



City of Lebanon ~ Department of Public Works
AGENDA
BOARD OF CEMETERY TRUSTEES
TUESDAY, JANUARY 14, 2020
40 WEST PARK ST, 3RD FLOOR, ROOM 386
5:00pm

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

A. DECEMBER 10, 2019

Documents:

[2019-12-10 Cemetery Board Minutes Draft Lbdg.pdf](#)

3. ONGOING DISCUSSION ITEMS

A. PROPOSED CHANGES TO CHAPTER 46 REGARDING PERPETUAL FUNDS, FEES, ETC.

- a) Review comments from Attorney Waugh for the establishment of Cemetery Care Fund in Chapter 46.10
- b) Review comments for other updates to Chapter 46.10

Documents:

[Ordinance 2020-03 Amend CH 46 Perpetual Care Maintenance Fund Final Edits.pdf](#)

B. CEMETERY PROJECT UPDATES

- a) Sexton updates
 - Tree cutting
 - Cremation cost
 - New fees with regard financial expectations
- b) Infant Grave areas

4. NEW BUSINESS

5. ADJOURNMENT.

Please note times indicated for agenda items are estimates and are for guidance purposes only.

Agenda items are subject to presentation out of order due to removal of items or change in agenda sequence.

The public may appear in person or by agent or counsel and provide testimony stating

the reasons why these requests should or should not be granted. Any person with a hearing disability, who wishes to attend this public meeting and needs the services of either a sign language interpreter or special equipment (FM system), please contact the Department of Public Works at 603-448-3112 at least 72 hours in advance so that the City can make any necessary arrangements. For more information about what is happening with these applications and in the City, please visit our website at LebanonNH.gov.

DRAFT

**CITY OF LEBANON
BOARD OF CEMETERY TRUSTEES
Tuesday, December 10, 2019
City Hall – West Meeting Room
5:00 p.m.**

MEMBERS PRESENT: Susan Painter, David Muzzy, Fran Hanchett, Caitlyn Hauke, Antonio Palazzo

MEMBERS ABSENT: None

STAFF PRESENT: Pat McCarthy – Sexton, Paul Maville – Deputy City Manager

GUESTS: Judith Bush-West Lebanon, Lorraine Kelly-West Lebanon

1
2 **I. CALL TO ORDER**
3

4 The meeting was called to order at 5:01 PM by Chair Susan Painter.

6 **II. APPROVAL OF MINUTES**
7

8 **A. NOVEMBER 12, 2019**
9

10 *David Muzzy MOVED to approve the November 12, 2019 Minutes as amended.*
11 *Seconded by Fran Hanchett.*
12

13 Amendments: Page 2, Line 3; Remove ‘off’ and Add ‘of’. Page 2, Line 11; Remove the sentence
14 beginning with ‘Under’ and ending with ‘Fund’. Add ‘Under the proposed changes to the new ordinance,
15 there would be a new ‘Maintenance and Preservation Fee’ added to the Burial Rates and that money
16 would go to the Maintenance and Preservation Fund.’

17 **The MOTION was approved (5-0).*
18

19 **III. ON GOING DISCUSSION ITEMS**
20

21 **A. Proposed Changes to Chapter 46, regarding perpetual funds, fees, etc.**
22

23 The Chair spoke about green burials and proposed to continue discussion of green burials in the early part
24 of 2020. The Board will be busy with the new changes to the Ordinance that are currently being reviewed
25 and amended. Ms. Hauke will work with Mr. McCarthy to formulate an outline and process to move
26 forward with green burials. This could take 6 months or more. The work is proposed to begin in March.
27 They will outline the points that need to be discussed at the meetings and formulate a plan to write the
28 language for the ordinance regarding green burials. These changes will go back to the attorney for review
29 and will likely take another 2 months to work with the City Council. It’s possible that the changes to the
30 ordinance regarding green burials could go before the Council by September. Ms. Kelly asked if there
31 was a possibility of granting an exception, to permit a green burial, before it is part of the ordinance. This
32 will be investigated. Ms. Kelly will also provide the statements that have been given by the public to the
33 Board and to the City Council, for Ms. Hauke and Mr. McCarthy to review for the agenda.
34

- 35 1. Review comments from Attorney Waugh for the establishment of Cemetery Care Fund
36 in Chapter 46.10.

