



**LEBANON BOARD OF CEMETERY TRUSTEES
SEPTEMBER 14, 2021 - 5:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. June 8, 2021
 - B. March 23, 2021
 - 3. Cemetery Sexton Report**
 - 4. Old Business**
 - A. Fencing at Valley Cemetery - Prices
 - 5. New Business**
 - A. Turf Report from Tony
 - B. Assessments
 - C. Natural Burials
 - 6. Future Agenda Items**
 - 7. Adjournment**

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

AGENDA
BOARD OF CEMETERY TRUSTEES
September 14, 2021

AGENDA ITEM 2
Approval of Minutes:

June 8, 2021

DRAFT

**CITY OF LEBANON
BOARD OF CEMETERY TRUSTEES
REGULAR MEETING MINUTES
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live
TUESDAY, June 8, 2021
5:00 PM**

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

MEMBERS ABSENT: Vice Chair Antonio Palazzo

STAFF PRESENT: James Donison – Director Public Works, Paula Maville – Deputy City Manager

GUESTS: Judith Bush, Rainie Kelly and Billy Saine

I. CALL TO ORDER

The meeting was called to order at 5:01 PM by Chair Fran Hanchett.
A Roll Call of Board Members who participated remotely is listed above.

Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements.
Patrick McCarthy delivered the Right to Know procedures to the Members and the public.

II. APPROVAL OF MINUTES

A. May 11, 2021

*Mr. Muzzy MOVED to approve the May 11, 2021, Minutes as presented with amendments.
Seconded by Ms. Painter.*

Amendments: Page 1, Add ‘Patrick McCarthy’ to Staff Present; Page 2, Line 31; Correct ‘Among’ to ‘Amount’; Page 5, Line 45; Add ‘without the Board being aware of it.’

Roll Call Vote

Ms. Painter, Ms. Hauke, Mr. Muzzy, and Chair Hanchett all voting Yea.

None voted Nay.

**The Vote on the Motion was unanimously approved (4-0).*

III. CEMETERY SEXTON REPORT

A. Monthly Report

The month of May involved preparations for Memorial Day. There were two full burials and 13 cremations. The cemeteries were mowed, cleaned up and monuments addressed. Bids went out for the repair of cemetery stones, and it was again awarded to the same contractor. Sixty stones will be repaired, erected back up and cleaned with the biological cleaner. The cost will be \$25,000, the same as previous years and a few more stones will be done this year. The money will come out of the allotted money.

Mr. Muzzy pointed out several grave sites that need to be repaired. The Sexton will work directly with him to correct the areas that need work. Mr. Muzzy will put his notes in his annual report for the Staff.

IV. OLD BUSINESS**A. Fencing at Valley Cemetery**

Ms. Painter reported that she has a few house keeping items regarding the fence and asked for an understanding of what the Board thinks is a reasonable amount to spend and where the fence should go to help determine some appropriate fence options. She shared her screen, showing the City of Lebanon website that showed an attractive wood fence along the rail trail. This reminded her that the new fence should be in harmony with the existing fence. She feels more discussion should take place before a substantial amount, \$18,000 or more, is spent and before rushing into a decision. She believes that the fence toward the back and having the fence in the cemetery itself might keep people from dumping in that area as well. The Board previously voted to put up a fence to prevent access coming up from the rail trail. It is time for the Board to have a full discussion of what this means and what would be the legacy of this Board of Trustees.

Mr. McCarthy said the reason a chain link fence was suggested is because there are chain link fences on both ends of where the fence would be installed. The chain link fence is the path of least resistance. And perhaps some vegetation or vines can be added to improve the appearance of the fence. Ms. Painter believes a chain link fence does not belong on a bike path. And if the Board feels it is important to install a chain link fence, instead of another type of fence, can the fence be a diagonal fence in the cemetery. Chair Hanchett said she thought the fence would go along the property line. Ms. Painter asked why a fence cannot run along the back that is in the cemetery instead of on the bike path. The Board continued to discuss what other types of fences can be considered. The fence was voted on to prevent bikes from coming into the cemetery. Now some of the Board members are concerned about trash on the rail trail. Mr. McCarthy said he will get quotes for a 3 or 4 rail wood fence if asked to do so. Material expenses are very high currently. Ms. Painter will work on making a request for a fence she feels is appropriate. She is concerned about how the perpetual funds are going to be spent.

Doug Boisvert from Ward 3 spoke and asked about the offer from the Recreational Director to share in the cost of the fence and asked if there is more information about that offer. He also said he has seen chain link fence along other areas of the rail trail. He noticed that pieces of a makeshift fence that were put up to stop the use by bikes were ripped out several times. But that fence was not permanent enough to stop the bike traffic. Ms. Painter and Mr. McCarthy will work together during the next month to bring more information to the Board next month.

V. NEW BUSINESS**A. Infant Grave Monuments-Discuss and vote on lamb to be placed on the monuments**

*Ms. Hauke MOVED to approve the design of Lamb 1.
Seconded by Mr. Muzzy.*

Roll Call Vote

Chair Hanchett, Mr. Muzzy, Ms. Hauke, and Ms. Painter and all voting Yea.

None voted Nay.

**The Vote on the Motion was unanimously approved (4-0).*

B. Annual Assessment of Cemeteries

The annual assessment of the cemeteries is in the packet. Mr. McCarthy said the organization of the evaluations used in previous years worked out well. The reports will have to be completed in the next three weeks to be reviewed at the next meeting. The Board will try to get the assessment done in the next three weeks.

1
2 Mr. Muzzy said he would like to wish Patrick a Happy Birthday.

3
4 **C. Turf Report**

5
6 The turf report was sent; however, Mr. Palazzo is not present tonight and the Board will discuss it next
7 month. In the past few years, some soil samples were collected, and research plots have been tested.
8 They are determining what is the best soil, fertilizer, and best turf. They would like to get rid of the grubs
9 that seem to be taking over in some gravesites.

10
11 Ms. Painter asked for clarification about the site line from the grave sites past the columbariums to the
12 fountain. Mr. McCarthy said there is a 360-degree point of view. However, she feels the columbariums
13 would block the line of site from several graves. She would like to share some pictures that show the
14 fountain is not fully visible from several grave sites and she will send them to the Board offline. Mr.
15 Donison described where the columbarium will be situated and described the perspectives of view. Ms.
16 Painter would like to have the areas where the columbariums would be staked out, so Board members can
17 determine if there would be a clear line of site from all grave sites.

18
19 **VI. FUTURE AGENDA ITEMS**

20
21 Turf Report

22
23 **VII. ADJOURNMENT**

24
25 *Mr. Muzzy MOVED to adjourn the meeting.*
26 *Seconded by Ms. Hauke.*

27
28 **Roll Call Vote**

29 *Ms. Painter, Mr. Muzzy, Ms. Hauke, and Chair Hanchett all voting Yea.*

30 *None voted Nay.*

31 **The Vote on the Motion was unanimously approved (4-0).*

32
33 The meeting was adjourned at 5:57 PM.

