



Cemetery Commission Meeting Agenda

April 21, 2022, 4:30 PM

MEETING CONDUCTED VIA ZOOM AND
IN PERSON AT 455 NORTH AVE, LAKEVIEW CEMETERY CONFERENCE ROOM

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- I. Approval of Agenda
- II. Approval of Minutes from 11/18/2021 Meeting
- III. Public Forum
- IV. Cambrian Rise Update – Charlie Pughe
- V. Perpetual Care Fund Ordinance Change – Cindi Wight
- VI. Spring Planting Update
- VII. Staff/Director Items
- VIII. Commissioner Items
- IX. Adjournment



Cemetery Commission Meeting Minutes

Meeting Date: Thursday, April 21, 2022, 4:30 pm

Commissioners Present: Rita Church, Jennifer Diaz, Nancy Kirby, Alexandra Millar, Mary Wesley

Staff Present: Cindi Wight – BPRW Director, Holli Bushnell – Cemetery Staff, Jenna Olson – DPW/Water

Public Present: Jason Stuffle, Gary DeCarolis, Charlie Pughe – Farrell Construction/Cambrian Rise

Meeting was called to order at 4:34pm by Jennifer Diaz

I. Approval of the Agenda

Diaz moved to approve the agenda, Rita Church seconded, all were in favor

II. Approval of Minutes from 3/10/2021

Mary Wesley moved to approve the minutes, Church seconded, all were in favor

III. Public Forum

As both members of the public present were commenting on the proposed change to the perpetual care fund ordinance, that item was moved to accommodate those comments.

IV. Perpetual Care Fund Ordinance Change

Cindi Wight explained that the city is proposing to change the language of our perpetual care ordinance to match the language the state uses in their ordinances. At present, the language of the current ordinance only allows perpetual care funds to be used for the maintenance of lots. That said, the upkeep of any cemetery involves a lot more than just caring for the lots. By changing the language we'll be able to apply those funds to other areas of the cemeteries that desperately need upkeep and repairs but currently have no source of funding. Following Wight's brief description public forum was opened for commenters.

Gary DeCarolis described himself as a Burlington resident, the owner of Burlington History Tours, and former city councilor. He states that he opposes ordinance change. He feels our cemeteries are likely the envy of all Vermont due to the historically important residents that are buried here. He feels the care for the three public cemeteries has been extremely poor and that Greenmount and Elmwood are in complete disrepair. He feels the city is not doing a good enough job using the funds currently allocated within the guidelines of the current ordinance. He fears should the ordinance change be made that even less care will be giving to lots in Greenmount and Elmwood that are falling apart. DeCarolis asks that staff care for lots the way were supposed to, which he says we are not doing any more. He feels we have walked away from our responsibility to upkeep these graves in perpetuity. He states that as there are no buildings in Elmwood and Greenmount the proposed shift of funds towards building maintenance would only go to Lakeview, the cemetery which already receives the highest standard of care. He feels that insuring the continued care of Greenmount and Elmwood should be paramount and that perpetual care funds should be solely dedicated towards those spaces closed to burial.



Jason Stuffle began by explaining that he lives across from Greenmount and has been volunteering in the cemetery for the past few years. He feels there have been a lack of fund invested in the closed cemeteries, that the city has been relying on volunteers to help with care and upkeep, and that the funds that have been provided have been inadequate. He would like to see any perpetual care funds invested in Elmwood and Greenmount as they are in terrible shape by his estimation. He fears that changing the ordinance to include buildings will take away from ground care. He states that he has been doing the perpetual care at Greenmount with volunteers, and that there is no one providing upkeep or repair to the monuments. He feels there needs to be a minimal investment in Elmwood and Greenmount before the city starts to improve our buildings.

As there were no further members of the public present, commissioners took this time to comment on the proposed ordinance change.

Nancy Kirby introduced herself as a Cemetery Commissioner and the direct neighbor of Greenmount. She also feels that Greenmount and Elmwood have been neglected, but added that the Lakeview office is in terrible shape and desperately needs repair too. Kirby is also not in agreement with changing the ordinance. She was disappointed to see that the grass cutting was eliminated from the language as there has been some controversy over the lack of mowing at Greenmount. Her understanding of perpetual care is that it means taking care of grounds around monument, and, consequently, she agrees with Gary and Jason and thinks we need to invest money as originally described in the ordinances.

