



BOLINGBROKE CEMETERY BOARD AGENDA

Thursday, May 25th, 2023 - 1:00 p.m.
Municipal Office – Council Chambers – 217 Harper Road

Chair, Councillor Wayne Baker

- 1. CALL TO ORDER**
- 2. AMENDMENTS/APPROVAL OF AGENDA**

Suggested Motion:

“THAT, the agenda be adopted as presented.”

- 3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**

- 4. APPROVAL OF MINUTES**

- i) Minutes – April 21st, 2023 – *attached, page 4.***

Suggested Recommendation:

“THAT, the minutes of the Bolingbroke Cemetery Board Meeting held on April 21st, 2023 be approved as circulated.”

- 5. BUSINESS**

- i) Contract for Interment Rights – *attached, page 11.***

Legal has now had a chance to review the contract. The final version is attached to this agenda and has been handed out so that Members can include in their binders.

- ii) Disinterment Rights Certificate – *may be distributed at the meeting.***

Have been back and forth with legal. If the final version is ready by the meeting it will be distributed and handed out so that Members can include it in their binders.

- iii) **Contract for Disinterment Rights** – *may be distributed at the meeting.*

Have been back and forth with legal. If the final version is ready by the meeting it will be distributed and handed out so that Members can include it in their binders.

- iv) **Bolingbroke Cemetery By-Law – Status Update.**

- v) **Cemetery Checklists** – *to be distributed at the meeting.*

- vi) **Name Sign Update.**

Currently in production. Once received Public Works will schedule the install.

- vii) **General Account versus Care and Maintenance Fund Account – No Update.**

- viii) **2023 Draft Budget – to be distributed at the meeting by the Board Members.**

- ix) **Memorial Service.**

- x) **Donation Link on Website.**

- xi) **Expansion of Cemetery.**

[capacity to run the cemetery, survey, fencing, lot addition, new entrance and repair pillars, 1 new double gate, trees (donated)]

6. **NEW/OTHER BUSINESS**

None.

7. **NEXT MEETING DATE AND PROPOSED AGENDA ITEMS**

Next Meeting: To be determined.

Proposed Agenda Items: Expansion of Cemetery

8. **DEFERRED ITEMS**

**The following items will be discussed at the next and/or future meeting:*

- *Price List – review Fall 2023*

9. **ADJOURNMENT**

MINUTES

BOLINGBROKE CEMETERY BOARD MINUTES

Friday, April 21, 2023

10:00 a.m.

Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario

Council Chambers

ATTENDANCE:

Members Present: Chair, Councillor Wayne Baker
Doug Boyd
Darla Kilpatrick

Staff Present: Amanda Mabo, Chief Administrative Officer/Clerk
Maureen van Dreumel, Community Services Coordinator
Ashley Liznick, Treasurer (left at 12:20 p.m.)
Olivia Trudel, Corporate Assistant/Recording Secretary

Members/Staff Absent: Betty Anne Gillespie

1. CALL TO ORDER

The meeting was called to order at 10:03 a.m.
A quorum was present.

2. INTRODUCTIONS

The Board members introduced themselves and expressed their personal reasons for joining the Bolingbroke Cemetery Board. Each staff member introduced themselves and explained what their involvement with the Board is.

3. AMENDMENTS/APPROVAL OF THE AGENDA

The agenda was approved as presented.

4. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF

None at this time.

5. APPROVAL OF MINUTES

i) Minutes – May 25th, 2022

The minutes of the Bolingbroke Cemetery Board Meeting held on May 25th, 2022, were approved as presented.

6. BUSINESS

i) Legislation

The CAO/Clerk gave a summary of the legislation and regulations asked that the Board members read it on their own time. The CAO/Clerk also provided each member with a binder containing information related to the cemetery and its operations.

