



**LEBANON BOARD OF CEMETERY TRUSTEES
SPECIAL MEETING
TUESDAY, MARCH 23, 2021 - 5:00 PM
REMOTE VIA MICROSOFT TEAMS
LEBANONNH.GOV/LIVE**

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- 1. Call to Order**
 - 2. Discussion Item: Natural Burials**
 - A. Discussion with Director Patrick Healy, Green Mount Cemetery, Montpelier, VT
 - B. Continued Review of Draft Outline of Proposed Amendments
 - 3. Adjournment**

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend 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 Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT LEBANONNH.GOV

AGENDA
BOARD OF CEMETERY TRUSTEES
SPECIAL MEETING
March 23, 2021

AGENDA ITEM 2
DISCUSSION ITEM: Natural Burials

**Discussion with Director
Patrick Healy, Green
Mount Cemetery,
Montpelier, VT**

Definition: burial of a non-embalmed body at a depth of no shallower than 3 ½ feet. The body is buried within a natural wood casket, a shroud, or other cloth covering. The objective is to compost the body as fast as naturally possible.

Expectations:

Timing: Burial of the body as soon as possible including during the Winter months is crucial. As time of death becomes imminent, informing cemetery employees is also crucial. Preneed planning for a natural burial is indispensable for all involved.

Backfill: If the soil is gravel, clay or otherwise unsuitable for proper decay, proper backfill soil will need to be added. Green Mount uses a mix of our own compost and sand. A four inch layer of compost or hay may be added to the bottom of the grave prior to burial.

Lowering of body: A casket lowering device can be used but airspace due to removing the straps will create a void between the bottom of the grave and the body. Green Mount a wide rough cut board with natural rope handles that are left with the body in the grave.

Moving of the body to the grave: Family/Friends are expected to partake in this process.

Smell/Body Stains: At times smells and stains on the shroud/cloth coverings will be present

Soil Settling: The backfill will settle as the body is composting and additional soil will be needed. Presently here at Green Mount we do not hump up the backfill above the grade of the land. For Winter Burials, bales of hay will be placed on top to keep the soil from freezing and thawing.

Service at the graveside: It is crucial to place the body in the grave ASAP once the body is delivered to the cemetery. Once placed in the grave, then traditional services can begin. Family/Friends participating in shoveling backfill into the grave is highly advised.

Size of Graves/lots: At Green Mount, the size of natural burial graves in “The Orchard” are wider (5 ft vs 3ft 9in) as so not to dig into the neighboring grave. Natural burial in the traditional sections may be possible.

Memorialization: Here at Green Mount, we have a natural burial section that only flat granite markers are allowed. Natural burials in our traditional monument sections will need prior approval. It is essential that all natural burials are permanently marked.

Maintenance of graves: In our natural section, “The Orchard”, we will be adding wildflower seeds and this section will only be mowed once in the fall. In our traditional monument sections, some sections will be regularly mowed and others may have limited mowing.

Gravesite Disturbance: While we have not seen any disturbance caused by animals, these graves are under constant observation.

Service Charges:

3/9/21 subject to change

Lot 1200 residents of Montpelier
 1550 nonresident

Burial 1200 residents Add 350 for weekends, Add 200 for winter
 1380 non residents

For more information or to schedule an appointment:

Director Patrick Healy, Green Mount Cemetery, email: patrickh468@gmail.com

Also you can find more information at:

<https://www.greenburialcouncil.org/>

Lee Webster lee@greenburialcouncil.org

AGENDA
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AGENDA ITEM 2
DISCUSSION ITEM: Natural Burials

Draft Outline of Proposed Amendments

OUTLINE OF DRAFT PROPOSED REGULATIONS FOR NATURAL BURIALS IN THE CITY OF LEBANON

1) * * * * *

“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. The City of Lebanon provides an option within its municipal cemeteries for people who desire a more simple, natural, and environmentally sensitive option for disposition of remains. In the spirit of natural burials, gravesites are not to be maintained by the City of Lebanon. (Reviewed and approved by consensus of the board 2/9/2021)

2) * * * * *

Natural burials within municipal cemeteries are allowed only in permitted areas. (Reviewed 2/2/2021)

PUBLIC COMMENT: Potentially allow for more flexibility in decisions regarding placement of natural burials.

3) * * * * *

For all “Natural Burial Grounds” the following shall apply:

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 this section will govern.