Wight took a moment to explain that, while the grass cutting isn't specifically mentioned in the ordinance, the new language does include grounds upkeep as one of the approved uses of funds. Changing the language in no way means that grounds care at Elmwood and Greenmount will decrease. Kirby reiterated that she would prefer if the ordinance language dedicated the funds towards grounds care specifically.

Church spoke next, explaining her extensive history on the commission and her previous work concerning changes to the perpetual care fund. Church has studied this for hours and looked at different phases and has talked with members of the community, and she opposes changing the language. She urged the commission to take their time in deliberating the language changes and shared concerns that the changes we make may prevent future commissioners from being able to act without going before the full city council. She also reminded the commission that they cannot request that funds be spent on a specific project.

Wight explained that the funds being discussed are not the principle of the perpetual care fund, but rather the interest. The commission has already agreed to allocate \$10,000 of interest towards cemetery upkeep as a budgeted yearly base amount. For any expenditures over that base amount Wight would have to come to the commission to ask for funds to be released. Changing the language of the ordinance is not like writing a blank check, any request for funds from the city to the commission would make it clear the intended use of said funds. And again, the principle of the perpetual care fund will not be touched until all three city cemeteries close to lot sales and burial. Church once again urged the commission to be slow and careful in their consideration of this change.

Wesley asked if someone could please define what a lot is. Holli Bushnell explained that a cemetery lot is not necessarily a single grave, rather it's the burial area owned by an individual or family. It can be multiple graves for full burial, a single grave for full burial, a single grave for cremation burial, or multiple graves for cremation burial. The key is that it is owned by an individual, family, or organization. Wesley thanked Bushnell for the information. She continued by explaining that the proposed new ordinance language is in alignment with the state language regarding perpetual care. To her mind, this change would allow staff to provide more care and attention to the cemeteries over all by broadening the definition of what the interest from the perpetual care fund can be spent on. Wesley



also asked if someone could provide information on who would have oversight of the funds. Her current understanding is that commissioners will have some oversight on releasing funds above \$10,000. Wight stated that \$10,000 has been the standard amount contributed to the main budget from the fund in the past, and that for any fund request over that amount the city has to come to the commission for approval. At the time of the request the city informs the commission about the planned use of the funds. The commission approves of the expenditure of funds, but cannot dictate how the funds are used. Once the funds are released, BPRW gets to decide how to spend it. For example – the city cannot presently use perpetual care fund interest to improve the roads at Greenmount because roads are not lots. To use the funds to improve the roads, the language of the ordinance needs to change to include other aspects of the cemetery.

Alexandra Millar stated that she appreciates thoughtful discussion from both the commissioners and the public. Her understanding is that the amount that each family pays towards perpetual care when they purchase a lot is quite small compared to actual cost to care for the lot in perpetuity. Millar supports a broader look at what the cemetery is and what the funds go to. She also points out that, even with the change to the ordinance language, the funds are still restricted and would require the input of the commission before they could be released. Millar also shared that she's afraid the context of why care and upkeep at Elmwood and Greenmount has been lacking over the last couple years has been missing from the conversation. Millar reiterated that she is in support of changing language noting that, while there is of course work that needs to get done at the two inactive cemeteries burial space in Lakeview is limited and is estimated to run out in 2 to 4 years. Not everyone in our community has the privilege of already owning a lot, and by restricting the use of the interest funds the commission will not be able to allocate anything towards the development of the next section. Essentially, the commission is preventing folks from having a lot by not developing new section. Not having these funds available to do the work is discriminatory towards new residents who want to be buried in Lakeview/their community.

