

Agenda Summary
June 26, 2024

Item A-4
Cemetery Commission Charge Amendment

Summary: Attached is an amendment to the Cemetery Commission Rules & Responsibilities for the purpose of creating Alternate positions, per your request on June 12. The amendment reads:

The Selectboard may appoint Alternate members to the Commission. Alternate members will serve when there is a vacancy, absence, or conflict of interest of a regular member.

Town Plan Impact: N/A

Fiscal Impact: N/A

Recommendation: Move to approve the updated Cemetery Commission charge to reflect proposed changes.

Town of Stowe, Vermont

**A RESOLUTION
GOVERNING THE
DUTIES AND RESPONSIBILITIES OF A
CEMETERY COMMISSION**

WHEREAS, the Stowe Board of Selectboard is authorized to appoint such commissions, committees and officers as they feel to be in the best interest of the Town, pursuant to the provisions of Section 406 (c) and Section 408 (b) (3) of the Charter of the Town of Stowe; and

WHEREAS, the Stowe Selectboard seeks to clearly identify the duties and responsibilities of the Cemetery Commission, particularly with regards to financial policies and the Commission's role in municipal government;

Now, therefore, the Stowe Selectboard hereby resolves as follows:

I. Authorization

There shall be a Stowe Cemetery Commission and said Commission is hereby authorized to exercise the applicable duties and responsibilities as set forth in Title 18, Chapter 121 of the Vermont Statutes Annotated; to the extent consistent with the terms of this Resolution, in accordance with other applicable State laws, Town policies, rules, regulations, resolutions and ordinances; and subject to the limitations set forth herein.

II. Commission Responsibilities

- (a) The primary purpose of the Cemetery Commission is to oversee the perpetual care of municipally maintained burial grounds and make recommendations as to how the cemeteries should be properly administered in a professional and dignified manner. To accomplish this mission, the Commission shall monitor the operations of municipal cemeteries in the Town of Stowe, and it shall be responsible for cemetery record keeping in accordance with the provisions of 18 VSA §5313, initial dispute resolution, providing budgetary recommendations and interacting with funeral directors, memorial dealers, suppliers, Town Officials, family members of deceased persons and the general public.
- (b) The Cemetery Commission shall advise the Selectboard, other Town Officials and the residents of Stowe on the state of cemetery conditions in the Town with an eye towards future community needs.

- (c) The Cemetery Commission shall submit recommendations to the Selectboard for all proposed cemetery policies, rules and regulations for final approval at a duly warned, public meeting prior to implementation. The Commission shall consult with the Parks Superintendent in the ' formulation of said recommendations. The Commission is authorized to monitor the administration of the policies and regulations as specified in the approved cemetery rules and regulations. (Note: The object, purpose and activities of a cemetery shall be restricted to those acts necessary for the interment of deceased persons.)
- (d) The Cemetery Commission may, in consultation with the Parks Superintendent, solicit survey, cornerstones and foundation contracts as needed for the purpose of making recommendations to the Selectboard on awards, terms and conditions for such agreements.
- (e) The Cemetery Commission shall submit an annual report to the Town as requested by the auditors, summarizing its accomplishments, stating its future goals and presenting any other information it deems pertinent.
- (f) Members of the Cemetery Commission must have a keen interest in obtaining a working knowledge of cemetery operations, applicable laws and regulations.
- (g) It must be understood that Commission members represent the Town of Stowe in an often sensitive environment where the respect and dignity of all individuals must be upheld in a fair and consistent manner to the greatest extent possible.

III. Membership

- ~~(a)~~ The Commission shall consist of seven (7) members appointed by the Selectboard.
- ~~(a)(b)~~ The Selectboard may appoint Alternate members to the Commission. Alternate members will serve when there is a vacancy, absence, or conflict of interest of a regular member.
- ~~(b)(c)~~ Appointments shall be for a three (3) year term, except that appointments filling vacancies shall be for the remainder of the term of appointment.
- ~~(e)(d)~~ Appointees shall serve at the will and pleasure of the Selectboard and may be removed at anytime upon written notice. Also, an appointee may be removed by the Selectboard in the event of three (3) consecutive un- excused absences from Commission meetings.
- ~~(d)(e)~~ All vacancies shall be filled by the Selectboard within three (3) months whenever possible. Candidates shall provide the Selectboard with a written letter of interest and shall be interviewed by the Selectboard in executive session in the presence of the Cemetery Commission Chair whenever possible.
- ~~(e)(f)~~ All members shall serve without compensation, but may be reimbursed by

the Town for necessary and reasonable expenses incurred in the course of their duties upon approval of the Commission and subject to the availability of funds in accordance with the provisions of Section VII, Subparagraph (a) below.