A. Natural Burial Ground Procedure:

1. Natural burials within municipal cemeteries are restricted for City of Lebanon residents. (Reviewed 2/2/2021)

PUBLIC COMMENT: Continue discussions regarding allowing non-residents and changing the fee structure.

4) * * * * *

2. All burials and services must be conducted and or overseen by a Licensed New Hampshire Funeral Director and the Cemetery Sexton or his/her designated agent. (Reviewed 2/2/2021)

PUBLIC COMMENT:

- Board should continue review and discuss a possible different approach to burial oversight.
- Are there liability issues if natural burials are held to different standards than conventional burials? (Legal Review Required)

5) * * * * *

3. Prior to burial, all families, funeral homes or designated agents responsible must sign and submit a release of liability and waiver form to include responsibility of all attendees of services. Such signatures must be witnessed and notarized by a NH notary of public. (Reviewed 2/2/2021)

PUBLIC COMMENT: Objections to unfair distinction between natural burials and conventional burials. If liability waiver is required for a natural burial, it should be required for all burials.

BEGIN HERE ON MARCH 23, 2021

6) * * * * *

4. At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works and reviewed by Cemetery Sexton ensuring no contagious or potentially hazardous viruses or diseases contributed to the cause of death. Any cause in question will be referred to and reviewed by the NH Dept. of Health, Center for Disease Control and or the State of NH Chief Medical Examiner's office. Should it be determined by the NH Dept. of Health, Center for Disease Control and or the State of NH Chief Medical Examiner's office that the cause of death could result in the possible infection and or spread of potentially hazardous viruses or contagious diseases, a natural burial will not be permitted.

CAITLYN – Wouldn't this apply to any burial? In which case, this should not be limited to this section of the bylaws.

SUE - This is poorly written.

SUE - I assume that the intent is to obtain a copy of the *death certificate* and not a "*certified copy of death*".

SUE - There is no reference to the words Death Certificate in any ordinance or regulation within the city (search on LebanonNH site). It is not mentioned once in Chapter 46.

SUE - Death Certificates fall outside the Board's purview and should remain that way.

SUE - There is no reference to the words Death Certificate in Chapter 289.

SUE - Does EVERY burial in the city require a "filed certified death certificate?"

SUE - Is this an existing requirement within the city? If not, why is this required for natural burials?

SUE - Doesn't the funeral home provide a certified copy to client?

SUE - Isn't the funeral home in contact with the City when scheduling burials?

SUE - Whats the difference between a filed and unfiled copy?

SUE - When would there ever be a certificate of death that is unfiled?

SUE - Does the sexton have access to this type of information ?

SUE - Will this be required for burying persons in the UVJC?

SUE - The sexton is not an expert in contagious disease (nor is she/he expected to be so) and should not have any authority or responsibility to make decisions on contagious diseases.

SUE - There are a limited know number of contagious diseases, like Ebola or MERS. There will be new ones, but I expect any death around a contagion would receive considerable local or national attention. I've read that in these cases, the danger is most often to the medical examiners or to the persons preparing the body for burial and not those providing the burial.

SUE - After being provided with a definition of the *filed certified death certificate*, the paragraph should at least be rewritten as follows after:

“Natural burials are not permitted if the cause of death is determined to be from a contagious virus or disease as defined by the NH Dept. of Health, Center for Disease Control and or the State of NH Chief Medical Examiner’s office.”

7) * * * * *

5. Natural burial lots are six (6) foot by eleven (11) foot (66 square foot) each. Each natural burial lot is limited to the remains of a single (1) body.

TONY – I agree with this statement, there is no reference that the grave should be a standard size.

PUBLIC COMMENT:

SARAH RILEY - According to Lee Webster, burial plots for green burial vary slightly throughout the country, but the average size of green burial plots is the same size as a conventional grave. I request that burial lots remain the same size and cost as conventional lots unless evidence can be provided justifying the change.

8) * * * * *

6. Burial plots will be sold, and natural burials will occur in sequential order based on the time of death and interment. The row and number of the site will be entered into the cemetery management software.

CAITLYN – It should be made clear that these are specific lots (it that’s the case). This is no different than traditional burials, if they are purchasing a specific space. If they are occurring sequentially (deed owner does not have specific lot, but rather rights to a space), that should be made more clear.

SUE - This is confusing.

SUE - Burial plots will be sold and deeded?

SUE - Doesn’t this complicate burial and access to the grave?