34
35 Respectfully Submitted,

36 Linda Billings

37 Recording Secretary

AGENDA
BOARD OF CEMETERY TRUSTEES
September 14, 2021

AGENDA ITEM 2
Approval of Minutes:

March 23, 2021

DRAFT

**CITY OF LEBANON
BOARD OF CEMETERY TRUSTEES
REGULAR MEETING MINUTES
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live
TUESDAY, March 23, 2021
5:00 PM**

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

MEMBERS ABSENT: None

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

GUESTS: Patrick Healy

I. CALL TO ORDER

The meeting was called to order at 5:00 PM by Chair Fran Hanchett.
A Roll Call of Board Members who participated remotely is listed above.

Review of meeting procedures and NH RSA 91-A “Right-to-Know” requirements

Chair Hanchett delivered the Right to Know procedures to the Members and the public.

II. DISCUSSION ITEM: NATURAL BURIALS

A. Discussion with Director Patrick Healy, Green Mount Cemetery, Montpelier, VT

Mr. Healy gave an overview of the Green Mount Cemetery. He is the Director of a very hilly, 40 acres cemetery, and has been with the cemetery for 33 years. He has been involved a varying capacity with the New England Cemetery Association and the Vermont Cemetery Association. He described natural burials and offered guidance from his experience. His definition is the burial of a non-embalmed body at a depth of not shallower than 3.5 feet. It is buried within a wood or wicker casket, shroud or other cloth covering. The objective is to compost the body as naturally as possible. He has done eight natural burials. It is imperative that the natural burial takes place as quickly as possible, even during the winter. As the time of death nears, family should inform cemetery employees so they can get the grave open and the site prepared. He finds that pre-need planning is essential for everyone involved. He spends time with the family or purchaser of the lot to inform them in advance how natural burials differ from traditional burials. He said the back fill is important for microbial activity. They backfill with a compost and sand mix that they make. They sometimes add a layer of hay before the body is placed in the grave. They do not use a casket lowering device because it creates an air space between the body and the bottom of the grave. They use a rough-cut piece of lumber with 100% natural rope straps to lower the body and they bury everything along with the body. How the body will be moved to the grave has to be determined in advance and needs enough people available for the weight of the body. He is not sure if the family can do this in New Hampshire or if it needs to be done by a funeral director. If the body is in a shroud or has a covering, there may be stains on it and there may be some odor because the body starts decomposing within 2 hours. One service used incense and that could mask the odor. The back fill of sand and compost is partially filled in by the family, if they want to, and the staff usually completes the work. It is important to move the body from the vehicle to the grave site as quickly as possible, especially if it is not in a casket or wicker basket. When his staff is involved, they move the body and leave it on top the ground until the service. The natural grave lot size is increased to 5 feet wide, to eliminate the possibility of digging into another grave. Every natural burial grave has a grass marker to keep track of the location

1 of the grave. They have permitted natural graves within the traditional areas of the cemetery however;
2 they have a new section specific for natural burials. They do not permit upright monuments, just level
3 grass markers. That area will only be mowed once a year just to clean it up. They want to avoid
4 problems with mice and ticks. One of the biggest concerns he initially had was grave site disturbance, but
5 they have not had problems with any animals digging up any of the remains. Others across the country
6 have not seen that problem either. He recommends starting slowly with a small separate section to see
7 how it goes. If it goes well the Board can consider incorporating natural burials with the traditional
8 cemetery sections.

9
10 The Board was given the opportunity to ask questions of Mr. Healy. Mr. Palazzo sent Mr. Healy a list of
11 questions. He is concerned about liability and cost. He asked about the extra steps, pre-need planning,
12 making compost, different straps, moving the body and more. He asked how much extra time is required
13 for a natural burial than a traditional burial. Mr. Healy has not done the time analysis, but he is thinking
14 that it may take less time. He always does pre-need planning with every burial. They have more
15 flexibility because the hole is shallower and does not depend on anyone else or the vault company. They
16 always make their own compost for use in the cemetery. They have done 8 natural burials, but he feels it
17 is easier in his mind to do a natural burial than the traditional burial. The cost of the ropes and boards are
18 about \$20, less than waiting on the vault company and bringing out the machine to lower the body. Mr.
19 Palazzo said he is concerned about the extra expense for overtime for the staff doing the work. Mr.
20 McCarthy said they are open 7 days a week. Lebanon charges full burials at \$450 on weekdays, \$700 on
21 weekends and \$875 on holidays. Anything after regular business hours is another \$100 per hour. Green
22 Mount charges \$950 on weekdays and an extra \$350 on weekends for traditional burials. They are
23 charging \$1200 for natural burials in the summer and \$1400 in the Winter. This allows for the extra
24 procedures, time, and materials.

25
26 Mr. Muzzy asked if any of the natural burials have been in the traditional cemetery. There have been 5
27 and the first one was a year ago in January. They have seen some settling, but when they started they
28 were digging the graves too wide. Some people have been buried in a wicker casket and it can be
29 narrower, about 30 inches wide. In the natural section, they back filled some of the graves after a short
30 time. In the summertime there was some shrinkage in a couple of weeks. In the winter they wait for
31 Spring. The amount of rain affects the settling. In the Winter, they place bales of hay over the body to
32 keep the ground from freezing. This allows the body to continue to decompose. Albeit slower than in the
33 warmer weather. Because the sand packs tighter, there appears to be less shrinkage. They are not
34 concerned with the natural burials within the traditional cemetery. They are not replacing the sod. In the
35 summer, a few days after the burial, they water the ground to eliminate air spaces to compress the soil.

36
37 Ms. Painter asked how the plots and graves are sold. The graves are sold as single or multiple grave plots
38 at one time. They are giving each plot extra room and he will send the Board a sketch of the area. The
39 plots are on a steep slope, are sold left to right, and there are 4 rows of plots planned. There are trees
40 interspersed between some of the plots. They are selling the lot next to the last lot that was sold and there
41 is no choice to be placed in a different or selected location. Within the traditional cemetery and
42 traditional burials, they have a choice of the location.

43
44 Ms. Hauke asked if the natural burials are an easy addition or was it challenging. Mr. Healy feels
45 comfortable with the process and may do it himself. In the beginning he fought the State's bill to allow
46 natural burials and was not supportive. He was afraid of all the things that could potentially go wrong.
47 He held a public information meeting that was attended by 50 people who supported natural burials. At
48 first there was some trepidation on the part of the Director, but after several burials, he is comfortable
49 with the option.

