

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND
SPECIAL MEETING MINUTES OF APRIL 22, 2008 – 1:00 P.M.**

Council met in Special Session on Tuesday, April 22nd, 2008 at 1:00 p.m. in the Council Chambers with Mayor William Finley presiding.

Members Present: Mayor William Finley
Deputy Mayor Dalton McDonald
Councillors: Raymond Bennis
Walter Broegelmann
Art Jeninga
Cathie Ritchie

Members Absent with Notification: Councillor Bill Holmes

Staff Present: Robin van de Moosdyk, Deputy Clerk

Guests: Mr. Michael D'Mello, Registrar, Ministry of Government and Consumer Services
Mr. Don Fleming, Compliance Office, Ministry of Government and Consumer Services

Others Present: Betty Carruthers, resident/Member of Abandoned Cemeteries Brd.
Reginald and Beatrice Timlin, Centenary Cemetery
Phyllis Dietrich, Minister, St. Andrew's United Church
Doug Johnston, St. Andrew's United Church/Abandoned Cemeteries
Carol Mallory, St. Andrew's United Church
Ron Macklin, Chairman, Bethany (Macklin) Cemetery
Don Isaac, Chairman, Bethesda North Cemetery
Marilyn Parker, Sec./Treas., Bethesda North Cemetery
Mr. Murray Thackeray, Chairman, Centenary Cemetery
Mrs. Audrey Thackeray, Sec./Treas., Centenary Cemetery
Perry Lean, Centenary Cemetery
Howard Sheppard, Centenary Cemetery
John Eagleson, Fairview Cemetery
Gaye Hoskin, Chairman, Fairview Cemetery

I. CALL TO ORDER

Mayor Finley called the meeting to order at 1:00 p.m.

II. DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no disclosures of pecuniary interests at this time.

III. APPROVAL OF AGENDA AS CIRCULATED

Moved by Councillor Broegelmann, seconded by Councillor Bennis;

"Be it resolved that the Agenda as circulated for the Special Session of the Council of the Township of Alnwick/Haldimand of Tuesday, April 22nd, 2008, be approved. CARRIED."

IV. MR. MICHAEL D'MELLO, REGISTRAR 1:05 P.M.

Mr. D'Mello has been requested to attend this Special meeting to provide Council and representatives of the Boards of Trustees/Directors for area Cemeteries, a review of the existing provisions and regulations which govern all Cemeteries, as well as, to advise of the new proposed regulations.

The proposed draft by-law of the Council of the Township of Alnwick/Haldimand, which provides for the governance of three active area Cemeteries to be under the municipal authority rather than the Board of Trustees/Directors of which it's membership is comprised of volunteer members, of whom have done this volunteer work for many, many years and are now wishing to retire.

Introductions were conducted of those individuals in attendance.

Mr. D'Mello commenced his presentation as follows:

- The present legislation was passed in 1992
- The definition of an In-Active Cemetery is one which has not had a Burial since 1995 and will not have any further burials
- The definition of an Active Cemetery is one this has had burials since 1995 and/or is still conducting interments.
- The definition of an abandoned cemetery to the Ministry is a cemetery that is sitting out there and no one is providing the care and maintenance as is required.
- There is no legislation or provision is the legislation that states that a Municipality is required to assume the governance of a cemetery.
- Suggested that the Board of Trustees for each Cemetery work out an amicable agreement with the municipality in order to accommodate a smooth transition of governance, if this is at all possible.
- In order to have a Cemetery declared abandoned it has to be determined by a Judge and the cemetery would then vest with the municipality. However, the municipality does not have to comply and/or complete the plots that have been sold, as they could guarantee another plot in a different cemetery, or they may wish to complete those interments that have been sold and not accept or sell any further plots.
- Communities need to be responsible for their cemeteries as this is the only link to their heritage.
- Care and Maintenance Trust Funds need to be established and the interest which is earned from this Trust Fund can be used for care and maintenance items of the Cemetery.
- Each cemetery should have their own Trust Funds to ensure the future care and maintenance of that particular cemetery.
- Nine times out of ten the Municipality cannot operate an active cemetery in the same manner as the Board of Trustees.
- If municipality had an agreement to govern all three of cemeteries as proposed it would be the municipal Council's decision of whether or not to one Care and Maintenance Trust Fund or three separate ones.
- Interment rights, if a plot is not used, after 20 years can be declared abandoned and resold. However, if the original interment right holder returns and can provide proof that they once had ownership of a plot the cemetery owner must provide a plot of similar description in the same cemetery or some other cemetery.
- Closure of a Cemetery must take into account, if the closure is in the "Public Interest".
- Conformity to the Cemeteries Act is a requirement.