1 The Board is still waiting for the final review by the attorney, specifically pertaining to the new Cemetery
2 Maintenance and Preservation Trust Fund.

3
4 Mr. McCarthy said there was a recent request for the burials on Thanksgiving. He said he has
5 reconsidered including holiday burial rates in the proposed changes to the ordinance. There is a high
6 expense for staff, and it is difficult to find coverage on holidays. He asked the Board if keeping holiday
7 rates in the fee schedule is necessary or could the holiday burial option be eliminated. They are
8 considering writing a new section for Holiday Burials and Holiday Cremation Burials and listing the
9 City's actual holidays. Some members were reluctant to eliminate a service that the City has historically
10 provided. Mr. McCarthy recommended scheduling burials up to noon on Saturday, no Sunday burials,
11 and no holiday burials. In 2018 they performed 9 weekend cremation burials out of 40 total cremation
12 burials, and 7 full burials out of 27 total full burials. As of 10/23/19, there have been 51 cremation burials
13 of which 17 were on weekends and 14 full burials with 2 on the weekend. Mr. McCarthy will provide an
14 update on the actual cost of the Thanksgiving holiday burials.

15
16 They discussed Section 46.7 and a date that the entombed bodies need to be removed each year. June 15
17 is the proposed date.

18
19 The Chair discussed the presentation to the City Council. She suggested that the Board provide
20 information about fees and the number of annual burials, to the City Council. The Board would like to be
21 able to discuss the actual costs and how that is reflected in the proposed rates. They want to explain the
22 difference between the Perpetual Fund and the new Maintenance Fund. There will not be a big difference
23 in the services that are provided compared to what is currently provided. There will be some
24 improvements with the new fund, as money will be available for improvements. The fees are being
25 raised, but it will be a number of years before the funds will be built up and available to spend.

26
27 2. Review comments for other updates to Chapter 46.10. : No discussion.

28
29 3. Long Term Care Agreements

30
31 This will remain in the ordinance, to be determined on a case by case basis.

32
33 **B. Cemetery Project Updates**

34
35 1. Sexton Updates

36
37 Very little maintenance is being done at this time. They are rebuilding their equipment during the winter
38 months. They may not be able to buy a new mower and will instead put a new motor on the mower they
39 already own.

40
41 The temperature of the compost at the landfill is still rising, so they are unable to do anything until the
42 temperature stops climbing. The Department of Environmental Sciences may be willing to approve the
43 compost because it is not being sold. The members are interested in checking on the potential of doing a
44 test site with the compost as a research plot, before it is approved.

45
46 Mr. McCarthy passed out a report from the GPR scan that was done.

47
48 Fox Tree did an evaluation of each cemetery, with the exception of Pine Tree Cemetery. Tree work will
49 not be done in that cemetery. The contractor evaluated which trees need to be worked on and the priority
50 for tending to or removing each tree. They will continue to get more bids for the tree work. This is long

1 term work to be done over the next 10 years. They will develop a maintenance schedule of what should
2 be done and when.

3
4 2. Spending of remaining budget of approx. 10K

5
6 The Chair asked how much money is left in the fund. Recently, \$2500 was used for the GPR, \$1000 was
7 used for mapping the grave sites at the cemetery. Last Friday Mr. McCarthy received notice that the
8 budget has been zeroed out and there are no funds left to be spent.