IV. Meeting Procedures (Note: All meeting are open to the public in accordance with the Vermont Open Meeting Law; 1 VSA, Chapter 5)

- (a) **Annual Meeting:** The annual meeting of the Cemetery Commission shall be the first regular meeting in the month of May each year. This meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled including the establishment of the time and place for regular commission meetings.
- (b) **Special Meetings:** Special Meetings of the Commission may be called by the Chair or Vice-Chair in accordance with the provisions of paragraph (c) below.
- (c) Notice of time and location for meetings shall be given to all members and shall be posted in at least two public places not less than twenty-four (24) hours in advance. Meetings shall be held in public assembly areas that are handicap accessible to the greatest extent possible.
- (d) **Executive Session:** During a meeting of the Cemetery Commission, a motion which indicates the nature of business to be addressed can be made to move into "executive session". Upon majority vote, such session can be held that is closed to the public, but no decisions shall be made. Appropriate topics for executive session are set forth in 1 VSA §313.
- (e) All recordings and minutes of any Commission meeting or action shall be filed with the Town Clerk and available to the public five (5) days after the meeting.
- (f) A quorum shall consist of the presence of four (4) members. No action shall be taken without the affirmative vote of at least (4) members. (Note: Any member unable to attend should notify the Commission Chair in advance of the meeting date to be excused.)
- (g) **Abstentions from Participating and Voting:** In order to secure and preserve the higher level of public trust in the deliberation and decisions of the Stowe Cemetery Commission, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law but also to avoid any act that gives the appearance of an undue special privilege or a conflict of interest. A member shall withdraw from all participation, including all formal and informal discussion and voting, in any deliberation of the Commission or any issue when a conflict of interest exists or when there is a reasonable public presumption that a conflict or a special privilege may exist. (Note: a vote to abstain shall not be considered for or

against a motion.) (Also Note: Town Charter Section 1004.)

- (h) A typical meeting of the Commission may consist of:
- Approval of the preceding meeting's minutes;
 - Review of correspondence;
 - Review/Approval of requests;
 - Old and new business

V. Officers

The Commission shall elect from its membership the following officers at its annual meeting:
(Note: A Commissioner may hold more than one office.)

- (a) A Chair, who shall preside at all meeting of the Commission at which (s)he is present, and shall direct the work of the Commission. The Chair shall also serve as the liaison between the Commission, the Selectboard and other Town Officials to ensure continuing communications take place.
- (b) A Vice-Chair, who shall assume all duties and powers of the Chair in his/her absence or when the Chair so request.
- (c) A Treasurer, who shall monitor cemetery operating budget expenditures, trust fund expenditures and capital budget expenditures and present financial reports at meetings of the Commission.
- (d) All officers shall be elected for a one year term.

VI. Committees

- (a) The Commission may function with both standing and ad-hoc committees. Standing committees may be established by a majority vote of the Commission; ad-hoc committees may be established by the Commission Chair. A standing committee shall annually elect a Chair. The Commission Chair shall appoint Chairs as necessary for ad-hoc committees.
- (b) All committees shall function in an advisory capacity to the Commission. No action shall be taken by any committee without the prior consent of the Commission.
- (c) Committee membership shall be open to the public. Committee meetings

shall be open to the public. The time and place of each meeting shall be posted. Minutes of committee meetings will be submitted to the Commission as noted in Section IV, Subparagraph (d) above and incorporated with the records of the Commission.