Diaz also appreciates the points that everyone has made. She feels that the commission can't allow perfection to be the enemy of good and the enemy of change. While it's unlikely that there will be a perfect consensus on the use of the perpetual care interest funds, that can't stop the commission from moving forward and finding a consensus/compromise. The commission needs to be cognizant that if we don't expand our burial space by developing section 8 we're going to shoot ourselves in the foot and disenfranchise residents who have the right to be buried here. Diaz supports taking time and being deliberate about making decisions, but she also has experienced previous iterations of the commission where nothing was ever accomplished and items were endlessly tabled. Diaz wants to make sure that doesn't happen again. The Elmwood and Greenmount grounds do need more love than Lakeview presently, and the truth is that it's going to take time to recover. Improvement of these spaces may be gradual and slow. Moving forward Diaz does not want the commission to be afraid of compromise.

Stuffle interjected to state that the fact is that Elmwood and Greenmount are not being taken care of, and perpetual care funds need to go to those spaces, not buildings or new developments.

Wight stated that the city has set aside \$400,000 towards repairing building at Lakeview. She made it clear that the focus of the language change in the ordinance is not on buildings, but rather for development of new sections, specifically section 8. The cemetery brings in the bulk of its revenue through burials and lots sales, and as soon as we run out of space we won't have those funds anymore. Wight also mentioned the large issue with mowing at the inactive cemeteries over the last two years and asked if it was an issue prior to Covid. Bushnell confirmed that there was no issue with care of the inactive cemeteries prior to the pandemic. The budget for the three seasonal employees was completely cut and the community service program that brought in multiple workers weekly to mow was ended by the state. This led to staff shifting their focus to caring primarily for Lakeview, the only



cemetery still providing burials, and the city engaging with volunteers to provide care for the inactive spaces. Wight confirmed that the practice of using volunteers to care for cemeteries is extremely common and in use all over Vermont and the country in general.

Stuffle stated that he feels the city is refusing to invest in these spaces. Wight returned that the city subsidizes the cemeteries. The cemeteries do not cover their maintenance costs through lot sales and burials. Stuffle reiterated that he doesn't want to perpetual care funds to go to building upkeep. He feels funds for building care and upkeep should come from somewhere else.

Wesley asked if the commission is presently considering using the funds for work on chapel or office. Millar added that there are other buildings on site at Lakeview that need upkeep as well (garage, staff breakroom, and city vault). Stuffle asked if there are buildings at the inactive cemeteries that would benefit from the language change. Bushnell stated that, while there are not presently buildings on the sites of the inactive cemeteries, there were in the past and there may be again in the future. Stuffle once again reiterated that he's comfortable with using changing the language to allow improvement to all parts of cemeteries except for the buildings. He fears that building improvement could take a huge amount of the funds every year. He feels it's important to take care of the spaces that already need care that the funds are already dedicated towards.

Kirby thinks the way the commission words the ordinance is really important. She asks that the commissioners take another look at the wording and make sure it's what we want.

Millar reiterated that the new ordinance language mirrors working language of the state ordinance. As such, she trusts that language. Millar also stated that the buildings at Lakeview serve all three cemeteries. Millar is happy to reconsider the language, but made it clear that the proposed changes were pulled from the state and have been used successful.

Diaz confirmed that the item will be tabled until the next meeting, and public forum was officially closed at 5:28pm

V. Cambrian Rise Update

Charlie Pughe from Farrell Construction, the group overseeing the development of Cambrian Rise, explained that, over the course of generating the plans for the Cambrian Rise development, the city tasked Farrell with figuring out how to address storm water and sewage flows into the main system. This is a critical aspect of the plans for the development because the city already has sewage overflow issues during high water/heavy storm events. Consequently, one of the requirements for Cambrian Rise development was to take the peak flow off of the combined sanitary/storm system and find another place to put it so it doesn't impact the sewage plant. The only place they determined they would be able to do that is on North Ave. Farrell Construction is proposing 2 new catch basins (old catch basins will be capped and abandoned and only sanitary water will flow through old pipes). The new basins will be installed next to office in the parking area and between the office and the fence next to the road. Following the installation, Farrell will restore the landscaping and parking area to the exact specifications from before installation. Farrell is working under DPW supervision to do this work, and the catch basins and install will be partially paid for by DPW and partial by Farrell construction. Pughe confirmed that some trees will need to be replaced, and that Farrell met with city arborist VJ Comai to determine best options for new trees.