9
10 Mr. McCarthy showed the map of the area that was reviewed by the GPR. They discussed what trees
11 need to be removed. It was suggested that new trees be planted in strategic areas where they can be
12 maintained and will not damage grave stones. They spoke about the process to make these grave site
13 areas available for purchase and what a person does if they are interested in purchasing a grave. Mr.
14 McCarthy is interested in marking all the pins for the grave sites. They are planning to wait to roll out the
15 new graves when the new rates have been approved.

16
17 3. Infant Grave areas

18
19 The members reviewed a map of the infant graves in Glenwood Cemetery. There are unmarked infant
20 graves, however there is an existing list of the infants buried there. Some graves have small blocks.
21 Glenwood is the primary location of all the unmarked infant graves. There is an unnamed person who
22 would like to contribute to the City and is interested in distinguishing the infant or baby land graves, in
23 remembrance of the infants. They discussed options to mark the areas and to call attention to the infant
24 graves. They discussed using signs or getting three stones, one in each area, to mark the graves. The
25 Board will continue to have discussions about the proposed remembrances and once the final costs are
26 determined the Board will be approached for approval.

27
28 4. Soil updates: Not discussed.

29
30 5. Glenwood Cemetery Fountain Update

31
32 The fountain is in, but the base still needs some work. The water is not hooked up to the fountain and the
33 City has not taken possession of the fountain. It's hoped to be operating in the Spring.

34
35 **IV. NEW BUSINESS** Not discussed.

36
37 **V. ADJOURNMENT**

38
39 **Mr. Muzzy MOVED for adjournment.**

40 **Seconded by Ms. Hauke.**

41 ***The MOTION passed unanimously, (5-0).**

42
43 The meeting was adjourned at 6:58 PM.

44
45 *Respectfully Submitted,*

46 *Linda Billings*

47 *Recording Secretary*

ORDINANCE 2020-03

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, to amend fees, to remove the requirements for a Perpetual Care Trust Fund, and to include provisions for the establishment of a Cemetery Maintenance & Preservation Trust Fund.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

Sections 46-6, 46-7, 46-8, 46-9, of Chapter 46, Cemeteries, are hereby amended as follows:

§ 46-6. Purchase of Lots, Deeds and Ownership

C. Purchase procedure.

- (1) Lots in the cemeteries of the City of Lebanon may be selected and purchased from the Department of Public Works, and payment for lots purchased shall be made to the City of Lebanon. Such purchases shall require the completion of Cemetery Application in a form approved by the Board of Cemetery Trustees and deemed complete with the issuance of a deed in a format adopted by the Board of Cemetery Trustees and prepared by the Department of Public Works, signed by the City Manager, and recorded by the City Clerk. Such deed shall contain the name of the owner, purchaser (if different from owner), amount paid, name of cemetery, lot number(s), grave number(s), and cemetery section in which located, as well as all information to be used for determining ownership, as set forth in paragraph B above. Full payment (grave and payment into the Cemetery Maintenance and Preservation Trust Fund) is required at the time of purchase.

F. Charge of lots. The following prices are established as the purchase prices for cemetery lots and for required contributions to the Cemetery Maintenance and Preservation Trust Fund (Maintenance and Preservation Trust Fund payment is 50% of a grave lot cost):

- (1) Each full grave: \$600. (Grave lot cost is \$300 Maintenance and Preservation is \$300)
- (2) Each infant grave: \$250 (Grave lot cost is \$125 Maintenance and Preservation is \$125) (applies to Glenwood and Valley Cemeteries only in the areas specifically laid out for infant burials).
- (3) Each cremation grave: \$250 (Grave lot cost is \$125 Maintenance and Preservation is \$125) (applies only in the cemetery areas specifically laid out for cremation burials).
- (4) Cremations. In the case of cremation interment, the following provisions shall apply:
 - (a) Minimum purchase is one grave space. Maximum number of cremation-type interments shall be six per grave space (except in the case of combining full and cremation burials in which only one full burial and five cremation burials per grave will be allowed).

