

FINAL

**CITY OF LEBANON
BOARD OF CEMETERY TRUSTEES
REGULAR MEETING MINUTES
CITY HALL and
REMOTE VIA Webex
LebanonNH.gov/Live
TUESDAY, October 12, 2021
5:00 PM**

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

MEMBERS ABSENT: None

STAFF PRESENT: Shaun Mulholland – City Manager, Paula Maville – Deputy City Manager, Patrick McCarthy – Cemetery Sexton

GUESTS: Doug Boisvert, Billy Saine, Judith Bush, Rainie Kelly, Sarah Riley

I. CALL TO ORDER

The meeting was called to order at 5:00 PM by Vice Chair Antonio Palazzo.

II. APPROVAL OF MINUTES

A. June 8, 2021

*Ms. Hauke MOVED to approve the June 8, 2021 Minutes as presented with amendments.
Seconded by Mr. Muzzy.*

Amendments: Page 2 Line 20: Remove ‘a diagonal fence in the cemetery’ and Add ‘can the fence be parallel to the path up in the cemetery.’ Add ‘Patrick McCarthy’ to Staff Present.

*Ms. Painter, Ms. Hauke, Mr. Muzzy, Vice Chair Antonio Palazzo and Chair Hanchett all voting Yea.
None voted Nay.*

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

B. March 23, 2021

*Mr. Muzzy MOVED to approve the March 23, 2021 Minutes as presented.
Seconded by Ms. Hauke.*

*Ms. Painter, Ms. Hauke, Mr. Muzzy, Vice Chair Antonio Palazzo and Chair Hanchett all voting Yea.
None voted Nay.*

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

The Board discussed the need to vote on new officers for the Board of Trustees. Vice Chair Palazzo suggested that they postpone the vote.

*Chair Hanchett MOVED to wait until next month to vote for officers.
Mr. Muzzy seconded.*

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

III. CEMETERY SEXTON REPORT

A. Monthly Report

September was a steady month, with burials, turf work, and cleanup. In October they will work in the recreation areas. They have lost their temporary staff. This month there were two full weekday burials and four cremations, one weekday and three on weekends.

IV. OLD BUSINESS

A. Fencing at Valley Cemetery

Patrick McCarthy and Jim Donison evaluated the area where the fence is going to be installed and met with the representative from the Springfield Fencing Company. The recommendation is for a chain link fence at the new price of \$15,250 because costs have been increasing. The quote is for an access gate in a 6-foot fence. This would tie into the Interstate and Renihan Meadow chain link fences. They believe the chain link fence is better than a split rail fence because it would attach to the same type of fence at those two end points. They did not get a price for the split rail as it was going to be more expensive, and Springfield chose to not provide a price quote. Ms. Painter said she was asked to make recommendations for alternative fences at the last meeting where the fences were discussed. Her response to the Sexton was she did not have any additional recommendations, other than to duplicate a split rail fence similar to what is along the rail trail. She is concerned that a quote was not obtained for comparison after her email recommendation. She also noted that at this time the price of pressure treated wood has come down and asked that someone else bid on a split rail fence.

Ms. Painter MOVED that pricing for a split rail fence be obtained, duplicating the type of fence that is along the rail trail.

Seconded by Ms. Hauke.

Ms. Bush said she has recently looked at fencing at LaValley and they make fences in there Newport location. She thought a price comparison with them is advisable. Ms. Kelly said the fence on the Rail Trail was constructed by a company out of Windsor. Also, there is a bench below the cemetery near the location of the proposed fence and the bench should remain in the location where it is. Further, the people who donated the bench are not in favor of having a chain link fence behind the bench. Mr. Boisvert reminded everyone that the purpose of the fence is to keep bikers from using the path and he does not believe a split rail fence would do that. Billy Saine said he also believes a split rail fence would not stop bike traffic. Mr. Muzzy said he believes a chain link fence is a better option. Ms. Bush asked if the Cemetery Board, Greenway Committee or someone else has oversight of the area where the fence would be installed? City Manager Mulholland said the final decision is his, but he intends to follow the decision made by the Board, unless it is unreasonable. The Board has discretion over their own budget.

Mr. Muzzy said people are still coming up the path that is not supposed to be walked or biked on. They continue to trespass, and he believes a fence should be put in as soon as possible. Ms. Painter said a fence at the top of the hill would prevent people from dumping and it could connect to the other chain link fence up there. It is a flat area which would be easy to install.

Ms. Painter and Vice Chair Palazzo believe it is in the best interest of the community to have a second bid for the split rail fence, before a decision is made. He believes the fence needs to be a secure fence and it should be along the Greenway.