50
51 Mr. Palazzo asked for more information about the costs. Mr. Health only has one other staff member and
52 has not analyzed the cost. He would have to understand the staffing in Lebanon and the worker's union to
53 help Lebanon determine the potential costs. He offered to help the Sexton with the cost analysis. In the

1 recent past, Green Mount's cemetery staff have stood back and let the family participate in the burial as
2 much as they want. He does offer to help the family move the body if needed. The dirt is there for the
3 family to shovel in some of the dirt, but the staff usually finishes the job. He is not concerned about the
4 liability related to involving the family.

5
6 Mr. McCarthy says they operate 9 cemeteries and maintain 1 private owned Jewish cemetery. There is an
7 on-call service to notify Staff that there is a need for a burial. The arrangements for the funeral are
8 handled by the funeral home. The City just sells the grave site. City staff are not allowed to meet with or
9 counsel the family, according to NH law. There are some differences between Vermont and New
10 Hampshire rules and laws. The Green Mount Cemetery rules state that the family is responsible for
11 moving the body, but he has been willing to help the family. If the family takes charge, they fulfill the
12 role of the funeral director. The family is responsible to move the body. The staff once used their mini
13 excavator when the body weighed too much to be moved by people. Mr. McCarthy asked how a waiver
14 of liability is addressed, and as yet, Mr. Healy has not done so. However, other places have a process and
15 requirement to complete the waivers. They have also stated in their rules that it will require a court order
16 to move the body once it has been buried.

17
18 Ms. Painter asked if there is any plan to reuse the graves. Green Mount does not intend to do so. In
19 Germany, they reuse the graves after 20 years. The bones are dug up and placed in a separate area. Mr.
20 Healy said if the body did not decompose correctly, it can be a nasty situation. He would allow the burial
21 of a cremated body on top of a natural burial, in the same plot, but not if it is in an urn. They place the
22 cremated remains a couple of feet deep and their plots are large enough to place the remains at the head or
23 the foot as well.

24
25 There has not been any special training for Mr. Healy or his staff. They are learning as they go, and
26 things are getting better. Mr. Muzzy asked if a funeral home is required to be involved. Most of the
27 burials have involved a funeral home and the home brings the body, but it is not required. The funeral
28 directors know how to handle decomposing bodies and Mr. Healy is not concerned about the sanitation of
29 the hearse. The funeral home registers the burial transit permit and the staff person at the cemetery brings
30 it to the Town Clerk to register it. There is not much fluid from the body as it decomposes, it penetrates
31 the back fill and does not move away. The body dries up faster than when it is in a vault.

32
33 Ms. Hauke asked if he has concerns about handling bodies carrying disease in natural burials. He is a
34 little concerned, but he believes diseases are alive when the body is alive, but once it is dead there is less
35 worry of transmittal. Mr. McCarthy asked if there are any bodies that they would turn away due to
36 disease or treatments that bodies have undergone. Mr. Healy said he does not have an answer about this.
37 He believes the ground and microbial action is a good thing. He would not turn down any body that was
38 in a casket, so he does not believe he would turn anyone away. Mr. McCarthy noted that in a casket there
39 would be a vapor barrier that would prohibit transmittal. It is an interesting question that needs further
40 research. Mr. McCarthy asked if there is potential of seepage between the graves, even if they are 5 feet
41 wide. The goal is to get the body decomposed as quickly as possible, so hopefully with the right soil and
42 moisture content of the land it would not be a problem. If it is clay soil and the moisture content of the
43 land is high, it may have more potential problems.

44
45 Mr. Palazzo asked about issues with the Union. Lebanon employees are union members. So far there are
46 2 employees at Green Mount, they are untrained, they have only done 8 burials and the oldest burial is
47 only one year old. Mr. Palazzo suggested setting up a separate cemetery and hiring someone such as Mr.
48 Healy to contract for the natural burials. The question remains if there is a market for natural burials. Mr.
49 Healy noted that most of the natural burials would have opted for cremation and it is hard to say what the
50 actual market is for natural burials.

51
52 Ms. Painter asked if his city is supportive of the natural burials. Mr. Healy said in general, the citizens are
53 supportive, so long as there are choices. He has not noticed any push back from anyone. Last year the

1 area looked very natural because they only mowed a small portion of the grass and people liked it.

2
3 Last year Mr. Healy did about 50 traditional burials, and 50% were full burials. At other times, almost
4 80% were cremations. There is always someone on the cemetery grounds to communicate with visitors
5 and family. He does not know how many people would want a natural burial and or if they would be
6 living close enough to allow for a natural burial.

7
8 Ms. Hauke asked if he learned anything that he would do different. Mr. Healy studied natural burials for
9 a couple of years before they started doing them. They started slow, they did not announce it and they did
10 not advertise natural burials. It helped that they have moved slow. It is hard to meet all the terms of a
11 fully natural burial as people want to be able to drive close, have water spickets, and need a pathway to
12 the graves.

13
14 They are not mounding the grave sites because they want things to settle as soon as possible and they like
15 to water the grave to help it settle. When there is mounding with their soil, the water runs off instead of
16 settling. The dirt remains soft and they monitor the natural section. They do not intend to mow, but will
17 put wildflowers over the graves, so perfect leveling is not essential.

18
19 Mr. McCarthy asked how they would handle a body with a communicable disease if they were not
20 informed until after the body was handled. Mr. Healy said he would call Human Resources, seek
21 guidance and medical advice, and do any necessary testing. Mr. Healy notifies the family if there is any
22 disturbance such as a road wash out or a monument vandalism. It would be the same for animal
23 disturbance. It still seems that there is no disturbance from animals, although there was an incidence of
24 bears in Russia that did disturb graves. Mr. McCarthy noted a time when a body that was 12 feet deep
25 was found by a cadaver dog.

26
27 Mr. McCarthy asked about different fee structures for traditional and natural burials and if it is
28 discriminative to charge a different rate for a natural burial than a regular burial. Mr. Healy said he has
29 not had any push back on the cost and he does not believe it is discriminatory to charge a different rate,
30 because the process and needs are different. And if that is a problem, he would raise the rate of the
31 traditional burials.

32
33 Mr. Saine, a member of the public, asked about the wicker and wood caskets and how the extra air space
34 impacts the natural burials related to sink holes. Mr. Healy asks people to walk directly from the road to
35 the grave plot and they should not encounter sink holes. Mostly, the cemetery people need to keep an eye
36 on the graves. So far, they have only used funeral homes to transfer the body. They are planning for the
37 options that would be appropriate if a family wants to move the body to the cemetery.

38
39 Mr. McCarthy asked if they are concerned that after 15 or 20 years a casket might collapse and cause a
40 problem with a mower or machine going over it. It possibly is a concern, so they are paying attention to
41 all the graves. In the case of Muslim graves, they have filled the casket with dirt and did not leave the
42 cover on the vault. In most cases, people who want a natural burial do not want a casket, usually a shroud
43 or a wicker basket. All the natural graves have grass markers and they may resort to noting on the stones
44 if there is a natural burial in the location. The outlier, the one unnoticed natural burial, can be a problem
45 because it is not anticipated in a traditional location.