§ 46-7. Burials.

A. Condition for burial. No burial, including a cremation burial, shall take place without first obtaining a burial permit from the City Clerk or State Register where the death occurred. All conditions of laws and ordinances must be complied with, including the payment of any back charges, securance of perpetual care, or purchase of any lot(s).

- B. Preparation of grave. The preparation of graves and laying out of grave side ceremonial material shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works. The availability of City provided grave side ceremonial dress is limited and shall be provided on a first-come first-served basis.
- C. Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. In case circumstances are such that burial cannot be made, temporary interment shall be in the cemetery tomb.
- D. Holiday Burials. Holidays formally recognized by the City of Lebanon include the following:

- *New Year's Day
- Martin Luther King, Jr./Civil Rights Day
- Presidents' Day
- *Memorial Day
- *Independence Day
- *Labor Day
- Columbus Day
- Veterans' Day
- *Thanksgiving Day
- Day after Thanksgiving
- *Christmas Day

*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day unless otherwise approved by the Director of Public Works

Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Columbus Day, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.

- E. Burial rates. The City of Lebanon burial rates shall be as follows:

FULL BURIALS	
Weekday during operating business hours	\$450
Weekday after operating business hours	\$450 plus \$100 per hour after operating business hours
Weekend	\$700
Holiday (as permitted in 46-7.D above)	\$875
Full Burial Opening (Maintenance and Preservation Trust Fund Payment)	\$100

CREMATION BURIALS	
Weekday during operating business hours	\$200
Weekday after operating business hours	\$200 plus \$100 per hour after operating business hours
Weekend	\$350
Holiday (as permitted in 46-7.D above)	\$450

Cremation Burial Opening (Maintenance and Preservation Trust Fund Payment)	\$75
--	-------------

INFANT BURIALS	
Weekday during operating business hours	\$175
Weekday after operating business hours	\$175 plus \$100 per hour after operating business hours
Weekend or Holiday	\$350
Infant Burial Opening (Maintenance and Preservation Trust Fund Payment)	\$75

Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.

- F. Errors in Grave Location. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Department of Public Works in writing or can be taken verbally over the phone. Orders from funeral directors shall be construed as orders from owners.
- G. Permanent outside containers. In all interments, cremation or full, the remains shall be enclosed in a permanent outside container and which shall be installed under the supervision of the Department of Public Works personnel. The owner of the lot or his agent shall provide the container. The following are considered permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.
- H. Entombments in City Tomb. No entombment shall take place without notification of the Department of Public Works. Entombment will be made until such time that burial is arranged. No entombment shall be accepted prior to November 1st of any year. All human remains must be removed from the City Tomb no later than the following June 15th. The charge for entombment is \$500.
- I. Burial of indigents. In the case of single grave lots for the burial of indigents, the City will provide space and maintenance of a section for such. However, no above ground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance and Preservation Trust Fund.
- J. No movement or upgrading of monuments, and no opening or shifting of location of any grave or its placement on a lot shall occur without approval of the City, and all relevant provisions of this §46-7 shall apply to such activities.

§ 46-8. Cemetery Maintenance.

- B. Care and maintenance of individual cemetery lots.

- (1) The City shall be responsible for maintenance of individual lots to the extent of mowing and trimming of grass at reasonable intervals, the raking and cleaning of lots, and grading and seeding, all at levels to be determined in the discretion of the Cemetery Trustees, in light of available funds, including any applicable funds from pre-existing perpetual care funds, and use of the Cemetery Maintenance and Preservation Trust Fund.

§ 46-9. Monumentation.