VII. Administration

- (a) Cemetery Commission Budget: The Commission shall have the authority to request appropriations, (tax dollars), from the Town to meet its business expenses during the fiscal year. The expenditure of budgeted funds in the Cemetery Commission budget shall be made using whatever procedures are acceptable to the Commission in accordance with State law and written Town policies. The expenditure of funds above-and-beyond the budgeted amounts shall require approval of the Selectboard prior to being incurred.
- (b) Trust Funds: The Cemetery Commission shall deposit any and all receipts for sale of burial rights, fees for opening/closing graves and any other undesignated funds donated to the Commission in the Cemetery Trust Fund. This fund shall be under the trust and management of the Town Treasurer in accordance with the provisions of 18 VSA §5384. This fund shall accrue from year to year and its earnings may be used for cemetery purposes as authorized by the Selectboard and/or Town Meeting in accordance with the provisions of 18 VSA §5385.
- (c) Cemetery Operating Budget: The annual operating budget shall consist of appropriated funds for the care and up-keep of Town maintained cemeteries and Town-owned buildings dedicated thereto. Funds shall be accounted for as part of the Town's Cemetery budget. The Cemetery Commission shall work closely with the Parks Superintendent and Town Manager in the preparation of the budget and shall monitor expenditures but shall not approve normal budgeted expenditures. The general tax dollars of the Town shall be used in support of cemetery staff wages and routine building and equipment expenses. Expenditure requests from the Cemetery Commission or Cemetery Superintendent for amounts above- and-beyond the budgeted amounts must be approved by the Selectboard prior to being incurred.
- (d) Cemetery Capital Budget: Any planned expenditure in excess of ten thousand dollars per fiscal year shall be administered as part of the Town's capital budget program. The Cemetery Commission shall work closely with the Parks Superintendent in preparing capital requests for the Town Manager and Selectboard's consideration. The Cemetery Commission shall monitor expenditures but shall not approve budgeted expenditures. Expenditure requests from the Cemetery Commission or Parks Superintendent for amounts above-and-beyond the budgeted

amounts must be approved by the Selectboard prior to being incurred.

- (e) Gifts, Grants & Special Project Funds: The Cemetery Commission is encouraged to apply for grants, donations and other alternative funding sources upon approval of applications by the Selectboard. The Commission shall have the authority to receive gifts, grants, or money from any sources for cemetery purposes, provided, however, that any funds from private, state or federal sources which impose any obligation on the Town shall be accepted only by consent of the Selectboard. The expenditure of grants and donations that are not directly deposited into the Cemetery Trust Fund shall require the approval of the Selectboard.
- (f) Cemetery Grounds Management: The actual care and maintenance of Town maintained cemetery grounds (including but not limited to memorials, vaults, buildings, turf, etc.) shall be performed by staff under the jurisdiction of the Town Manager and the Parks Superintendent. The Commission shall not directly oversee the work performed by staff, but may monitor maintenance activity to the extent it deems necessary and may communicate with the Town Officials listed above whenever it is appropriate. In the event there is a vacancy in the position of Parks Superintendent, the Town Manager shall invite the Cemetery Commission Chair to participate in the appointment of a replacement, but otherwise, the Commission shall have no formal role in personnel matters.
- (g) The budget process: The Selectboard of the Town of Stowe shall annually submit to the voters of Town Meeting, budgetary recommendations to consist of estimated expenditures and revenues for the ensuing fiscal year. The Selectboard's budgetary recommendations as they pertain to the terms and conditions of this Resolution shall be developed with input from the Cemetery Commission, the Parks Superintendent, the Town Manager, other town officials and the general public.
- (h) Cemetery Commission Employees: The Commission may utilize the services of Clerk employed by the Town to keep minutes of all meeting and proceedings of the Commission and record any action taken by the Commission. The Clerk shall post public notices of Commission meeting and give notice to individual Commission members when necessary. The appointment of a Clerk shall be subject to applicable personnel policies of the Town.

VIII. Amendments & Adoption

- (a) This Resolution may be amended at any time by vote of the Selectboard at a duly warned, public meeting. Notice of any such pending action shall be provided to the Cemetery Commission at least fourteen (14) days in advance of the meeting.

- (b) The Cemetery Commission may submit requests to the Selectboard to amend this Resolution whenever it deems such action to be warranted.
- (c) This Resolution shall amend in its entirety, thereby superseding and replacing the Stowe Cemetery Commission Rules of Operation adopted by the Stowe Selectboard on December 23, 2013, including any and all subsequent amendments thereto.
- (d) This resolution is hereby approved and adopted by the Stowe Selectboard on this 26th day of June, 2024, to be immediately effective henceforth.

ATTEST:

Billy Adams, Chair

Paco Aumand, Vice Chair

Jo Sabel Courtney

Nick Donza

Ethan Carlson

Filed and recorded this _____ day of _____, 2024.

Penny Davis, Town Clerk