustees for the Central Cemetery Association of Brookfield, Connecticut:

- Resolve that it is in the best interest of the long-term viability of Central Cemetery of Association of Brookfield to be rolled up under a professional organization with dedicated staff to perform cemetery operations, rather than continue to be operated by volunteers.
- Authorize Tom Nolan, President, and Jeff Nolan, Treasurer, as representatives and advocates for Central Cemetery of Brookfield to enter into discussions with candidate organizations and to develop merger proposals for review and vote by the full Board of Trustees.
- Recognize that our sister cemetery, Laurel Hill, is also seeking a transition from volunteer to professional operation, and that the two cemeteries will work together to assure continuity of both.
- Are in agreement to adopt this resolution and are authorized to carry out the acts to perform this resolution.

Submitted by:  
Donna Pierpont  
Secretary

Approved and Signed:

Tom Nolan, Donna Pierpont, Jeff Nolan, George Mann, Harold Covill

Joint Meeting: Central Cemetery, Laurel Hill and Brookfield Museum & Historical Society  
Meeting Place: Brookfield Town Hall

# **EXHIBIT B**

The following is a list of organizations and individuals contact with respect to this matter:

1. Honorable William Tong, Attorney General of the State of Connecticut c/o Deputy Section Chief of Charities Gary Hawes;
2. U.S. Representative Jahana Hayes, Connecticut's 5<sup>th</sup> Congressional District;
3. U.S. Representative Rosa DeLauro, Connecticut's 3<sup>rd</sup> Congressional District;
4. Connecticut State Senate President Pro Tempore Martin Looney
5. Connecticut State Representative Martin Foncello of the 107<sup>th</sup> District;
6. Connecticut State Senator Stephen Harding of the 30<sup>th</sup> District;
7. The Honorable Martin F. Landgrebe, Housatonic Probate Court (PD44);
8. The Honorable Dianne Yamin, Danbury Probate Court (PD43);
9. Connecticut Department of Veterans Affairs;
10. Connecticut Office of Policy and Management;
11. Connecticut Office of the Attorney General;
12. Western Connecticut Regional Council of Governments;
13. Board of Selectmen for the Town of Newtown;
14. Board of Selectmen for the Town of Brookfield;
15. Board of Selectmen for the Town of Ridgefield;
16. Legal counsel for the Town of Brookfield; and
17. Cornell Memorial, Inc.