

AGENDA  
BOARD OF CEMETERY TRUSTEES  
JANUARY 8, 2019

AGENDA ITEM 2  
APPROVAL OF MINUTES:

**DECEMBER 11, 2018**

DRAFT

**CITY OF LEBANON-PUBLIC WORKS  
BOARD OF CEMETERY TRUSTEES  
Minutes, Tuesday, December 11, 2018  
City Hall – Council Chambers  
5:00 p.m.**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Kelly Crate – Public Works; Paula Maville – Deputy City Manager

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**I. CALL TO ORDER:**

The meeting was called to order at 7:00 p.m. by Chair Susan Painter.

**II. ACCEPTANCE OF MINUTES**

*David Muzzy MOVED to approve the minutes of the November 13, 2018 Board of Cemetery Trustees.*

*Seconded by Caitlyn Hauke.*

*\*The MOTION passed unanimously, 4-0.*

Fran Hanchett arrived after the vote on the motion.

**III. DISCUSSION ITEMS**

**A. Review and Discuss Proposed Amendments to City Code Chapter 46, Cemeteries**

Chair Painter asked about the City Smoking Ordinance and if it applied to Cemeteries. Attorney Waugh provided language to incorporate the smoking amendment and said they did not need to incorporate the City Smoking Ordinance. Some members felt addressing smoking in cemeteries isn't necessary, and others felt it was important to include because if tobacco becomes an issue in the future there is a way to eliminate the nuisance. The attorney thought it wasn't necessary to overlap with narcotics law because narcotics are already illegal. They discussed what current laws cover their issues, regarding smoking and littering. Some felt it should be consistent with the other City properties, such as public parks. But if the plot is private property, it doesn't seem appropriate to deny smoking on that private property. They discussed the risk of fire. They will revisit the smoking issue again in the future.

Chair Painter started the discussion with Section 46.5 so they could address the purpose of the cemetery. They discussed reorganizing the order of the content of the Chapter to create a more logical flow and put the content in a better order. Staff will work on reordering the content and members were supportive. They continued to review sections of Chapter 46.

Chapter 46.5 addresses the establishment of a cemetery. They changed the review process wording to clarify the steps in the process. Lot sizes were discussed. The sections regarding cremations and indigent plots were moved within this section.

Chapter 46.6 addresses the purchase of a cemetery plot. They changed the wording of special deed to cemetery deed to be more specific and consistent. The members asked how the heirs of a cemetery plot will be captured and kept in the City Records. The City is establishing a new electronic application form that asks for the designated heir and this should help the City maintain a trail. Attorney Waugh asked the Board to review the cemetery deed and adopt its use going forward. The Board will review the deed to ensure the language regarding heirs is straight forward in the deed.

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At this time both Public Works and City Hall are involved in the transaction. A plot can be purchased over the phone. Kelly Crate shared a draft of the Cemetery Application they are working on to improve the process, hoping to capture more of the necessary information. It will be available for completion online and in person. With the establishment of the Cemetery Board, the City is developing a process they can use going forward. They will review the documents for consistency in language between the applications, deeds and Chapter 46.

Upon the death of the plot owner, a deed transfers to the next living relative. The transfer form will be used if a living owner of a deed would like to transfer a plot to a new owner. It will be reviewed by the Board. Fees have increased for the transfer of deeds. It is officially recorded with the City Clerk. A new book and page within the cemetery will be recorded showing the ownership change.

The members asked about the fee increases for cemetery lots. The City studied fees at other cemeteries and built comparable fees into the schedule. The proposed cost of perpetual care will be increased to 50% of the cost of the cemetery plot. The Board will be working on establishing a maintenance fund in order to address the limitations of the perpetual care fund. This could adjust the amount that goes to the perpetual care fund in the future.

Chapter 46-7 addresses cemetery maintenance. The Board was concerned about the City's responsibility regarding plots that aren't being maintained by someone. Historically the family or a living relative is responsible for the maintenance. They discussed the currently existing perpetual fund and how the interest it bears is the only source of money that can be used.