V. QUESTIONS/COMMENTS FROM COUNCIL MEMBERS:

Councillor Jeninga asked if a municipality inherits an active Cemetery and it is specific to denomination can the municipality amend this to accept any denomination. Mr. D'Mello, yes if the By-Laws governing the Cemetery are amended.

Deputy Mayor McDonald asked if there was any financial assistance from the Province that could be applied for by the Board of Trustees to assist in the cost of liability insurance. Mr. D'Mello stated that there is no assistance that he is aware of. It was noted that there is not many burials as it mostly cremations. Mr. Don Isaac noted that it was approximately 60 percent are cremations now. It was noted that one plot or grave site could hold two or three urns instead of just casket.

Mr. D'Mello noted that out of the fees collected for an interment, \$150.00 must be allocated to the Care and Maintenance Fund. However, an Opening and Closing Fee could be established in order to address the multiple cremations in one plot.

Councillor Ritchie requested clarification of the Care and Maintenance Fund, of which was provided by Mr. D'Mello.

Mayor Finley asked if a cemetery is obligated to conduct or accept a burial of an individual should they not have the financial assets to pay the cost of such burial. Mr. D'Mello advised that the cemetery is obligated and can be reimbursed for this type of burial by their local Social Service Department. Mrs. Thackeray asked if this was the same for veterans. Mr. D'Mello was of the understanding that there is minimum of \$1,000.00 for a veteran's burials.

VI. QUESTIONS/COMMENTS FROM LOCAL BOARD MEMBERS

Mr. John Eagleson asked if there would be any circumstances that would permit a Board of Trustees to access Trust Funds in order to purchase a columbarium? Mr. D'Mello stated that Trust Funds can only be requested for the purchase of lands in order to expand the cemetery boundaries. Mr. Gaye Hoskin commented that the columbarium is similar in the approach, which is to expand the capacity of the cemetery, and asked, "What the difference was between the two scenarios?" Mr. D'Mello stated that use of Trust Funds for columbariums are not within the provisions of the legislation.

Mrs. Timlin noted that the fee prescribed for head stones/monuments is not included in the Care and Maintenance Fund allocations. Mr. D'Mello confirmed this action to be correct.

Mr. Don Isaac noted that he was planning on retiring after 25 years of being on the Cemetery Board. However, there is no one interested in taking over the operation of the Cemetery and that it was his understanding that it was the mandate and responsibility of the municipality to take over these cemeteries. Mr. D'Mello reiterated that there is no provision in the legislation requiring a municipality to take over the operation of any Cemetery unless it is their decision to do so.

Mr. D'Mello noted that this is an ongoing problem across the province and this area is no exception. Mr. D'Mello stated that the communities need to ensure the preservation of these cemeteries in order to preserve our heritage.

Mr. D'Mello suggested that the Board of Trustees contact all of the interment holders to advise them of the situation and if they would be interested in being involved in the operation of the cemetery and if they are not what the future of the cemetery are in respect to continued operations.

Mr. Ross Poole asked who would have the final legal signing authority should the municipality agree to take over the governance of the cemeteries. Mr. D'Mello stated that the deeds would have to be vested in the Municipality prior to ownership registration and by-laws being enacted. Once the cemetery is vested in the municipality, it would be the municipality's decision on the standard of care and of the overall operation.

Mrs. Thackeray requested clarification with respect to the monument fees, which was provided by both Mr. D'Mello and Mr. Fleming.