Jenna Olson continued that the city has approximately 20 subsurface infiltration systems that have been installed and maintained over the last 12 or so years. These new basins will be maintained actively by DPW and kept up in perpetuity.

Kirby asked what the cost of the project is and what the shared split would be between Farrell and DPW. Olson stated that the last estimate from 2018 was \$384,000 for install. She is unsure what the cost would be now. Pughe interjected that Farrell didn't intend to do an updated cost estimation.



Rather, they planned to bid the project out and then figure out what the cost is actually going to be. Olson continued that the split cost is based on the amount of cubic feet per second that Cambrian Rise needs to offset. The city will cover about 70-75% while Farrell will cover 25-30%.

Wight asked what the end result will look like once the installation is completed. Pughe confirmed that there is a manhole on each end of the container and a PVC pipe that is flush with ground for cleaning purposes. Other than that, you can't tell it's there. There is approximately 4' of dirt between the top of the chamber and the grass. Olson added that a vac truck (operated by DPW/water resources) used to clean the basins would enter the cemetery through the main entrance, pump out the system, and then move on to clean other basins. This is paid for through storm water utility fees. Cleaning happens approximately twice a year.

Wight noted that the installation of the basins will likely close the office building. She also noted that the city plans to do renovations to the building exterior that would require some grounds work. She asked if Farrell might be able to help with the grading aspect of the grounds work following the basin installation. Pughe confirmed that Farrell handling the grading is a possibility. He confirmed that they would like to do the work in fall of '22 or spring of '23. Wight stated that she will send Pughe the concept rendering for the office improvements. Pughe will see if it's something Farrell could do as a support to the cemetery.

Church asked if the project needs to be run by the state or if there might be any Act 250 considerations. Pughe stated that Farrell construction has an act 250 permit for Cambrian Rise, but typically city improvements don't go before Act 250. These improvements not done through that. Olson confirmed that the city has never sought or been required to seek Act 250 approval to do install. Farrell will bid out project to sub-contractor. Church asked if they planned to work with a Vermont contractor. Pughe confirmed that, as the project is on the smaller side, they're likely employ a local company like SD Ireland or Dirt Tech.

Millar asked if the slope of the area selected for install will impact the installation. Olson confirmed that the slope doesn't matter. As long as they excavate down the chambers can be installed level.

Wight encouraged the commission to try to tie in grading work with basin installation. She asked Pughe when Farrell needs confirmation that the commission approves the project. Pughe felt that any time between June 1 to July 1 would be acceptable, however Olson asked that the decision be made before June 1 so that it could be included in the FY23 plans. Wight asked if Farrell would be able to turn around a plan that included the grading before June 1, and Pughe confirmed it they would likely be able to complete that plan before the deadline. Kirby asked if the commission could look at the site with Pughe and Olson at the next meeting, and all were in agreement that that would be a good idea. A decision will be made following the site visit at the May meeting.

IV. Perpetual Care Fund Ordinance Change discussion (con't.)

Wight stated that it seems clear that both community and commission members want to ensure there are funds for mowing and care at Elmwood and Greenmount this year. While the city can throw a ton of money towards care and upkeep, we also need to have applicant who want to take the job. Cindi asked if the commission wanted to increase the allotment of perpetual care interest funds provided for this upkeep in FY23.

Kirby asked if the funds could be used for the city to subcontract with a lawn care service. While Wight was not certain and stated she would check with Deryk Roach to get confirmation, she thinks the union would have to agree to subcontracting and they likely would not. The more likely scenario is that BPRW staff would be asked to work overtime on weekends to do the mowing at the inactive cemeteries.



Diaz commented that the mowing would only be completed if the staff agrees to overtime and Wight confirmed that the city cannot make an employee take overtime to complete work.