****The Vote on the Motion was approved (3-2).***
Chair Hanchett and Mr. Muzzy voted nay.

V. NEW BUSINESS

A. Turf Report

For the last two years they have been working on the grasses for the cemeteries. With limited resources and low maintenance in mind, the goal is to get a variety of plants to grow that will stabilize the soil. The major enemy is crab grass and grubs. Grub control can be done with expensive chemicals and the milky spore bacteria. They will try using nematodes, but it will take several years to establish. They have yet to use any compost because currently there is no compost from the land fill available. They are also splitting up the cemeteries into separate sections, because only some areas need to be treated with fertilizer. They have been advising on the right grass to use with sandy soil and dry conditions.

B. Assessments of Cemeteries

Most of the assessments have come in and they will be compiled by the Sexton when all the information from the last Board Member has been received. The results of the assessments will be compared to the previous year assessments, using the format that was used in previous years.

C. Natural Burials

Paula Maville reviewed and summarized the changes to the current Chapter 46 document, that would become the new draft ordinance to be presented to the City Council. The draft ordinance is in the agenda packet for this meeting, starting on page 16. The new draft ordinance only addresses the sections of the Chapter that they want to amend.

Section 1 is the section that repeals the existing 46-7, the burial provisions.

Section 2 provides the new language that would be the new Section 46-7. It contains three sections: general conditions, natural burials, and fee schedules for burials. The subsections and paragraphs are outlined in the document that the members have had for review for several weeks.

Section 3 of the ordinance in Chapter 46 contains text changes authorizing the Board of Cemetery Trustees to recommend areas of cemeteries that can be used for natural burials and cremations. It also includes the size of graves for natural burials.

Section 4 has two proposed language changes regarding purchasing a natural burial lot and the Board of Trustees would have to determine what language they want to include in the ordinance. The first option only allows purchase of a plot at the time of death, and lots would be assigned in a sequential order. The second option allows for the purchase at any time, like a traditional grave site, however the location is subject to be changed if an existing grave must be traversed with excavation equipment. Otherwise the grave must be hand dug.

Section 5 addresses the purchase of lots for natural burials.

Section 6 amends section 46-8, giving provisions for natural graves. It proposes that maintenance would not be done by the City, except for maintenance to prevent reforestation.

Section 7 addresses the monumentation that can be used in natural burial locations.

Vice Chair Palazzo asked for general comments from the Board, without discussion of Section 4 which will require a decision, before opening the discussion for public comment.

Ms. Painter suggested striking Lebanon, before Cemetery Sexton on Page 18, Section 3F.

Mr. McCarthy read an email to the Board from Judith Bush, Mary Childers, Rainie Kelly, and Sarah Riley. They wrote five questions and statements, relating to the revisions to the Chapter as it is currently drafted.

1. What is the rationale for the proposal that "The digging of graves, lowering of remains, and replacing excavated material are the responsibility of next of kin, designated agent, or his/her designee."?

The City believes it is for safety of the staff. The City is concerned about disease and the safety regarding the instability of the ground when a hard casket is not part of the burial.

Ms. Riley said she believes the shifting of soil is a problem for all graves and she does not think it is right for the family to have to find a grave digger. If there is safety and shifting issues, the City staff should know how to handle the situation. She would like this looked at more carefully. Rainie Kelly, asked if part of the concern has to do with the type of equipment used by the City and lack of training of staff. Mr. McCarthy said it is not lack of training, disease is a potential problem. And they do use heavy equipment. In the future it is possible that the City may be willing to dig the graves, but at this time, the City is not in a position to take on this risk. There would be a waiver signed by anyone outside the City that provides service in a cemetery and the digging of the grave would be overseen by the Sexton. The Board would like the City to provide a list of vetted contractors who will dig graves. The Board discussed several contractors who dig graves, and those names will be available to families. Ms. Riley pointed out that if natural burials are going to have to hire a contractor, then she believes people would be double billed for digging and filling the grave. That is not the case as the fees are required for more than digging the grave and staff will still be present during the digging of the grave.

2. Is it legal to deny equal City services to those who choose natural burial? If City employees are not to be responsible for providing a service for natural burial that is provided for conventional burial (such as the opening/closing of the grave), shouldn't the City contract with a burial service so that all residents are treated equally regardless of their choice of natural or conventional burial?

This is not a protected class, therefore there is no discrimination. Different burials are treated differently. Ms. Hanchett said other cemeteries are charging substantially more for natural burials than the proposed Lebanon fees. Fees involve many more services and expenses besides opening and closing graves. The City does not believe they are over charging families for natural burials.