SUE - Remove reference to the row and site being entered into the cemetery management software. This information will be recorded the same way other traditional lots are purchased or transferred and is not specific to green burials.

9) * * * * *

7. The digging of the burial lot grave is the responsibility of a duly licensed NH funeral home and/or director and shall be supervised by the Lebanon Cemetery Sexton or his/her designated agent. Family members may not dig graves without the permission of the Lebanon Public Works Director. If permission is granted, the digging will be done under the supervision of the Cemetery Sexton or his/her designated agent. All Funeral Homes, contractors, families, or designated agents permitted to dig a burial grave will be required to sign a waiver of liability provided by the city.

CAITLYN – If power equipment AND hand digging are options, this could be explicit here. Why are these treated differently than traditional burials? I understand other towns have the funeral home take care of the digging, but why would it be different within Lebanon solely based on the type of burial?

TONY – Insert “and covering” between “The digging” and “of the burial plot.”

TONY - Is the Waiver of Liability the same as mentioned in A.3?

TONY – For burials, should we mention a time limit when the body should be buried? Something like: “Body should be completely buried within 24 hours of death.” Can bodies be refrigerated before burial to extend time before burial? If so, how would this be done?

SUE - The term digging is confusing.

SUE - Isn't this the same as preparing a grave?

SUE - How will this impact the UVJC which already allows green burials? Will the City continue to prepare those graves even if they are a green burial?

SUE - Digging graves by hand is a arduous process that could take days. I would suggest that it is “addressed on a case by case basis.”

SUE - What is the rationale for Lebanon to separate the responsibilities between natural and traditional burials.

10) * * * * *

8. Natural burials require the bottom of the outside coffin or casket to be at a depth of (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. Verification of depth will be verified by the Cemetery Sexton or his/her designee.

CAITLYN – The recommended depth should be 2-3 feet. The total depth is usually closer to 4 feet, as this is the best depth for microorganisms to decompose the body effectively. There is no evidence to suggest animal disturbance will occur at these depths when done accurately and appropriately.

TONY – I would like to discuss this further. Maybe there is a reason to have a more shallow grave.

SUE - 5 feet is ridiculous. There is no evidence that supports 5'.

SUE - This has been discussed by the board many times.

SUE - The verification statement should be removed; unless we make mention that the sexton measures the depths of traditional graves.

PUBLIC COMMENT:

SARAH RILEY - To paraphrase Lee Webster, burial depth for green burial is 3.5-4 ft from the bottom of the grave to the ground surface. Anything deeper is useless for achieving the main goal of aerobic, efficient, and organic decomposition. This depth affords a good 18-24 inches of soil buffer even before mounding, which can add another foot or two. Under these conditions, there will be no animals digging, no smells, no problem. I encourage the City to do more research into this topic.

11) * * * * *

9. All lowering devices, greens, tents and chairs will be the sole responsibility of the Funeral Home and or family to provide, set up and remove following services.

CAITLYN – Since this now applies to all burials, it does not need to be here as it is not specific to green burial.

SUE - This should be removed as it applies to all burials

SUE - I find it interesting that as board we approved increases in fees. I thought it was so the city would collect those extra revenues. But the city is sub-contracting out the work.

12) * * * * *

B. Care and Maintenance:

1. Mowing, trimming and maintenance of lots will be the sole responsibility of the lot owner or ones designated agent. The City of Lebanon will not be responsible for any mowing, trimming, or leveling of graves. Pruning may be done to assist in the management of invasive species and will be performed by the department of public works. Fertilization, irrigation and pesticides are prohibited.

TONY – Consider periodic review and maintenance of the condition of the grave and landscaping fur up to five years by the lot owner.

SUE - The current SF cost of a green burial plot is the same as a traditional plot. Which I’m led to assume would have included maintenance...

13) * * * * *

2. Materials for interment: Human remains must be contained within a ridged casket, coffin or renewable container without nails, staples, glue, or any fastener that will remain in the ground.

CAITLYN – Lee Webster says the Green Burial Council would allow these items since they are a small fraction of what is buried (“we don’t remove implants either, for example”). Requiring a casket without any glue or fasteners would be somewhat prohibitive, especially if shrouds are not allowed.

TONY – Add “provided by the lot owner” between “renewable container” and “without nails” so the sentence reads: “Materials for internment: Human remains must be contained within a ridged casket, coffin or renewable container, provided by the lot owner, without nails, staples, glue, or any fastener that will remain in the ground.’

