

**AGENDA  
LEBANON CITY COUNCIL  
NOVEMBER 1, 2017**

**9. NEW BUSINESS:**

**9.D – CREATION OF TASK FORCE: LEBANON CEMETERIES GOVERNANCE**

**BACKGROUND**

At the October 4, 2017 City Council Meeting, the Council reviewed the Cemetery Perpetual Care Trust Fund and the possible creation of a Board of Cemetery Trustees was discussed. The purpose of this task force would be to determine if it is in the City's best interest to establish a Board of Cemetery Trustees and to review the current cemetery regulations to understand where we are and where we need to be to best maintain Lebanon's Cemeteries.

Councilor Sarah Welsch has submitted the attached Task Force Request for Council consideration. The proposed sunset date for the Task Force is April 1, 2018, after which time the Task Force would present recommendations to the City Council.

**ACTION**

*Should the council wish to establish a Task Force on the Governance of Cemeteries, the following motion is offered for consideration:*

***MOVED, that the Lebanon City Council hereby establishes, "Lebanon Cemeteries Governance Task Force," a task force created to address the possible creation of a Board of Cemetery Trustees. The Task Force is to be comprised of the following:***

- Two (2) City Councilors***
- Two (2) Lebanon Residents***
- One (1) Lebanon Historical Society Member***
- One (1) Lebanon Heritage Commission Member***
- One (1) Local Funeral Home Representative***
- One (1) Member of the American Legion Post 22***
- Staff Members from the Department of Public Works***

**Included in this Section:**

1. Task Force Request – Cemetery Board of Trustees
2. Agenda Request as submitted by Councilor Sarah Welsch, re: Cemetery Task Force

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FINAL: Task Force Template

The overall purpose of any task force is to insure that the City of Lebanon has the right groups working on the right issues at the right time and that those activities complement the City’s work plan, Master Plan and budget strategies.

Name of task force: Lebanon Cemeteries Governance

Date created: 11/1/2017 Date of Council approval: 11/1/2017

Duration of task force activities: X 6 months \_\_\_\_\_ 1 year \_\_\_\_\_ Other

Task force’s defined objective/goal/outcome:

[Note: A task force should have at least 1 defined objective, goal or outcome.]

1. Purpose of Task Force: to explore establishing a Lebanon Cemeteries’ Board of Trustees in accordance with RSA 289:6,II. See attached agenda request items #5 & #6

Where does this task force objective/goal/outcome fit into the City’s Master Plan? [see numbered outcome, strategy and action items at the end of each Master Plan chapter listed below.]

Chapter # \_\_\_\_\_ Outcome # \_\_\_\_\_ Strategy # \_\_\_\_\_ Action # \_\_\_\_\_

- o [Chapter 1: Introduction](#)
- o [Chapter 2: Land Use](#)
- o [Chapter 3: Lebanon Central Business District](#)
- o [Chapter 4: West Lebanon Central Business District](#)
- o [Chapter 5: Natural Resources](#)
- o [Chapter 6: Economic Development](#)
- o [Chapter 7: Housing](#)
- o [Chapter 8: Community Facilities and Services](#)
- o [Chapter 9: Transportation](#)
- o [Chapter 10: Recreation](#)
- o [Chapter 11: Historic Resources](#)
- o [Chapter 12: Community Design and Civic Art](#)
- o [Chapter 13: Energy](#)

- a) Where does this task force objective/goal/outcome fit into the Steering Committee for the Implementation of the Master Plan (SCIMP)\* work plan? (see the SCIMP Gannt chart for guidance) \_\_\_\_\_(you may also simply mark the year/cycle on the Gannt chart)
- b) Where does this task force objective/goal/outcome fit into the City’s work plan and outcomes measures?
  - i. Outcome # \_\_\_\_\_
  - ii. Outcome # \_\_\_\_\_
- c) Where does this task force objective/goal/outcome fit into the City’s budget process?
  - a. This goal/outcome \_\_\_\_\_ has been budgeted for \_\_\_\_\_(year)
  - b. This goal/outcome \_\_\_\_\_ has NOT been budgeted

Membership composition:

- 2 City Councilors
- 2 Lebanon Residents
- 1 Member of the Lebanon Historical Society
- 1 Member of the Lebanon Heritage Commission
- 1 Representative of the local Lebanon funeral home
- 1 Member of the local American Legion Post
- Staff support and consultation from Lebanon Department of Public Works

[Note: 1. Composition of any given task force may vary based on its scope and objective. Ex: strictly citizens, strictly city council, City Council &/or regulatory board representation, consultant, etc. 2. Based up on the information provided on the form, this task force will be assigned to the appropriate city department, city staff member, regulatory board (PB, CC, SCIMP, etc.) or consultant.]