46
47 Mr. Healy said some of their assistance comes from a correction facility, since 1982. He is the Director
48 and there is one staff person for the cemetery. The people from the correction facility do lawn
49 maintenance and if needed, they can assist with burials. They do not always have inmate assistance.

50
51 Mr. Boisvert, a member of the public, asked if traditional burials require a vault or outer container. They
52 do require vaults for caskets, but not for urns. They have a liability form for a cremation. If the remains
53 are not in an urn, they will not handle the remains in the future. Mr. Boisvert has worked in the

cemeteries for many years. He has seen collapses on adjacent grave sites during a separate burial ceremony. If there is a void from a gasket, there is potential for a collapse. This is a concern if natural burials are allowed in all the cemetery areas. Mr. Healy said he is not worried about it if the body is in a wicker casket and they are using a sand mixture that really packs. It should be one of the concerns if they are mixed in with other traditional burial areas. He believes a sheet or a shroud over the body is the most desirable and a wicker casket follows. A wood casket is the least desirable for a natural burial. And keeping staff protected with vaccinations is essential.

Ms. Painter clarified that this Board is not considering putting natural burials within the traditional burial settings. It is not being considered at this time.

There were no additional questions from the Board or the public. Mr. Healy said he looks forward to meeting with the Sexton and the Board in the future if the Board decides to continue discussing natural burials.

B. Continued Review of Draft Outline of Proposed Amendments

Ms. Painter suggested that the Board continue to consider all the information that they just learned and not discuss the proposed amendments at this time.

III. ADJOURNMENT

Vice Chair Palazzo MOVED for adjournment.

Seconded by Ms. Painter.

Roll Call Vote

Vice Chair Palazzo, Mr. Muzzy, Ms. Hauke, Ms. Painter, and Chair Hanchett all voting Yea.

None voted Nay.

**The Vote on the Motion was unanimously approved (5-0).*

The meeting was adjourned at 6:39 PM.

Respectfully Submitted,

Linda Billings

Recording Secretary

AGENDA
BOARD OF CEMETERY TRUSTEES
September 14, 2021

AGENDA ITEM 5
New Business:

Turf Report from Tony

Review of landscape notes

June 6, 2021

Tony Palazzo

General comments on grasses at Lebanon cemeteries

I consider the grasses currently at the Lebanon cemeteries to be low maintenance turf. To provide the resources to have the grasses look like what you see on a golf course would be very costly to start and maintain. Therefore, in my opinion, we should try to maintain a suitable and stable vegetative cover (grass and weeds) due to the application of limited resources. The major limitation in retarding good grass growth is drought. Four cemeteries have sandy soils that do not hold water. Large areas in most cemeteries are sunny and dry. In areas where there are depressions (grave settling) there are usually good grasses, which is an indication that moisture is a limiting factor. Also, soil tests of four cemeteries show acidity (average pH 5.5) and low levels of organic matter.

Most of the vegetation existing on the cemeteries are grasses, weeds (lots of crabgrass), and forbs. In general, weeds dominate. In sunny areas, crabgrass is particularly dominant in the summer. Shady areas there is moss. All areas are stable and mostly covered with vegetation, but the aesthetics is not pleasing.

I have worked on several situations with the Cemetery Sexton since being nominated for the Board of Trustees. These are:

- Conducting a fall fertilization test to hopefully bring back suitable grasses that are already present in the lawns. More on this later in this report.
- Advising on Grub control. The Valley Cemetery has an infestation of grubs that are destroying the turf. Using chemical controls are expensive and rather use a more slower, more permanent biological control method. Applying nematodes will take approximately three years to develop a suitable control population but it will be long lasting. You can do about three acres of land for only about \$200.
- Developing methods to utilize compost to improve grass growth.
- Developing plans to improve grass growth on individual cemeteries.
- Providing advice on purchasing different types of grass seed to be used in reseeded. Hopefully, fall fertilization and use of proper grass seed and fertilization during reseeded can improve the vegetative cover.

Fertilization demonstration

The general objective of the tests is improve the grasses through fall fertilization. Fall fertilization has proven to be a cost efficient/beneficial method for lawns by increasing dominance of good grasses without all the extra top growth that occurs with spring fertilization.

We established two plots at the Valley and West Lebanon Cemeteries in fall 2019 with two different rates of fertilizer at each. We applied 1 or 2 pounds of nitrogen/1000 sq ft on 10 x 50 sq ft plots. Fertilizer was 10-10-10 grade. The results were inconsistent and it looks like it depended on the vegetation we were fertilizing. Both sites are sandy and had a mixture of good grasses (fine fescues, some Kentucky bluegrass) and weeds (crabgrass) and forbs. The better results were from the West Lebanon Cemetery. The section near the road that received the regular rate of fertilizer had better grasses and this may be due to the fact that this plot started with better grasses when we fertilized. The higher rate was mostly crabgrass. At the Valley Cemetery, both sites were dominated with crabgrass and I did not notice much improvement in better grasses.

There is some evidence that from some other areas, especially with sites that were disturbed, that good grasses exist and will return with fertilization. I think we should do a second application this fall.

The benefits of the fertilization was slow, but greatly improved in the second year. We assessed the results of the 2019 test in two sandy soil areas at the Valley and West Lebanon Cemeteries. The site at Valley Cemetery there was no beneficial results by applying the fertilizer. However, at the West Lebanon Cemetery, there were beneficial results. The benefits were that there was increased prevalence of good grasses and the green color of the good grasses was noticeable among the dead crabgrass. At both sites there was no difference between the fertilizer rates. The better grasses included bentgrass, fine fescue, and orchardgrass.

It was decided to use the same areas as last year but apply only one fertilizer rate of 2 lbs nitrogen/1000 sq ft over both the previous areas. The area measured 20 x 50 feet or 1000 sq ft. We staked the site and used 10-10-10 fertilizer.

November 9, 2020

Began noting a beneficial response from the fertilizer applications at both sites. The good grasses, Kentucky bluegrass and bentgrass, were covering 40-50% of plots.

April 5, 2021

Both sites had green grasses and were in better condition than the surrounding areas. Valley Cemetery had some bluegrasses and the West Lebanon had a better grass cover with more diverse species.

AGENDA
BOARD OF CEMETERY TRUSTEES
September 14, 2021

AGENDA ITEM 5
New Business:

Natural Burials: Draft Ordinance

DRAFT ORDINANCE 2021-XX

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, to establish regulations for Natural Burials.

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

Section 1.

The Code of the City of Lebanon is hereby amended by deleting and repealing §46-7, Burials, of Chapter 46, Cemeteries.