SUE - See comments under item 3

14) * * * * *

3. Exterior finishes of casket or container may not include latex, metallic or oil-based products.

CAITLYN – What if it is a plant-based oil?

SUE - Items 2 and 3 can be combined and rewritten.

SUE - What is the problem with having nails (which rust away)?

SUE - What types of containers does the UVJC use.

SUE - If the UVJC uses a “butterdish” partial vault burial, and have a nailed container, how is this different?

15) * * * * *

4. Upon ordering of grave opening and service, Funeral Home and or director will be required to sign acknowledgment and statement that the casket or coffin being used meets all-natural burial requirements outlined by the city.

SUE - If that container that doesn't have glue, staples, or fasteners actually exists.

16) * * * * *

5. No embalming

SUE - This should be rewritten to say that bodies for green burial will not be embalmed.

SUE - What if I want a showing before being buried?

SUE - Can't I be embalmed and then buried?

SUE - Whats the danger?

17) * * * * *

6. No vault

CAITLYN (Pertaining to numbers 5 & 6) – These aren't really related to care and maintenance, so perhaps should be moved to a different part of the section.

SUE - This should be rewritten to say that bodies buried in designated green burial areas will not have a permanent outside container.

18) * * * * *

7. Grave markers are permitted. A flat stone may be placed at the foot of the plot as a marker. No chemicals may be used to enhance the etching. The stone must be level with the ground and may not exceed twelve (12) inches by twenty-four (24) inches in size.

SUE - Who installs?

SUE - What is the procedure?

SUE - Can chemicals be used to enhance etchings on traditional burial monumentation?

19) * * * * *

C. Fee Schedule

CAITLYN – I understand this (the lot purchase fee) is higher due to the increased square footage, but half of this would be for the Preservation Fund, which these graves would never benefit from, correct? Does this matter? (I'm not sure.)

Natural Burials	
Lot Purchase six (6) feet by eleven (11) feet or 66 cubic feet	\$900
Weekday during operating business hours	\$400
Weekday after operating business hours	\$400, plus \$100 per hour after operating business hours
Weekend or holiday	\$700

TONY – The table contains two different items: the cost of the lot and the cost of burial. Should be split with two subtitles.

TONY – This table does not list all of the costs. I think we should mention perpetuity costs and anything else.

PUBLIC COMMENT:

MARY CHILDERS - For Natural Burial the plot costs \$900 for a probably unnecessary 66 cubic feet as opposed to a Standard Burial plot costing \$600 for 44 cubic feet and covering more services. I do not understand why it is proposed that Natural Burial be excluded from the Cemetery Maintenance Special Revenue Fund. It is expected to pay more to the city and get much less.

Burial costs are in addition and equivalent, but it appears that Natural Burial is expected to pay a funeral home to dig the grave rather than Public Works doing it, as it does for Standard Burial. And then it has to buy more maintenance services from a funeral home in an ongoing, unpredictable way. A financial disincentive is being created. I would be happy to be told I've misread something and to stand corrected.

I quote the relevant sections below:

STANDARD BURIAL

The \$600 for a Standard Burial plot includes \$300 for the Cemetery Maintenance Special Revenue Fund. It includes the following services.

From ordinance 2020-03:

46.8 B -- "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 from pre-existing perpetual care funds, and use of the Cemetery Maintenance and Preservation Trust Fund."

The \$450 and up full burial charges include the following:

46.7 B -- "The preparation of graves and laying out of grave side ceremonial material shall be the responsibility of the Department Public Works."

IN CONTRAST . . .

NATURAL BURIAL draft proposal

(The use of bullet points rather than numbers in the draft document makes it difficult for the reader to track what I'm pointing to, alas).

The \$900 lot charge leaves the owner responsible for maintenance, compared to 46.8 B above.

p. 14 of 15; *A. Care and Maintenance*: " Mowing, trimming and maintenance of lots will be the sole responsibility of the lot owner or ones designated agent."

Given this proviso, how do we handle adjacent lot owners wanting different thing?