- Funeral, Burial and Cremation Services Act, 2002
<https://www.ontario.ca/laws/statute/02f33>
- O. Reg. 374/18 – Discipline and Appeal Committees
<https://www.ontario.ca/laws/regulation/180374>
- O. Reg. 216/18 – Code of Ethics
<https://www.ontario.ca/laws/regulation/180216>
- O. Reg. 184/12 – Care and Maintenance Exemptions and Miscellaneous Charges
<https://www.ontario.ca/laws/regulation/120184>
- O. Reg. 30/11 - General
<https://www.ontario.ca/laws/regulation/110030>
- Occupiers' Liability Act
<https://www.ontario.ca/laws/statute/90o02>

ii) Bereavement Authority of Ontario (BAO)

The CAO/Clerk explained that the BAO is a government delegated authority that administers the Act and its regulations. The Treasurer explained that the BAO is who the Board reports to. All financials and reports are sent to the BAO.

iii) History of the Bolingbroke Cemetery

The CAO/Clerk updated the Board on the history of how the Cemetery became the responsibility of Tay Valley Township.

iv) **Website**

The CAO/Clerk gave a demonstration of the Bolingbroke Cemetery page on the Township's website.

v) **Insurance**

The CAO/Clerk explained that all Board members and volunteers are covered by the Township's insurance as it is an active cemetery.

vi) **Price List**

The CAO/Clerk informed the Board that the price list is required by the Act and it needs to be provided to anyone inquiring or purchasing a service from the cemetery. The price list was approved by the Board in 2022.

D. Boyd suggested explanations be added to the price list, for example, did not know what a gate fee was.

The CAO/Clerk explained that legislation determines what must be put on the price list but possibly a glossary could be added to the Internment Rights Contract and/or by-law.

It was also noted that the digging of the hole and purchase of the monument is paid directly to the supplier and is not provided by or included in the cemetery fees. This should also be noted somewhere.

The Community Services Coordinator will create Standard Operating Procedures (SOPs) for new purchases, legacy plots, abandoned plots, if it's a burial versus a cremation, etc.. The SOPs will aid the Board and volunteers with sales and inquiries from the public.

It was noted that the price list will be reviewed annually, and may be subject to price increases.

vii) **Interment Rights Certificate**

The CAO/Clerk explained what is on the Internment Rights Certificate and noted that it is to be filled out at the point of purchase, same time as the Contract for Internment Rights. The Certificate was approved by the Board in 2022. Once the process becomes familiar, the Certificate can be altered if information is missing or not necessary.

viii) **DRAFT Contract for Interment Rights**

The CAO/Clerk informed the Board that the Contract for Internment Rights is currently with legal counsel for input and will be distributed once feedback has been received.

D. Kilpatrick asked what is the difference between a lot and a plot? A plot is a single grave, a lot is more than one grave and is described in the cemetery by-law.

RESOLUTION #BCB-2023-01

MOVED BY: Darla Kilpatrick
SECONDED BY: Doug Boyd

“**THAT**, the Internment Rights Contract for the Bolingbroke Cemetery be approved, subject to any changes recommended by legal counsel.”

ADOPTED

ix) **DRAFT Disinterment Rights Certificate**

RESOLUTION #BCB-2023-02

MOVED BY: Darla Kilpatrick
SECONDED BY: Doug Boyd

“**THAT**, the Disinterment Rights Certificate for the Bolingbroke Cemetery be approved, subject to any changes recommended by legal counsel.”

ADOPTED

x) **DRAFT Contract for Disinterment Rights**

D. Boyd asked what happens to a plot that has had remains disinterred and the lot “owner” wants to sell the lot back to the cemetery? The CAO/Clerk will check with legal counsel and will write into the contract and/or cemetery by-law.

RESOLUTION #BCB-2023-03

MOVED BY: Darla Kilpatrick
SECONDED BY: Doug Boyd

“**THAT**, the Disinterment Rights Contract for the Bolingbroke Cemetery be approved, subject to any changes recommended by legal counsel.”

ADOPTED

xi) **Tracking Sheet – Interment & Disinterment Contracts and Certificates**

The CAO/Clerk explained the tracking sheet will capture the Rights Holder’s name, date of purchase, contract numbers and certificate numbers so that records can be easily cross referenced.

xii) **Records**

The CAO/Clerk explained that all original records should be housed at the Municipal Office as there is no dedicated office for the cemetery. If anyone wishes to view the plot books, they can come and view them at the Municipal Office.

xiii) **DRAFT Bolingbroke Cemetery By-Law**

The CAO/Clerk reviewed the By-Law and explained that it will go to Council and then be sent to the BAO for final approval.