Section 2.

The Code of the City of Lebanon is hereby amended by adding a new section, to replace §46-7 hereinabove repealed, to be §46-7, Burials, to read as follows:

§ 46-7. Burials.

A. GENERAL CONDITIONS:

- (1) 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, and/or maintenance and preservation, or purchase of any lot(s).

- (2) 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.

- (3) 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.
- (4) 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.
- (5) Preparation of grave. The digging of graves and replacement of excavated materials, other than those for natural burials as outlined in Section B below, shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works.
- (6) Ceremonial materials, if used, and lowering of remains shall be the responsibility of the funeral director or other responsible party.
- (7) Permanent Outside Containers. For burials other than natural burials as outlined in Section B below, remains for all interments, cremation or full, shall be enclosed in a permanent outside container which shall be provided by the owner of the lot or his agent, and installed under the supervision of the Cemetery Sexton or his/her designee. 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.
- (8) 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.
- (9) Entombments in City Tomb. Entombment is only available for remains that have been embalmed and are to be buried in a permanent outside container. 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.
- (10) 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 Special Revenue Fund.

B. NATURAL BURIALS:

“Natural” or “Green” burial promotes the natural decomposition of the body with minimal impact to the environment. The deceased are buried without the use of embalming fluids, permanent outside containers, or modern caskets. It is understood that people choose natural burials for a host of different reasons. In the spirit of natural burials, gravesites are not to be maintained by the City of Lebanon.

All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless policies and procedures are inconsistent with this section or with the purpose and intent of natural burials, in which case this section will govern.

- (1) Residential Restriction. Natural Burials are restricted to deceased persons who at the time of their passing were residents of the City of Lebanon only.
- (2) Permitted Location. Natural Burials are permitted in Old Pine Tree Cemetery and in Section "F" of the West Lebanon Cemetery.
- (3) Burial Process:
 - (a) All burials and services must be overseen by the Cemetery Sexton or his/her designee.
 - (b) Remains will be buried without the use of a vault.
 - (c) Human remains must be contained within a ridged casket, coffin, or renewable container and should have minimal use of nails, staples, glue, or other fasteners. External finishes of casket or container must not include latex or metallic products. Use of any oil-based finish must be plant-based. Upon ordering of grave opening and service, next of kin, designated agent or his/her designee will be required to sign an acknowledgement that the casket, coffin, or container meets all requirements stated herein.
 - (d) At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works. If upon review, there is a question of the cause of death being related to a contagious or potentially hazardous virus or disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office. Should it be determined that the cause of death could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease, a natural burial will not be permitted.
 - (e) Prior to burial, next of kin, designated agent, or other responsible party must sign and submit a release of liability and waiver form to include responsibility for all attendees of services.
 - (f) The digging of graves, lowering of remains, and replacing excavated material are the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Lebanon Cemetery Sexton or his/her designee. Graves may be dug by hand or dug with approved excavation equipment. If excavation equipment is to be used, a burial permit will be required along with proof of liability insurance to cover any damages that may be incurred during use.
 - (g) Natural burials require the bottom of the outside coffin or casket to be at a depth of five (5) feet below the natural surface of the ground with a minimum of three (3) feet previously excavated material on top of the coffin or casket to the natural surface of the ground. All material must be compacted, and an additional eighteen (18) inches of topsoil be mounded above the natural surface of the ground to accommodate for settling. Depth will be verified by the Cemetery Sexton or his/her designee.

C. BURIAL AND ENTOMBMENT RATES:

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

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

NATURAL 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

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

ENTOMBMENTS	
Any period of time between November 1 st – June 30 th	\$500

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.

All receipts from burial fees, as set forth in C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this Chapter.

Section 3.

The Code of the City of Lebanon, Section 46-5 is hereby amended as follows:

1. To amend 46-5.C.2 to read as follows:

The Board of Cemetery Trustees may recommend to the Council the designation of areas in any cemetery, as space permits, to be laid out exclusively for cremation burials or natural burials, and applicable dimensional requirements therefore.

2. To add new sub-paragraph “(4)” to Section 46-5.D, Lot size established, to read as follows:

(4) Natural Burial Lots: Six feet by 11 feet or 66 square feet.

Section 4.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(3)” to Section 46-6.C, Purchase procedure, to read as follows:

- (3) Natural Burial Lots may only be purchased at time of death as burials will occur in sequential order based on time of death and interment. Lot purchases shall require the completion of a cemetery application as provided in paragraph (1) above.

OR

- (3) Natural Burial Lots may be selected and purchased as provided in paragraph (1) above. However, location of actual burial is subject to change if an existing grave or graves must be traversed with excavation equipment required to dig a new grave. All attempts will be made to bury individuals within their chosen grave lots. Lot purchases shall require the completion of a cemetery application as provided in paragraph (1) above and are contingent upon acceptance by the purchaser of the potential need to bury the individual in a different lot than the one selected.

Section 5.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(5)” to Section 46-6.F, Charge of lots, to read as follows:

- (5) Each natural burial grave: \$900 (Grave lot \$450; Cemetery Maintenance Special Reserve Fund \$450)

Section 6.

The Code of the City of Lebanon is hereby amended to add new sub-paragraph “(4)” to Section 46-8.B, to read as follows:

- (4) Lots within designated Natural Burial sections of any municipal cemetery will not be mowed or trimmed of grass, raked, cleaned, or graded, either by the City or any other party. The City will, however, perform vegetative maintenance to prevent reforestation of Natural Burial sections on as needed basis.

Section 7.

The Code of the City of Lebanon is hereby amended to redesignate the existing paragraph “(B)” as paragraph “(C)” and to add new paragraph “(B)” to Section 46-9, Monumentation, to read as follows:

B. In areas designated for natural-only burials, a single flat stone may be placed at the foot of the plot as a marker. The stone must be level with the ground and may not exceed twelve (12) inches by twenty-four (24) inches. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran’s grave.

Section 8. 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 9. Effective Date.

This ordinance shall become effective _____.

AGENDA
BOARD OF CEMETERY TRUSTEES
September 14, 2021

AGENDA ITEM 5
New Business:

Natural Burials: Lebanon Natural Burial Waiver Form

**CITY OF LEBANON
NATURAL BURIAL AGREEMENT**

1. **PARTIES:**

“CITY”: City of Lebanon, NH

“DECEDENT”: _____
(Name of Decedent)

“REPRESENTATIVE”: _____
(Use Reverse Side (Name of Funeral Director or, if none, Decedent’s Representative)
for Additional Names)

“RELATIONSHIP”: _____
(If not Funeral Director, Identify the Relationship of Representative to the Decedent)

2. **AUTHORITY OF REPRESENTATIVE:** The REPRESENTATIVE warrants and represents to the CITY that the REPRESENTATIVE is the person or the appointed agent of the person who by law has the paramount right to arrange and direct the disposition of the remains of the DECEDENT and that no other person(s) has a superior right over the right of the REPRESENTATIVE.