The \$400 and up burial charge provides very limited service, compared to 46.7 B above.

p. 14 of 15; *A. Care and Maintenance*: "The City of Lebanon will not be responsible for any mowing, trimming, or leveling of graves. Pruning may be done to assist in the management of invasive species and will be performed by the department of public works."

p. 15 of 15; B. *Natural Burial Ground Procedure*: “The digging of the burial lot grave is the responsibility of a duly licensed NH funeral home and/or director and shall be supervised by the Lebanon Cemetery Sexton or his/her designated agent. Family members may not dig graves without the permission of the Lebanon Public Works Director. If permission is granted, the digging will be done under the supervision of the Cemetery Sexton or his/her designated agent. All Funeral Homes, contractors, families, or designated agents permitted to dig a burial grave will be required to sign a waiver of liability provided by the city.”

To repeat an earlier question so that it does not get lost, am I to understand from the above that in addition to paying the Lebanon burial rate, those who choose Natural Burial must pay a funeral home directly for a service that is included in the burial rate for Standard Burial? (Mary Childers)

20) * * * * *

GENERAL COMMENTS/QUESTIONS:

TONY:

1. We should do a further review of the Green Burial Council (GBC) recommendations.
2. The GBC lists two types of green burials...Natural, Hybrid, and Conservation. Which one are we doing? If the location is separate than it has to be Natural or Conservation?
3. I am very concerned about liability. I think we should protect ourselves and the city because, after all, we are the Trustees.
4. Will we need approvals from other boards/committees to establish the area? How about medical approval? Who else should review this regulation outside of the City?

PUBLIC COMMENT:

SARAH RILEY - As stated in the draft, all other rules and regulations for Lebanon Cemeteries apply to Natural Burial Grounds (NBGs), unless inconsistent with the new NBG section. Thus, I hope that the final version of this document will not state anything that would be a universal condition of all burial in our cemeteries. Currently the draft has a few sections that I think should be removed because of this condition, including the discussions of disease and the Department of Public Health, the responsibility for lower devices, tents, etc.

SARAH RILEY - The reduction of services provided by the City for green burials. It is unrealistic and unfair to cede grave digging and lot maintenance responsibilities to lot owners, their families, Funeral Homes, or designated agents.

MARY CHILDERS - Lebanon’s sustainability efforts acknowledge that the effects of climate change are already being felt locally. We witness catastrophic events in the US and the world. Some of us yearn to make one of our final acts – choice of what to do with our bodily remains – an environmentally friendly act. The safety of Public Works employees must be taken into account as well as liability concerns of course, but based on reading of previous documents generated within this Board it seems to me that unfounded fears are being catered to. I urge the Board to make sure that the research process and legal advice begins with “How can we do this safely” rather than “How can we justify not doing this because of safety and liability concerns?” The questions we ask tilt the answers we receive. The answers an advocate for Natural Burial and the environment provides may open up the Board’s perspective on what is desirable for the common good and possible. I urge you to consult with a variety of experts, including problem-solvers as well as problem-emphasizers.

RAINIE KELLY - As the Board moves from a rough draft to a finalized version of the regulations, I strongly encourage the inclusion of a statement about how an option for NB moves Lebanon closer to its stated

goal of being a regional leader in working towards less reliance on fossil-fuel consumption. (City of Lebanon Master Plan: 13/8)

My overall impression is that as written, the proposed regulations, rather than presenting NB as a potential option, instead would deter residents and their families from choosing NB.

Here are just a couple of examples of why I feel this way: Overall the proposed regulations make NB much more costly and complicated than conventional burial in Lebanon, but provide fewer services for those choosing this option. Most off-putting to me is the proposed requirement that families/agents maintain the burial plot. We all know that not everyone can count on family to assume this responsibility, nor does every resident have the means to secure an agent. Including this requirement raises the question of the very purpose of a municipal cemetery.

A second example: When I read about the requirements for containers, I asked Lyme-based coffin-maker, Michael Whitman for his reaction. His response:

"I cannot imagine how to build a box without any fasteners or glue...."

Lee Webster, a member of the Green Burial Council, said this about prohibiting the use of glue or fasteners: ".....it is completely unnecessary. The GBC recommends reducing but does not require eliminating."

Of course there are coffin-makers with exceptional joinery skills who could meet Lebanon's proposed standards but at quite an additional expense. My point is that the last thing I want in our community is to make NB an option reserved for residents who don't have to worry about cost. You have already received comments about other regulations which would have a similar effect, so I won't repeat them.

In closing, I want to share resources available to the Board as it considers revisions to the rough draft:

www.greenburialcouncil.org/our_standards.html

www.nhfuneral.org