The City isn't responsible for plots and monuments and doesn't permit Staff to work on the privately-owned plots. However, the City is trying to build into the code an opportunity for the City to step in and improve the maintenance of the grave site at its own discretion. They made the distinction between a gravesite that is maintained by a family where the City isn't responsible and the situation where the grave is in disrepair and the City would like to be able to do some preventative work because there isn't a living relative who will be responsible for the grave. The City wants to be able to do some limited work and find a way to pay for this work.

Some members would like to see all the monuments that are sinking, or tilting repaired at a reasonable price. The inventory of the cemetery stones that was completed, along with the future cemetery sexton position, will help the City determine what ongoing work will be necessary to get the existing stones in repair. Stones that are currently used are much smaller and may be less of a problem in the future. The Chair asked if the old stones that are standing can be laid down. The old stones are too fragile to be laid down because the lawn maintenance equipment drives over the graves. The Chair asked if the Ordinance is trying to do too much for the existing graves. Deputy City Manager Maville said there is a passionate community that is concerned about the condition of the existing cemeteries in Lebanon. The purpose for the Board is to put measures in place that will address this from being an ongoing issue. They expressed concern about the cost of repairing the old grave monumentation and questioned if it is a burden that should be on current taxpayers. It will be the responsibility of the Board to bring forth a list of monuments to the City Council that need some attention and ask for an annual budget to do the work.

Chair Painter asked about Long-Term Care Agreements. They are currently allowed, and Public Works approves the agreement. Going forward, the Board of Trustees will approve the Long-Term Agreements. According to the new code, the Long-Term Agreement could be ended under certain conditions. The Board asked for clarification regarding the terms of the conditions that will allow the City to remove plantings.

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2 Chair Painter redirected the conversation to a few pertinent points. The Board will start with curbing and  
3 fencing next time.

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5 **B. Review and Discuss Proposed Amendments to Bylaws**

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7 This will be on the agenda for the next meeting.

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9 **IV. OTHER BUSINESS**

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11 **A. Chapter 46 recommendation schedule**

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13 The time line to get the Ordinance and Bylaws in front of the City Council is by Spring. The Bylaws will  
14 be addressed first at the next Board meeting. The changes to the Bylaws and Ordinance should be made  
15 by the Board and reviewed by Attorney Waugh before they are brought to the Council. The Council  
16 needs to have two meetings before they can be voted on. It is hoped that the regulations, the approved  
17 application and the deed can get reviewed at the same time. The Board should finish their work by the  
18 February Cemetery Board meeting, with one last review at the March 12th meeting. They will want to  
19 bring it before the City Council on April 3 and set a public hearing to adopt the changes at the April 17,  
20 2019 meeting. It will be effective upon passage. Chair Painter asked the members to review the materials  
21 and bring their feedback to the next meeting, so they can stay on their timeline and incorporate everyone's  
22 input.

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24 **B. Future Agenda Items**

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26 **1. Green Burial Discussion**

27 The Bylaws permit the Board to look at alternative burials, like Green Burials. The Board will have to  
28 write language into the Ordinance if alternative burials will be permitted. Some members said Green  
29 Burials have varying degrees of meaning. If there is going to be a provision for alternative burials, it is  
30 better to work on it before the Ordinance is finished. It is more cost effective to include it in this current  
31 process. A guest speaker knowledgeable in alternative burials will be asked to the February meeting. If  
32 there is information regarding State regulations and definitions, it will be helpful to have the information  
33 before the meeting.

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35 **V. ADJOURNMENT**

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37 *David Muzzy MOVED for adjournment. Seconded by Antonio Palazzo.*  
38 *\*The MOTION passed unanimously, 5-0.*

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40 The meeting was adjourned at 5:40 p.m.

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42 Respectfully Submitted,  
43 Linda Billings  
44 Recording Secretary