RESOLUTION #BCB-2023-04

MOVED BY: Darla Kilpatrick

SECONDED BY: Doug Boyd

“**THAT**, the Bolingbroke Cemetery By-Law be approved, subject to any changes recommended by legal counsel, and brought forward to Township Council for approval in principle for circulation to the Bereavement authority of Ontario for comment.”

ADOPTED

xiv) **Cemetery Procedures/Checklist**

D. Kilpatrick will email a list of suppliers that the cemetery deals with.

The Community Services Coordinator will work with the Board to develop the Standard Operating Procedures.

xv) **Transfer of Financials to the Township**

The Treasurer notified the Board that the financials were transferred to the Township in March of 2023. The Treasurer will meet with Board Member Betty Anne Gillespie monthly to discuss any financial transactions that occurred for that month.

It was suggested that a donation link be added to the website.

xvi) **General Account versus Care and Maintenance Fund Account**

The Treasurer gave an overview of what each account is used for and its purpose.

xvii) **2023 Draft Budget**

The Treasurer explained that all funds are tracked separately and not included in Township funds. The 2022 Auditor’s Review will note all of this.

The year-to-date budget spreadsheet will be included in all Board agendas.

The Board will bring the 2023 Draft Budget to the next meeting.

The CAO/Clerk suggested that the Board should meet in August or September to set the budget for 2024. As well, preliminary expansion discussions should happen now as they will take time and the volunteers want to be ready for when

the expansion is approved. For example, surveyors are booking 8 months in advance.

The Treasurer left at 12:20 p.m.

xviii) **Additional Questions from Volunteers**

Can the grounds maintenance crew repair the tombstones that are aged and falling over? Can the funds in the general account be used to repair these tombstones?

The CAO/Clerk explained that the Board would be responsible for approving the spending of those funds. The CAO/Clerk said to get a quote from the monument company and then bring that quote to the next meeting.

7. NEW/OTHER BUSINESS

None.

8. NEXT MEETING DATE AND PROPOSED AGENDA ITEMS

Next Meeting: May 25th, 2023 at 1:00 p.m.

9. DEFERRED ITEMS

**The following items will be discussed at the next and/or future meeting:*

- *Updates from legal counsel*
- *Expansion of Cemetery - survey, fencing, lot addition, new entrance and repair pillars, 1 new double gate, trees (donated)*
- *2023 Draft Budget*
- *SOPs and Checklists*
- *Memorial Service*

10. ADJORNMENT

The meeting was adjourned at 12:45 p.m.

BUSINESS



Bolingbroke Cemetery Contract for the Purchase of Interment Rights or Cemetery Supplies or Services

The Corporation of Tay Valley Township Operations
 217 Harper Road, Perth, Ontario
 613-267-5353 or 1-800-810-0161
 Operator License #: 3281089

Person in Charge of Day-to-Day
 Darla Kilpatrick
 613-273-5441
 Site License #: CM-01929

Contract Information

Date of Purchase (Day/Month/Year): _____

Contract Number: _____

Certificate Number: _____

Pursuant to the *Funeral, Burial and Cremation Services Act, 2002* and *Ontario Regulation 30/11*, as amended, the **Interment Rights Holder(s)** listed below have the right to direct/consent to the burial, and memorialization associated with the Interment Rights in conjunction with the cemetery by-laws.