3. **DECEDENT RESIDED IN THE CITY AT TIME OF PASSING:** The REPRESENTATIVE warrants and represents to the CITY that the DECEDENT was, at the time of their passing, a resident of the CITY.

4. **NATURAL BURIAL REPRESENTATIONS:** As provided in Lebanon City Code §46-7(B), while the details of a “Natural Burial” may vary, they promote the natural decomposition of the remains with minimal impact to the environment. The REPRESENTATIVE warrants and represents to the CITY that:

- A. The DECEDENT’s remains have undergone minimal preparation, without use of embalming or preservation services;
- B. The DECEDENT’s remains are contained within a ridged casket, coffin, or renewable container with minimal use of nails, staples, glue, or other fasteners;
- C. That external finishes of the casket or container do not include latex or metallic products and that any oil-based finish is entirely plant-based;
- D. That the remains will be buried without the use of a vault;
- E. The REPRESENTATIVE and/or their agent(s) will be responsible for the digging of the grave, lowering remains, and replacing excavated material, either by hand or using CITY-approved equipment, will meet all depth and coverage requirements in City regulations, and shall follow all instructions of the Lebanon Cemetery Sexton or designee;
- F. If such equipment is used, the REPRESENTATIVE will provide proof of liability insurance to cover any damages that may incurred during use; and

G. That the grave marker will conform to requirements of City Code §46-9(B).

5. **WAIVER, RELEASE AND INDEMINIFICATION:** The REPRESENTATIVE understands, acknowledges and agrees to all of the following regarding the REPRESENTATIVE's choice of a Natural Burial:

A. The REPRESENTATIVE understands all of the following limitations and potential risks of Natural Burial:

- a. Potential for injury and/or damage to persons, property, the remains of the DECEDENT, and other burial plots caused by actions or omissions of the REPRESENTATIVE or his/her agents or designees while preparing the grave, attending the burial, lowering remains, and/or replacing excavated material, and potential for such events caused by similar activities during other burials in the area;
- b. Potential settling and/or sinking of the ground over, under and/or around the gravesite;
- c. Potential disturbance of the gravesite by animals; and
- d. The inability in the future to exhume/disinter remains and move them at a later date without an order from a court of competent jurisdiction.

B. The REPRESENTATIVE, for him/herself, the DECEDENT, and anyone who might claim through one or the other of them, hereby releases all claims and agrees to indemnify and hold harmless the CITY, its employees, agents, representatives, and officials, from any and all claims, damages, complaints, causes of action, suits, liabilities, demands and expenses (including attorneys' fees) of any nature whatsoever, both at law and in equity, arising out of or in any way related to the Natural Burial authorized herein, except for those arising from the willful misconduct of the CITY; and without limiting the foregoing, further agrees that, as between REPRESENTATIVE and the CITY, the REPRESENTATIVE shall be responsible for any and all such damages, injury, or other loss to themselves, to their agents and designees, and/or to the attendees of such Natural Burial.

6. **REQUEST FOR PERMISSION TO CARRY OUT NATURAL BURIAL:** The REPRESENTATIVE hereby requests permission from the CITY to carry out the Natural Burial contemplated herein, with the understanding and acceptancy by the REPRESENTATIVE of the various risks and obligations described herein and in Chapter 46 of the Lebanon City Code.

DATE:

SIGNATURE OF REPRESENTATIVE

Print Name:

ADDITIONAL REPRESENTATIVES

<u>Name</u>	<u>Relationship to Decedent</u>	<u>Signature</u>

AGENDA
BOARD OF CEMETERY TRUSTEES
September 14, 2021

AGENDA ITEM 5
New Business:

Natural Burials: City Code Chapter 46 Cemeteries

Chapter 46

CEMETERIES

§ 46-1. Declaration of policy.

The City Council of the City of Lebanon hereby ordains that the following rules and regulations are hereby established to constitute an ordinance for the proper operation and use of municipal cemeteries within the City of Lebanon. The City Council recognizes that the municipal cemeteries are places of honor and respect reserved as a final resting place for the people of the City and desires to have the cemeteries maintained in the best possible manner and firmly believes that these rules and regulations are necessary for the protection of the City and of lot and grave owners, and for the proper conduct and good order of the cemeteries.

§ 46-2. Application of rules and regulations.

- A. The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. The City Council of the City of Lebanon, upon its own motion, or upon recommendation of the City Manager and/or Board of Cemetery Trustees, for good cause shown, may modify, suspend, repeal, or amend the provisions of this chapter in whole or in part thereof.

§ 46-3. General regulations.

The following shall be the general rules and regulations for use of municipal cemeteries as specified in § 46-5 herein. No person shall:

- A. Enter a cemetery except through an established gate or entranceway.
- B. Deposit rubbish or debris on cemetery grounds.
- C. Pick or damage any flowers, tree, shrub, (either wild or domestic) soil, or other plant material.
- D. Use the cemeteries as picnic grounds, or consume any liquor or alcoholic beverages, in accordance with RSA 175:I, XIII, and Article I, Consumption in Certain Places, of Chapter 14 of the Code of the City of Lebanon in a cemetery, or bring the same upon the premises.
- E. Use any form of advertising on municipal cemetery premises.
- F. In any way injure or deface any monument, stone, fence or other structure, or property within any municipal cemetery.
- G. Allow any unleashed dogs in any municipal cemetery.

- H. Cause or allow any horses or horseback riding within or through cemeteries expressly prohibited except when authorized by the Director of Public Works or his/her designee for a burial ceremony.
- I. Allow a child under the age of 14 years of age in any municipal cemetery unless accompanied by an adult.
- J. Use skates, a skateboard, bike or dirt bike, or similar instrumentalities on municipal cemetery property.
- K. Enter any municipal cemetery between the hours of 10:00 p.m. and 6:00 a.m.
- L. In accordance with Chapter 18, Animals, § 18-12, an owner or person having custody of any dog or other animal shall not permit said dog or other animal to defecate in any cemetery unless said defecation is removed immediately and properly disposed of in a container for trash or litter or similar manner. Any person having control over a dog or any other animal, whether or not the owner, and has knowledge that such dog or other animal is defecating on cemetery grounds and does not remove and properly dispose of the defecation in a container of trash or litter or similar manner, shall be in violation of this chapter.

§ 46-4. Traffic regulations.