Sunset Date: April 1, 2018 (i.e.: deadline for final task force report to be presented to the full Council).

City Council Action:

- Sunset report presented, accepted and task force disbanded \_\_\_\_\_ (Date)
- Sunset report presented, accepted and task force work scheduled for extension/modification pending completion and acceptance of avnew task force template form. \_\_\_\_\_ (date).

\*The Steering Committee for the Implementation of the Master Plan (or SCIMP) is charged with the implementation of the City's Master Plan. They determine which of the Master Plan outcomes, strategies and action items are priorities for a given year, how best to implement them, and provide a forum for educating themselves and the public on ideas and techniques to implement planning and zoning for Lebanon. Their recommendations are passed on to the Planning Board for action.

LEBANON CITY COUNCIL  
AGENDA REQUEST FORM

1. Councilor Name: Sarah Welsch

2. Preferred Date of Council Meeting to Consider Item: November 1, 2017

***Please keep in mind that if this request is for an agenda item and is not urgent in nature, a future date is preferable in order to allow proper time to prepare materials. See Council Rules § A191-7. Agenda, last amended 4-20-2011.***

3. Is there a deadline associated with this item, if so, what is it: Yes, as soon as possible

4. Name of agenda topic item: Cemetery Task Force. Purpose of Task Force to explore establishing a Lebanon Cemeteries' Board of Trustees in accordance with RSA 289:6,II.

5. Reason for topic item: The maintenance by DPW of all the cemeteries in Lebanon as it is now covers ONLY mowing and plowing and lands' management. And further, all cemeteries' monuments are in the control of the deceases' families regarding any upkeep maintenance (this is according to NH state law; specifically, all of RSA 289). Concerns continue to be raised about the physical upkeep of Lebanon's cemeteries, with emphasis on the monuments. Based on the legal opinion provided to the City Council in the October 4, 2017, meeting agenda packet, the City to has options to consider in order to change the current course of maintenance, perpetual care and the ability to address the issues with broken monuments. These options include considering amending City Code to include an elected Cemetery Board of Trustees. Also under consideration is should the Council move forward with a "cy press" petition to "expend excess interest from the Perpetual Care Trust Funds or to release perpetual care trusts that may still be held for abandoned burial plots" which would need to be done by a Lebanon Cemeteries Board of Trustees. State law RSA 289:6 ("Cemetery Trustees")

and RSA 289:7 (“Sexton”) is applicable regarding these trustees’ ability to appoint a “non-trustee” sexton to manage the cemeteries.

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6. Specific questions related to topic item: \_\_\_\_\_

\* Research and re-visit the reasons the City of Lebanon shifted the decisions, and maintenance of the Cemeteries under the Department of Public Works.

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\* Is it correct that even with or after establishing a Cemetery Trustee Board, municipalities in NH must have/create additional means for covering the costs of repair and replacing any old, damaged stones on a regular basis?

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\* If so, how is this arranged and managed by other NH towns and cities, such as Hanover?

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\* The establishment of a Board of Cemetery Trustees

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\* If the answer from the Task Force is either: “No, not advisable”; “not at this time—due to fiscal situations facing the City in other areas;” or if the Task Force cannot agree on a plan to move forward, what kind of “Stop Gap” measures can the City Council undertake now and instead?

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7. Proposed or possible action, motion, goal, and/or code or policy amendment: \_\_\_\_\_

To immediately request that the City’s Mayor, in conjunction with the Acting City Manager appoint a Task Force to consist of an appropriate number of citizens, but including at the least: two City Councilors; two members of the Lebanon citizenry; one member of the Lebanon Historical Society and one member of the Heritage Commission; representative of the local Lebanon funeral home, and the like—who have prior experience tap into; a member of the local American Legion Post

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8. Supporting documentation requested re: topic item: \_\_\_\_\_

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9. Documentation and/or references related to this topic (i.e. web links, web sites, reports, etc.) supplied by the requestor and for informational purposes only - not to be included in any agenda package: \_\_\_\_\_

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10. Other: \*The Task Force, if formed now, must conclude its work in time for the action recommended to be in keeping with the schedules of the City Clerk's office, in order to be placed on the ballot for the municipal voting in March 2018.

\*The question of a budget line item addition for any monument maintenance work must be considered before that date, so management of this task may be needed during this year's 2018 Budget period.

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