3. Please explain the rationale for the requirement that "...the bottom of the outside coffin or casket to be at a depth of five feet below the natural surface of the ground..." In order to achieve optimal decomposition of remains by natural microbial activity, the Green Burial Council recommends a grave depth of between 3.5 and 4 feet.

The City chose to set this depth because caskets, burials containers, and bodies are different sizes. They believe the safety of the extra dirt allows extra structure and the decomposition would still be adequate. In the future they can consider if the depth can be adjusted. They would base those decisions on their experience with natural burials. Ms. Riley asked, if the City is not willing to dig these graves, one recommendation would be to allow these burials to occur without a casket, and then there would not be this problem. City employees would not have to be involved. The main tenet is burial at a depth that maximizes decomposition and microbial activity. Mr. Muzzy said some type of container is required if it is going to be done in West Lebanon because the cemetery is so close to the grade school. The more important number is how many inches of soil is on top the grave and that must be at least 18 inches. Mounding is helpful. A five-foot depth is not the recommended amount, but it is not that far off the recommended 4 feet. Decomposition may not happen as quickly, but it will happen. Different soils have different organisms.

4. Please explain the features of the City Tomb. Why can it accommodate only embalmed bodies? If weather, frozen ground, or other conditions delay burial, can refrigeration be provided for the remains

awaiting natural burial? If not, could those remains be stored in the City Tomb for a limited number of days prior to burial?

They discussed the State law regarding embalming and viewing of bodies and the practices of funeral homes. The City entombment does not have any refrigeration or climate control. There is no telling how long a body is going to be in the tomb, and there can be up to 60 bodies in the tomb. Because it is not climate controlled, the temperature of the remains fluctuates with the temperature outside. It is literally a foundation under a building. Fluids can be seeping out if a body is not embalmed. Currently bodies are embalmed and pouched. Green burials recommend getting a body in the ground within a week and it would be bad to have the freeze thaw cycles that occur during the winter.

5. Given the limitations of the proposed natural burial area at Old Pine Tree Cemetery (lack of road access to the top of the hill, lack of safe off-street parking, and steep, rough terrain for those with mobility issues), we appreciate the simultaneous inclusion of a natural burial area at the West Lebanon Cemetery. What changes, if any, and at what cost, does the Board foresee making at Old Pine Tree Cemetery and does the Board anticipate allowing natural burial in other locations in the future?

In the assessments, parking has been noted as a problem at Old Pine Tree. It seems like a solution is more pertinent if there will be natural burials at that location. Mr. McCarthy reminded the Board that the slope and drainage work can be done to improve parking and the City can improve parking by adding fill. The area where the natural graves are intended to be, was plotted out last year. There is room for 166 natural graves. They were able to get small equipment up to that area of the cemetery. They may want to improve the road for people who have mobility issues.

Ms. Bush asked if the road going up to the back of the cemetery is a private road. The City does not have a right of way to that road. To the left of that road there is an actual entrance to the cemetery and an overgrown road that was used by equipment. That is how the City gets up to the top of the cemetery. It is believed that the City will be responsible to make sure the road is navigable.

Ms. Kelly believes it was wise to offer a choice of cemeteries. It is the older population that will likely be considering a natural grave and she believes Old Pine Tree Cemetery will be a challenge for older people. The Board and the Public discussed the advantages and disadvantages of using both West Lebanon Cemetery as well as Old Pine Tree Cemetery.

Mr. Muzzy MOVED to make the recommendation to start at the Old Pine Tree Cemetery for the first two years.

Seconded by Vice Chair Palazzo.

***The Vote on the Motion was approved (4-1).**

Ms. Hauke voted nay.

The Board discussed Section 4. A person could prebuy a lot, but the grave site would be assigned in sequential order at the time of death. The language needs to be clarified. Ms. Kelly said she understands the need to be assigned in sequential order, but it is difficult to make the decision to not be buried with other family members. She prefers the option to prebuy and be buried next to family members. The second option is to purchase a plot with other family members, but it requires hand digging the graves.

Ms. Hauke MOVED to make the recommendation of the second option under Section 4.

Ms. Painter Seconded the Motion.

***The Vote on the Motion was approved (4-1).**

Vice Chair Palazzo voted nay.

Ms. Painter MOVED to recommend the changes to the draft of the natural burial ordinance and to submit it to the City Council.

Mr. Muzzy seconded.

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

VI. FUTURE AGENDA ITEMS

VII. ADJOURNMENT

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

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

The meeting was adjourned at 7:01 PM.

Respectfully Submitted,
Linda Billings
Recording Secretary