- A. Any person operating a vehicle within any municipal cemetery shall be subject to all the traffic laws of the City of Lebanon and State of New Hampshire applicable to motor vehicle operation.
- B. No person shall operate or cause to operate any vehicle within a municipal cemetery except for cemetery business and only on roads designed for that purpose, and no vehicle shall be driven at a speed in excess of 10 miles per hour upon any roads within municipal cemeteries.
- C. No person shall enter any municipal cemetery with a loaded truck, except the City maintenance crews, unless permission has been received from the Department of Public Works.
- D. No person shall unload or remove any stone, dirt or other material in any municipal cemetery, except the City maintenance crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without express permission and consent of the Department of Public Works.
- E. No person shall operate an off-highway recreational vehicle in any municipal cemetery.

§ 46-5. Establishment of municipal cemeteries.

- A. The City Council of the City of Lebanon, acting on its own motion, or upon formal recommendation by the Board of Cemetery Trustees shall

have the final authority for the establishment of municipal cemeteries within the corporate limits of the City of Lebanon and shall as the need arises set aside new City-owned ground areas for this purpose.

- B. Existing cemeteries. The following named existing cemeteries shall be deemed to have been established as municipal cemeteries:
- (1) Glenwood/Mt. Calvary Cemetery: 117 Dulac Street, Lebanon.
 - (2) Valley/Sacred Heart Cemetery: 258 Mascoma Street, Lebanon.
 - (3) School Street Cemetery (Village Cemetery): 30 School Street, Lebanon.
 - (4) West Lebanon Cemetery: Pleasant Street, West Lebanon.
 - (5) Old Pine Tree Cemetery: Old Pine Tree Cemetery Road, West Lebanon.
 - (6) Mascoma Cemetery: 685 Dartmouth College Highway, Lebanon.
 - (7) Cole Cemetery: 108 Great Brook Road, Lebanon.
 - (8) Upper Valley Jewish Community Cemetery: 267 Mascoma Street, Lebanon (not City-owned, City-maintained per quitclaim deed (statutory form) dated April 18, 1994, bk2085 pg0354).
- C. Platting of cemeteries. Before any new land is opened for municipal cemetery use and the sale of lots, the City Manager shall have such land area laid out showing the system of streets and avenues, and a numbered system of lots; such platting to be done by a registered surveyor and results thereof to be recorded with the Grafton County Registry of Deeds.
- (1) Indigent plots. Single grave lot sections shall be established within cemetery areas for the use of the City for the burial of indigent persons.
 - (2) The Board of Cemetery Trustees may designate areas in any cemetery, as space permits, to be laid out exclusively for cremation burials, and may by regulation establish applicable dimensional requirements therefor.
- D. Lot size established. Lot sizes for municipal cemeteries are hereby established as follows:
- (1) Each single grave: four feet by 11 feet or 44 square feet.
 - (2) Each infant grave: 24 inches by 44 inches or 1,056 square inches, 7.4 square feet.
 - (3) Each cremation lot: 24 inches by 24 inches, or 4 square feet (applies to Sacred Heart and West Lebanon Cemeteries only).

- E. Plat Review. The preliminary plan and layout of new municipal cemetery land areas shall first be submitted to the Board of Cemetery Trustees for nonbinding comments and recommendations, and then shall be submitted to the Planning Board for review and approval. Upon approval, the Planning Board shall advise the City Council of its approval with recommendation for adoption.
- F. There is hereby established, pursuant to RSA 31:95-c, the Cemetery Maintenance Special Revenue Fund, whose purpose shall be the funding of cemetery general maintenance, preservation and capital improvements. All revenues from the portions of the lot prices designated for placement into the Cemetery Maintenance Special Revenue fund under § 46-6F of this chapter below shall be accounted for in that special revenue fund, which shall remain separate from the general fund, shall not be deemed part of the general fund accumulated surplus, and which shall be expended only after a Council vote to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund. **[Added 9-2-2020 by Ord. No. 2020-03]**

§ 46-6. Purchase of lots, deeds and ownership.

- A. Condition of lot purchases. Lots purchased in the laid-out sections of cemeteries in the City of Lebanon shall be conveyed by Cemetery Deed, using a format adopted by regulation by the Board of Cemetery Trustees. Conveyance of a lot shall not be deemed to convey ownership of a fee interest, but solely of a perpetual right in the nature of an easement, including interment and placement of monuments in accord with City regulations, and which shall remain subject at all times to the provisions of the City Charter, City ordinances and regulations, and applicable state laws, including any subsequent amendments to such provisions.
- B. Ownership of lots. For purposes of this chapter the ownership of a lot shall be determined as set forth in RSA 290:24, provided, however, that the deed form to be adopted by the Board of Cemetery Trustees shall contain provisions whereby each lot purchaser shall have designated, to the extent possible, the person or persons to whom ownership will pass, or a manner for the determination of such ownership when the purchaser or a designated prior owner is deceased — to be applicable both before and after a person is interred on the lot. Such deed provisions shall be deemed to supersede any inconsistent provisions contained in wills or other document, with respect to the cemetery lot. The Board of Cemetery Trustees shall, by regulation, adopt a procedure for hearing and resolving the issue of lot ownership when it has become uncertain or is in dispute. The decision of the Board of Cemetery Trustees on this issue shall be final, in the absence of a petition to the court of probate under RSA 290:24, III.
- 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 a 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 Subsection B above. Full payment (grave and payment into the Cemetery Maintenance Special Revenue Fund) is required at the time of purchase. **[Amended 9-2-2020 by Ord. No. 2020-03]**
 - (2) Licensed funeral directors may act as agent of a purchaser for the selection and purchase of lot(s) required for immediate need. The funeral director shall be responsible for fully completing the cemetery application with the correct purchaser and owner information necessary for the preparation of the deed, as set forth in Subsection B above, and for the payment of all fees outlined in this chapter on behalf of the purchaser. In addition, the owner must sign the application before a deed will be recorded.
- D. Records of cemeteries and purchase of lots. The keeping of records for the cemeteries of the City of Lebanon shall be the responsibility of the Department of Public Works. All maps showing laid out sections of each cemetery, records of lot ownership and burials shall be kept by the Department of Public Works. Copies of the deeds conveyed for lot purchases shall be recorded by the City Clerk in a book provided for this purpose.
- E. Transfer of lots/graves. No transfer or assignment of a lot or individual graves shall be made by any owner without the express approval of the City Manager, or his/her designee and all transfers shall be made using a form approved by the Board of Cemetery Trustees, executed through the Department of Public Works, and recorded by the City Clerk in the cemetery records. A fee of \$25 shall be paid to the City of Lebanon for such deed transfers.
- F. Charge of lots. The following prices are established as the purchase prices for cemetery lots and for required contributions to the Cemetery Maintenance Special Revenue Fund. (Cemetery Maintenance Special Revenue Fund payment is 50% of a grave lot cost): **[Amended 9-2-2020 by Ord. No. 2020-03]**
- (1) Each full grave: \$600 (Grave lot cost is \$300; Cemetery Maintenance Special Revenue Fund is \$300).