This contract is between the Purchaser AND The Corporation of Tay Valley Township, concerning cemetery Interment Rights for the recipient(s) as identified in this contract. The Purchaser represents being legally authorized or charged with the responsibility for the Recipient(s) cemetery Interment Rights and cemetery rights and services as specified in this contract. This agreement will be enforceable to the benefit of, and be binding upon, the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Purchaser Information

Name:	
Address:	
Telephone:	
Email:	

Purchaser's Relationship to Recipient #1:	
Purchaser's Relationship to Recipient #2:	
Purchaser's Relationship to Recipient #3:	
Purchaser's Relationship to Recipient #4:	

Recipient #1 Information

Name:	
Address:	
Telephone:	

Recipient #2 Information

Name:	
Address:	
Telephone:	

Recipient #3 Information

Name:	
Address:	
Telephone:	

Recipient #4 Information

Name:	
Address:	
Telephone:	

Interment Rights Details

Number of Graves:	
Lot:	
Plot:	

Recipient Information (if applicable)

Name:	
Place of Death:	
Date of Death:	

Items Purchased:

Quantity	Description	Unit Price	Care & Maintenance Fund	Price
	Single Lot 4'6" w x 11' long	\$600.00	\$290.00	\$
	Double Lot 9' w x 11' long	\$1,200.00	\$580.00	\$
	Gate Fee	\$350.00	\$ -	\$
	Supplier Erection Marker or Bench	\$100.00	\$ -	\$
	Issue a Duplicate Internment Rights Certificate	\$25.00	\$ -	\$
	Flat Marker (less than 173 squared inches)	\$ -	\$50.00*	\$
	Flat Marker (at least 173 squared inches)	\$ -	\$100.00*	\$
	Upright Marker (4' x 4')	\$ -	\$200.00*	\$
	Upright Marker (Larger than 4' x 4')	\$ -	\$400.00*	\$
			Total Payable	\$

*In some instances, the monument company will collect the care and maintenance fund fee. If this is the case, receipts must be provided and attached to this contract and remitted monthly to the Township, along with the original signed contract.

Payment

Payments shall be made to a member of the Cemetery Board by cash or cheque.

No burial, installation of any Marker, or memorialization is permitted until the Interment Rights have been paid in full. Payment must be made prior to signing this contract.

Care and Maintenance Fund Contribution: (C&M Fund)

Required under the *Funeral, Burial and Cremation Services Act* (including *Ontario Regulation 30/11*) the contributions noted above will be remitted to an irrevocable cemetery care and maintenance trust fund. Income from this fund will be used for care and maintenance expenses of the cemetery in perpetuity.

Contract Terms and Conditions

1. Cancellation of Interment Rights within 30 Days of Purchase

If the above Interment Rights have not been used, the Purchaser may cancel the contract within thirty (30) days of signing the Interment Rights contract, by providing written notice of the cancellation to a member of the Cemetery Board.

The Cemetery Operator will refund all monies paid by the Purchaser within thirty (30) days from the date of the request for cancellation.

2. Cancellation of Interment Rights after the 30-Days Following Purchase

Upon receiving written notice from the Purchaser of the Interment Rights, the Cemetery Operator will cancel the contract and issue a refund to the Purchaser for the amount paid for the Interment Rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund.

This refund will be made within thirty (30) days of receiving said notice.

If the Interment Rights Certificate has been issued to the Interment Rights Holder(s), the certificate must be returned to a member of the Cemetery Board along with the written notice of cancellation.

If any portion of the Interment Rights has been exercised, the Purchaser, or the Interment Rights Holder(s) are not entitled to cancel the contract or re-sell the Interment Rights.

3. Repurchase of Interment Rights by Cemetery Operator

The resale of Interment Rights to a third party is prohibited.

The repurchase of unused Interment Rights in a Plot is not permitted if one of the Interment Rights in the Plot has been exercised.

An Interment Rights Holder may require, in writing, the Cemetery Board to repurchase the rights at any time before they are used.

Should a written request be made to repurchase the Interment Rights, the repurchase price of the Interment Rights shall be at the current price list amount less any Care and Maintenance Fund contribution amount previously made.

The Interment Rights Holder requesting the repurchase of the rights must return the Interment Rights Certificate to a member of the Cemetery Board and the rights holder(s) must endorse the Interment Rights Certificate, transferring all rights, title and interest back to the Cemetery Board.

The appropriate paperwork must be completed before the Cemetery Operator reimburses the rights holder(s).

The repurchase and payment to the rights holder will be made within thirty (30) days of receiving said request.