- A. Monuments and markers. All municipal cemeteries allow monumentation. Markers and cornerstones of such dimension and material as shall be approved by the Department of Public Works. Monumentation shall be the total responsibility of the lot owner. Dimensions for monuments shall not exceed 24" width for a single grave, 72" width for two graves, and 84" width for three graves. Monuments are to be centered in lot and in line with other monuments located in that row. All reference to "monuments and markers" is to mean monumentation of a permanent nature that protrudes above the lawn surface. All such monumentation requires a concrete foundation (refer to Subsection B of this section). Only one aboveground monument per owner's lot (grave or group of graves) is permitted unless additional monuments are approved by the Board of Cemetery Trustees pursuant to §46-12(B). All other structures, including cornerstones, grass markers, and markers, shall be set flush with the lawn surface so that no part shall protrude above the surface of the ground. In areas designated for cremation only burials, only a single grass marker not to exceed 12 inches by 24 inches set flush with the lawn so that no part shall protrude above the surface of the ground is permitted. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran's grave, which should be placed on the upright monument end of the lot.
- B. Monument foundation and marker setting.
 - (1) Foundations for monuments shall be constructed of concrete by the Department of Public Works upon request or by a monument company with the approval of the Department of Public Works. Those requesting foundations shall make the request in writing stating the location on the lot and size of foundation desired, both of which are subject to Subsection A.
 - (2) The charge to the owner for foundations for monuments shall be:
 - (a) \$35 per cubic foot (minimum size – 1 foot [12 inches] by 2 feet [24 inches]. Additionally, for every new foundation installed, there will be a \$75 fee for future maintenance and preservation.
 - (b) The charge for setting cornerstones: \$40 per lot (\$10 each).
 - (c) The charge for setting grass (flat 2 feet by 1 foot) markers: \$50 per marker . (Additional charges maybe applied for lager size markers) There is no fee for setting government provided military markers.

Foundations are set three times per year. Orders are accepted up to May 1st, July 1st and October 1st and are coordinated through the Department of Public Works.

Section 2.

Chapter 46 of the Code of the City of Lebanon is hereby amended by deleting §46-10 in its entirety and replacing it with the following:

§ 46-10. The Cemetery Maintenance and Preservation Trust Fund and Existing Perpetual Care Funds.

- A. There is hereby established – pursuant to the authority of RSA 31:19-a, as applied to the City by way of RSA 47:1 – an expendable trust fund to be known as the Cemetery Maintenance and Preservation Trust Fund. Income or principal from the fund may be expended, in accordance with the City’s normal budgeting and appropriations procedures, for the aims and purposes delineated as the City’s responsibilities under §46-8 of this Chapter, including the “Exception” set forth in §46-8(B)(3). As set forth in RSA 31:19-a, III, custody and investment of the fund shall rest with the Trustees of Trust Funds. In accord with RSA 31:19-a, IV, the Trustees are authorized to accept privately-donated amounts to be placed in the fund, provided that, as set forth therein, such privately-donated amounts shall be invested and accounted for separately from, and not commingled with, amounts appropriated to the fund by the City.
- B. Beginning on the date of adoption of the 2020 amendment to this Chapter [March 4, 2020], the buyers of lots in Lebanon municipal cemeteries shall no longer be required to create a separate perpetual care trust fund, but shall instead be required to contribute to the Cemetery Maintenance and Preservation Trust Fund in the amounts set fort in §46-6 of this Chapter, with additional amounts to be contributed at the time of a burial in the amounts set forth in §46-7. The Cemetery Trustees shall adopt a Statement of Intent form to be executed by the purchaser or agent at the time such contributions are made.
- C. Perpetual care trusts created prior to the adoption of the 2020 amendment to this Chapter shall remain in effect and continue to be administered as was required prior to said amendment.
- D. Previous Owners. Owners of cemetery lots purchased prior to August 1, 1966, shall secure perpetual care service by applying to the Trustees of Trust Funds through the Department of Public Works for the acceptance into the Cemetery Maintenance and Preservation Trust Fund of a sum sufficient to provide the income necessary for the care and maintenance of the lot.

Section 3. Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdictions, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 4. Effective Date.

This ordinance shall become effective upon passage.