Mr. Isaac commented that should the municipality consider taking governance of the cemeteries, he would like to see the Care and Maintenance Funds for each cemetery kept separate. Mr. D'Mello stated that this would be a decision of the municipal Council as would the standard of care and maintenance for each cemetery be the decision of Council.

Councillor Jeninga departed at 2:32 p.m.

Deputy Mayor McDonald stated that should this Council deem it expedient to assume governance of the cemeteries, the first step would have to be to obtain ownership of all three, the second step would be to prepare the necessary by-law or by-laws for approval by the Ministry of Government and Consumer Services, the third step would be to implement the by-law(s) and appoint a volunteer group or groups or possibly an individuals to oversee the operations. This is not going to be a process that is completed in the short term.

Mayor Finley thanked Mr. D'Mello, Mr. Fleming and the representatives of the Cemetery Board's for attending the meeting today, as the information provided was very informative and useful to everyone.

Mr. D'Mello and Mr. Fleming stated that they would be more than happy to assistance in answering any questions or providing any additional information they could for the Board representatives and Council.

2008/2009/2010 GRASS CUTTING TENDER AWARDS – 2:53 P.M.:

Moved by Deputy Mayor McDonald, seconded by Councillor Bennis;

"Be it resolved that the following Tenders as submitted be approved for the 2008/2009 and optional year 2010 for Grass Cutting for the Township of Alnwick/Haldimand:

P. Marshall	Total Cost 2008	Total Cost 2009	Total Cost 2010
Tender Nos. 1 and 4	\$7,084.00	\$7,291.00	\$7,498.00

AND

J. Vollering	Total Cost 2008	Total Cost 2009	Total Cost 2010
Tender Nos. 2, 3, 5 and 7	\$4,232.00	\$4,347.00	\$4,462.00

AND

Nelson's	Total Cost 2008	Total Cost 2009	Total Cost 2010
Tender No. 6	\$ 575.00	\$ 575.00	\$ 575.00 CARRIED."

Senior of the Year Nomination – 3:05 P.M.:

Moved by Councillor Bennis, seconded by Councilor Ritchie;

“Be it resolved that the Council of the Township of Alnwick/Haldimand proceed with the nomination of Reverend Agnes Lee for Senior of the Year for the Township of Alnwick/Haldimand. CARRIED.”

Break 3:07 p.m. to 3:25 p.m.

VII. 2008 PROPOSED FINAL DRAFT OF MUNICIPAL BUDGET– 3:25 P.M.

Mrs. Beth Vosbourgh, Municipal Treasurer and Mrs. Rosie Cromlish, Tax Collector were in attendance to review the requested amendments, additions, and/or deletions to the proposed 2008 Budget.

The Clerk/Administrator, Terrence Korotki arrived at the Special Council session at 3:32 p.m., at which time the Deputy Clerk, Robin van de Moosdyk departed from the Special Council Session.

Councillor Broegelmann departed from the meeting at 5:02 p.m.

CONFIRMING BY-LAW – 5:08 P.M.:

By-Law No. 44-2008 - Being a by-law to confirm the proceedings of the Special Council Session held on April 22, 2008 of the Council of the Township of Alnwick/Haldimand.

Moved by Councillor Bennis, seconded by Councillor Ritchie;

“Be it resolved that **By-Law No. 44-2008**, being a by-law to confirm the proceedings of the Regular Council session held on Tuesday, April 22nd, 2008 of the Council of the Township of Alnwick/Haldimand, be read a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 22nd day of April, 2008. CARRIED.”

XIV. ADJOURNMENT – 5:09 P.M.:

Moved by Deputy Mayor McDonald, seconded by Councillor Bennis;

“Be it resolved that the Regular Council Session held on Tuesday, April 22, 2008, be adjourned at 5:09 p.m. CARRIED.”

MAYOR, WILLIAM FINLEY

DEPUTY CLERK, ROBIN VAN DE MOOSDYK

CLERK/ADMINISTRATOR, TERRENCE KOROTKI