4. Interments

Interment Rights Holder(s) must contact the person in charge of day-to-day operations prior to a burial taking place.

Should the Interment Rights Holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the Interment Rights Holder in keeping with the *Succession Law Reform Act* (i.e. Personal Representative, Estate Trustee, Executor or next of kin).

A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to a member of the Cemetery Board prior to a burial taking place.

A Certificate of Cremation must be submitted to a member of the Cemetery Board prior to the burial of cremated remains taking place.

5. Memorialization

No Marker shall be erected or permitted on a Lot until all charges have been paid in full and/or a permit is obtained from a member of the Cemetery Board.

No Marker of any description shall be placed, moved, altered, or removed without permission from a member of the Cemetery Board.

Within thirty (30) days of the purchase of a Plot, it is the responsibility of the Interment Rights Holder to supply four (4) cornerstones (Plot Markers) to be installed by a member of the Cemetery Board.

Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.

The Cemetery Board will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability for the loss of, or damage to any Marker, or part thereof.

Markers are owned by the Interment Rights Holder and the Cemetery Board or Cemetery Operator is not responsible for their loss or deterioration. These memorials should be protected by the Interment Rights Holder's own insurance coverage.

The Cemetery Board reserves the right to determine the maximum size of Markers, their number and their location on each Lot or Plot. They must not be of a size that would interfere with any future interments.

All foundations for Markers shall be built by the monument company at the expense of the Interment Rights Holder.

Should any Marker present a risk to public safety because it has become unstable, the Cemetery Board shall do whatever it deems necessary by way of repairing, resetting, or laying down the Marker or any other remedy to remove the risk.

The Cemetery Board reserves the right to remove at its sole discretion any Marker or inscription which is not in keeping with the dignity and decorum of the Cemetery as determined by the Cemetery Board.

A Marker shall be erected only after the specific design plans have been approved by a member of the Cemetery Board including dimensions, material of structure, construction details, and proposed location.

The minimum thickness for flat Markers including footstones is 4 inches or 10 cm.

No monument shall be delivered to the Cemetery for installation until the monument foundation has been completed, and the Interment Rights Holder(s) and/or retailer have been notified by a member of the Cemetery Board.

The placement of a Marker shall not interfere with future interments.

6. Causes beyond the Cemetery Operators' Control

The Cemetery Operator cannot be responsible if unable/prevented from carrying out this contract due to causes beyond its control.

7. Privacy Policy

The Purchaser acknowledges and provides consent to permit the Corporation of Tay Valley Township to collect, use and disclose your personal information in accordance with the requirements under the *Funeral, Burial and Cremation Services Act, 2002* and *Ontario Regulation 30/11*, as amended, for information within the cemetery public

register. The Purchaser also understands that the Corporation of Tay Valley Township does not rent or sell personal information to third party organizations.

- 8. Consumer Information Guide and cemetery price list:** By initialing below, the purchaser acknowledges receiving a copy of the Ontario Government's Consumer Information Guide (where made available by the Registrar) and the cemetery price list at the time of entering into this contract.

{_____} I hereby acknowledge I have been offered and/or received a copy of the Ontario Government's **Consumer Information Guide** and a copy of the cemetery **Price List**.

I have reviewed the Contract's terms and conditions and hereby confirm that the Interment Rights, as specified in this contract are complete and correct. I direct the Cemetery Operator to proceed with the sale of the Interment Right(s), as identified in the contract in accordance with the cemetery by-laws which are now or at any time hereafter in force.

{_____} I hereby acknowledge I have received and reviewed a copy of the **cemetery's by-laws**.

The contract date set out below is the date on which this contract is accepted by the Cemetery Operator.

I acknowledge having received a copy of this contract and will assume full responsibility for payment of the total contract amount to the Cemetery Operator in accordance with the contract's terms and conditions.

Purchaser Signature: _____ **Date:**

Accepted on behalf of the Cemetery Operator by:

Board Member Name: _____

Board Member Signature: _____ **Date:**

Note: *Have two copies signed. Provide one to the Purchaser and the other to the Township.*