



Cemetery Commission Meeting Agenda

March 10, 4:30 PM

MEETING CONDUCTED VIA ZOOM

<https://us02web.zoom.us/j/86385981152>

US: +1 312 626 6799 Webinar ID: 863 8598 1152

- I. Approval of Agenda
- II. Public Forum
- III. Perpetual Care Fund ordinance change
- IV. Update on existing/pending Commissioner projects
- V. Staff/Director Items
- VI. Commissioner Items
- VII. Adjournment



To: Cemetery Commission

From: Cindi Wight, Director of Parks, Recreation & Waterfront

Date: March 7, 2002

Re: Proposed Ordinance Change – Perpetual Care Fund

Executive Summary:

Parks, Recreation & Waterfront request:

- Update the City ordinance related to Perpetual Care Fund use at the cemeteries.

Background:

The City currently collects 5% from each lot sale and places it into a Perpetual Care Fund to ensure funds for maintaining our city cemeteries will exist even when all three are closed in the future for burials. The City invests the money in certificate of deposits or municipal bonds through the C/T Office. Currently, Elmwood and Greenmount no longer have any lots available for sale but we do have available lots at Lakeview. In addition, Lakeview has two undeveloped areas for future layouts.

Per City ordinance §9-50, the income from the Perpetual Care Fund may only be used to maintain a lot. The income is the amount the investment grows through increased value and not the amount deposited each year from lot sales.

The City's ordinance language on the use of the funds currently limits us to using the income for maintaining only the lots. The limitation makes it a burden on other infrastructure in the cemetery that needs improvements. The other areas include buildings, developing new burial areas and roads. The state statute for perpetual care recognizes all the necessary infrastructure that needs maintenance and improvement in a cemetery. The Department recommendation is to change the City perpetual care language to match the state statute.

The Perpetual Care Fund currently has \$1,331,790.94 in the fund and the income each year is approximately \$28,000 – \$31,000. In 2019 as part of the City's revised investment policy, the City changed the investment strategy to increase the income generated annually. The department uses \$10,000 annually of the fund in the general budget and staff proposes to the C/T office, any additional amount over \$10,000 would be for special projects and would be set aside annually in a City money market account to allow the additional funds to accumulate for larger projects.

The cemeteries do not cover all their expenses but all three are open to the general public to visit and provide a quiet "park-like" experience for our residents. We encourage the use of the cemeteries and have partnered with Fletcher Free Library recently for programming at Lakeview and with the Old East



End Neighborhood Coalition for a historical walk through the back end of Greenmount, next to Schmanska Park. We also have left Elmwood unlocked over the past year to allow the community to access it for use.

All proposed City ordinance changes are referred to the Ordinance Committee by City Council for review and input. BPRW plans to bring this change to City Council in March 2022 for referral to the Ordinance Committee.

Current City ordinance

9-50 Charges for perpetual care.

(a) Lot owners will secure a bond from the City of Burlington, through the superintendent, for the perpetual care of their lot. The money paid for perpetual care shall be placed with the city treasurer to be invested and the income therefrom shall be used for the maintenance of a lot. This shall include keeping the grass cut, maintaining a greensward, leveling the depressed areas and other work of similar nature.

(b) Perpetual care, as provided for herein, means that there will not be further expense to the lot owner in caring for his lot.

Current State statute

18 V.S.A. § 5306

§ 5306. Perpetual care funds

An agency engaged in the cemetery business shall have the right to acquire by gift, devise, or otherwise, land and property of every name and nature and to set aside surplus funds, to be held in trust as a perpetual care fund, the income thereof to be used according to the directions of the trust, where such directions are given, and where no specific directions are given, or, where given, and the purpose is incapable of performance, or there is a surplus of income after the directions of the trust have been fully complied with and performed, to use the same for the **purpose of building, repairing, maintaining, adorning, and beautifying buildings or parts thereof, fences, graves, vaults, mausoleums, monuments, walks, cemetery lots, grounds, drives, or avenues, as the interests of the lot owners and cemetery shall appear.** The duty upon all agencies organized to establish a perpetual care fund according to the terms hereinafter set forth is hereby imposed.

Suggested ordinance change:

9-50 Charges for perpetual care.

(a) Lot owners will secure a bond from the City of Burlington, through the superintendent, for the perpetual care of their lot. The money paid for perpetual care shall be placed with the city treasurer to be invested and the income therefrom shall be used as set forth in 18 V.S.A. § 5306, to include for the maintenance of a lot. This shall include keeping the grass cut, maintaining a greensward, leveling the depressed areas and other work of similar nature. **purpose of building, repairing, maintaining,**



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Cemetery Commission Minutes

March 10, 2022

Attendance

Mary, Rita, Alexandra

Staff: Cindi

Absent

Nancy, Jennifer

Meeting started at 4:40 pm

Motion approved and carried to approve the agenda.

Public Forum

Public Forum opened at 4:43 pm

Public Forum closed at 4:43 pm

Perpetual Care Fund Ordinance Change

Cindi presented for the second time on the proposed ordinance change for the perpetual care fund. The proposed change is to replace the city's language on the use of the income on the perpetual care to the state's language on perpetual care. The City's language limits the income for maintenance of lots only and the State's language is broader to include maintaining the cemetery as a whole including buildings, roads, expanding the cemetery along with maintaining lots.

Commission feedback

- Concerns on the deteriorating conditions of stones and broadening the language will result in no repairs to stones
- Wants full commission present to make a decision.
- Wants the City to invest other money into the cemetery
- Commissioners working to understand the different viewpoints between Commissioners on the change.
- Support for the change

Staff feedback

- The only funds to construct Section 8 include \$50,000 in the bond, which will cover the final design work, not construction. The cemetery has 2-4 years left of lots and if we do not expand we will run out of lots to sell. If we do not have lots to sell, which brings in revenue, we will need to cut back staffing.
- The City used general capital funds to replace the fence at Lakeview and included \$300,000 in the FY23-FY25 capital bond for the work on the Lakeview office and the Louisa Howard Chapel plus \$50,00 as noted above for Section 8

Postponed decision to the April 21 meeting and agreed to vote at the meeting, regardless if all Commissioners attend the meeting.

Update on existing/pending Commissioner projects

Alexandra and Mary reported on the green burial committee. They are working to find a time for Jeff and Steve to meet virtually with Lee Webster to talk through the operations end of green burials.

Alexandra noted the solarization sheets will stay down for another year to help kill the grasses before planting pollinators in two areas of the cemetery. The members of the committee, which is part of the Grow Wild group, continue to work with Jeff to identify other areas of the cemetery for low-mow. The group is looking at Greenmount and finding a balance on maintenance management needs and mow/low mow areas.

Cindi and Alexandra met with Jess Hyman to discuss Elmwood Cemetery and potentially adding pollinator areas. Jess is an active resident of the Old North End and might know of individuals who could help take care of an area. Cindi, Alexandra, and Jess will meet in the spring at Elmwood.

Director/Staff report

Cindi noted Holli is out on leave and she and Jeff are working to keep the office going.

Commissioners' report

Rita shared the Friends of the Louisa Howard Chapel met since the last Commission meeting. They appreciated the work the City staff did on the inside of the chapel. They noted that it appears an animal is eating the bark on the inside of the gazebo. Alexandra suggested it might be humans who are peeling the bark and not the work of an animal.

The Friends are looking to do a small-scale event for Memorial Day weekend.

Alexandra reported that the group TapONE will tap the maple trees in Section 8 again this year.

Next meeting

April 21, 2022. Cindi will book the front conference room at 645 Pine and we will have a zoom link.

Adjourn at 5:23 pm