- (2) Each infant grave: \$250 (Grave lot cost is \$125; Cemetery Maintenance Special Revenue Fund 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; Cemetery Maintenance Special Revenue Fund 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. [Amended 9-2-2020 by Ord. No. 2020-03]

- 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, and/or maintenance and preservation, 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.
 - (1) 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.

- (2) 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.

- (1) 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 § 46-7D above)	\$875
Full burial opening	\$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 § 46-7D above)	\$450
Cremation burial opening	\$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	\$75

- (2) 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.
- (3) All receipts from burial fees, as set forth in Subsection E above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this chapter.
- 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 1 of any year. All human remains must be removed from the City Tomb no later than the following June 15. 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 aboveground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance Special Revenue 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.

- A. Responsibility of the City. The general maintenance of the municipal cemeteries and grounds, designed to improve and maintain their appearance and condition, shall be the responsibility of the City. It shall include such items as the upkeep of drives, buildings, fences, spring and fall cleanup, raking of leaves, and the general periodic mowing of grass. Municipal cemeteries will be cleared of all flowers, artificial or natural, on April 1 and October 1, for a period of one month, each year. Any person wishing to retain their plants, flowers or pots (cement pots excluded) shall remove them prior to those dates.
- 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. **[Amended 9-2-2020 by Ord. No. 2020-03]**
 - (2) The City shall not be responsible for the maintenance or repair of any monuments, stones, markers or walls located on individual lots, nor the planting or care of flowers or plants thereupon, even where permitted under Subsection C below. Such maintenance and repair shall be the responsibility of the owner or owner's family, with any decisions concerning such maintenance or repair, or any other aspect of the individual lot, to be within the discretion of the owner, as determined under § 46-6, so long as such decisions are consistent with applicable regulations.
 - (3) Exception: The City may in its discretion expend public funds to repair grave markers or monuments which have been damaged by act of God or vandalism, or have deteriorated due to lengthy neglect, and if no responsible owner can be identified or located. Prior to performing such work, the City shall make reasonable efforts to determine and notify the then-current responsible owner, as determined pursuant to § 46-6, but such efforts shall not require a search of deed or probate records. The City may contract out for such marker/monuments repair as it deems required. All contractors shall provide a certificate of insurance, evidencing coverage at such levels as the City may determine.
- C. Planting trees, shrubs and flowers prohibited. No trees, flowers or shrubs shall be permanently planted in any lot in any municipal cemetery. Existing trees or shrubs may be removed by the Department

of Public Works if detrimental to the cemetery, adjoining lots, or inconvenient to the care and maintenance of lots. Natural flowers and plants shall be potted in containers and placed only in the front of the monument within the bounds of the lot readily movable for maintenance operations. Any plants that have died may be removed and disposed of by the Department of Public Works.

- D. Grading and care of lots. All grading of lots shall be done by the Department of Public Works upon request of the owner, and no person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area. No person shall discharge any chemical or organic fertilizer, herbicide or other substance on any lot without prior authorization by the Department of Public Works.
- E. Curbing and fencing. No curbs or fences shall be permitted around any individual lot or group of lots.

§ 46-9. Monumentation. [Amended 9-2-2020 by Ord. No. 2020-03]

- 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 inches width for a single grave, 72 inches width for two graves, and 84 inches 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 § 46-12B. 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 - one foot [12 inches] by two feet [24 inches]. Additionally, for every new foundation installed, there will be a \$75 fee for future maintenance and preservation, to be placed in the Cemetery Maintenance and Preservation Trust Fund.
 - (b) The charge for setting cornerstones: \$40 per lot (\$10 each).
 - (c) The charge for setting grass (flat two-foot by one-foot) markers: \$50 per marker (Additional charges may be applied for larger size markers). There is no fee for setting government provided military markers.
- (3) Foundations are set three times per year. Orders are accepted up to May 1, July 1 and October 1 and are coordinated through the Department of Public Works.

§ 46-10. The Cemetery Maintenance and Preservation Trust Fund and existing perpetual care funds. [Amended 9-2-2020 by Ord. No. 2020-03]

- A. Beginning on the date of adoption of the 2020 amendment to this chapter (September 2, 2020), the buyers of lots in Lebanon municipal cemeteries shall no longer be required to create a separate perpetual care trust fund.
- B. 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. Interest income received from perpetual care trusts created prior to the adoption of the 2020 amendment to this chapter shall be transferred annually by the Trustees of the Trust Fund to the Cemetery Maintenance and Preservation Trust Fund. Total income or principal from the fund may be expended by the Board of Cemetery Trustees 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 § 46-8B(3).
- C. As set forth in RSA 31:19-a, III, custody and investment of the Cemetery Maintenance and Preservation Trust 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. 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.

- D. 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; provided however, that interest income received from those trusts may be transferred annually by the Trustees of Trust Funds to the Cemetery Maintenance and Preservation Trust Fund, as long as such transfers are consistent with the terms of those trusts.
- E. 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.

§ 46-11. Violations and penalties.

- A. The penalty for violating any provision of this chapter or any regulation adopted under this chapter shall not exceed \$1,000 as provided in RSA 47:17, and the City will request that the court order restitution.
- B. Any person violating any provision of § 46-3 or § 46-4 above shall comply with the order of a police officer to leave the cemetery, and the failure to so comply shall constitute a violation in addition to the underlying violation of those provisions.
- C. In the event that an owner or other person is maintaining a cemetery lot or monument in a manner inconsistent with this chapter or with regulations adopted hereunder or any permit issued hereunder, in addition to any other remedy or penalty, the Department of Public Works may notify the owner or other person, if known, in writing concerning the deficiency, and setting forth a date before which corrective action must be taken, and if the violation remains uncorrected by that date, the Department may take action to correct the violation, including the removal of markers or monuments in violation.

§ 46-12. Authority of Cemetery Trustees.

- A. In accord with RSA 289:7, I(a), the Board of Cemetery Trustees may adopt such bylaws, regulations or forms as are consistent with this chapter and with applicable state and federal law. Such regulations may include procedures for the Cemetery Trustees to review, on request, a decision made by the Department of Public Works under this chapter.
- B. The Cemetery Trustees may upon request, grant exceptions to the restrictions on individual lots as set forth in § 46-7 above, including but not limited to permitting trees, shrubs, curbs or fencing on lots. However, any such exception shall require a long-term agreement giving the owner(s) responsibility for maintenance of any such plants or structures, such agreement to be approved by the Cemetery Trustees

and signed by the owner. In the event the plants, structures or other conditions permitted by such exception are not maintained in accord with the agreement, the City may remove or otherwise remedy them.

- C. This chapter and all regulations or exceptions adopted hereunder shall be administered by the Cemetery Trustees and Department of Public Works in such a manner as will not be discriminatory toward any person on account of religion, creed, race, color, ethnicity or national origin.