Kirby asked if it was possible to have staff that is mowing Schamanska Park swing up and mow Greenmount (for example). Wight explained that, while this is not currently possible, the City is looking to hire a new cemetery and grounds manager. Assistant Cemetery Superintendent, Jeff Shedd, is essentially a working foreman (not a manager), and Deryk Roach is in charge of all of parks. Every other sub-department within BPRW has a manager except for Cemetery. By combining the grounds manager with the new cemetery manager position, we'll have someone who can move a mowing crew or bring more grounds support into the cemetery when needed. The position was just posted in the last week.

Church asked about the possibility of having folks doing community service return to help with mowing. Wight confirmed that this is not likely. The city would have to pay every person who comes the same wage as our seasonal employees. That said, should the commission choose to use additional interest funds with the request that the go towards grounds care there would be more money for seasonal employees. Additionally, if commission passes ordinance change, the city will look at the capacity for capital team to pick back up work on section 8. There is likely going to be a large lot sale in the next few months and Wight has approval from the C/T to put 75% of sale funds towards section 8 development. Hopefully with those funds the city will be able to get the engineer drawings and grading of the area completed. The city will be able to access an additional \$50,000 for section 8 development in FY24. Wight asked if the commission wants to go forward with the change in perpetual care ordinance. She also asked if the commission wants to add additional perpetual care interest funds to the FY23 budget.

Church asked if the commission was considering rewording the ordinance change before taking it to the council. Wight stated that there is no current plan to change the proposed language. Diaz added that the proposed language looks at the cemeteries as a whole, and that the care of the spaces cannot be broken into little pieces.

Millar commented that, in her work with plantings, she has seen that with a very small budget and the goal of removing high maintenance areas from requiring constant upkeep can allow staff to focus more on aspects of cemetery care. She also noted that with even a slightly larger budget they could make some much larger changes that save more time and money. Shifting out of mowing (by installing pollinator and native plant gardens) means more staff time towards spaces that need upkeep. Diaz added that self-sustaining spaces won't need as much attention.

Wight interjected that the discussion of the perpetual care fund ordinance change can continue at a future meeting. That said, if the commission wants to put more interest income into FY23 budget for staffing/grounds care, that vote needs to take place at this meeting.

Diaz stated that, for the sake of timing, she moves to table ordinance change discussion until the May meeting. Wight commented that the ordinance change discussion can move to fall, noting that the content of the change might be more palatable after the summer season.

Diaz moves to table ordinance discussion until May meeting, Church seconds, all were in favor.

Kirby moves to add \$10,000 to existing \$10,000 for total of \$20,000 to the maintenance budget for FY23. Diaz seconds. All were in favor

VI. Planting Update

Millar informed the commission that there are three areas designated for the development of native pollinator gardens this season. Old "U" shrub was removed from behind the entrance garden and will be replaced by an additional pollinator garden. Also, the 2 slopes on either side of exit hill will be replanted. The left side has old gardens that have been left fallow for several years. That space is currently undergoing Solarization and will soon be interplanted with native and pollinating plants. On



top of that there will be a soft landing installed, to protect exposed tree roots. The plant covers will be used for protection and erosion control. On the Right slope, they will be Introducing native meadow plants on sloping down to the road. This area is particularly hard to mow and grass doesn't grow well there. The installation of native meadow plants will save tons of labor and look great.

VII. Staff/Director Items

Bushnell informed the commission that, following three years of hard work, the interment of 30+ War of 1812 Veterans will be interred in their new crypt at Lakeview on June 4th, 2022. The Mayor, Governor, State Congressional Delegation, and UVM president have been invited as well as the community at large and the press. All commissioners and members of the friends of Lakeview are of course invited to attend as well.

Wight added that Laura Trieschmann, Vermont State Historic Officer has reached out concerning some repair and cleaning on the Ethan Allen Monument. Wight will see if Trieschmann can come to May meeting, but we may hold off on this item until later. Wight feels this is not a pressing matter, but will be keeping it in mind moving forward.

VII. Commissioner Items

There were no commissioner items at this time.

VIII. Adjournment

Diaz moved to adjourn Kirby seconded, and all in favor. The meeting was adjourned at 6:43pm. The next commission meeting will be May 19th at 4:30pm to be held via zoom and at the Lakeview office. Wight will invite Pughe for an onsite visit at the May meeting.