

**MINUTES OF THE MEETING OF THE
OHIO CEMETERY LAW TASK FORCE**

77 S. High Street, 22nd Floor Hearing Room
Columbus, OH 43215-6133

July 25, 2014
9:30 a.m.

I. Preliminary Matters

Co-chair Noonan called the meeting to order.

Roll Call: Laura Monick conducted roll call.

Present: Daniel Applegate, Stephen George, Dr. John N. Low, Hon. Cory Noonan, Anne M. Petit, Patrick Piccininni, Jay Russell, James Turner, James Wright.

Excused: David Snyder, Hon. Keith G. Houts

Review of Meeting Minutes: Co-Chair Noonan opened the floor for discussion of the minutes of the June 27, 2014 meeting of the Ohio Cemetery Law Task Force. There being no discussion Mr. Turner moved to approve the minutes of the June 27th meeting. Mr. Russell seconded the motion. Co-chair Noonan abstained from the vote. The motion passed unanimously.

II. Old Business

Co-Chair Petit opened the floor for discussion of old business. The task force began by discussing the draft motions on ORC 517.07. After a brief discussion Mr. Turner moved to accept the following motion: "It is the recommendation of the task force that ORC 517.07 be revised to grant townships the right of reentry for lots where the deed of sale was executed prior to July 24, 1986 and is unoccupied, provided that the township comply with the notice requirements as currently set out in ORC 517.07(C) prior to establishing reentry." Mr. Russell seconded the motion. The motion passed unanimously.

Discussion continued briefly on townships re-selling lots and then Mr. Turner moved to accept the following motion: "The task force also recommends that when a township establishes reentry pursuant to ORC 517.07, the township may resell such lot. The task force recognizes that there are options available by which the sale price for a reentered lot can be established by equitable means and that should be a topic of discussion to be held by the General Assembly and affected stakeholders." Mr. Low seconded the motion. The motion passed unanimously.

The task force then moved on to criminal sanctions and the homework submitted by Mr. Turner. Discussion revolved around the criminal acts being committed in cemeteries; such as theft of vases, veterans' markers, fences and knocking over monuments which acts should all be included within the definition of vandalism. The task force also discussed whether for desecration they should move away from monetary value for penalties and look at the purpose of the criminal conduct such as digging into a grave for valuables. The task force also wanted to ensure that all burial sites – mausoleums, niches, vaults, gravesites, etcetera – be covered under vandalism and desecration. Mr. Turner offered to take the members' insights and re-draft the proposed recommendations.

Daniel Applegate arrived at 10:13 am.

The task force then discussed the changes to the proposed definition of natural burial site.

A Natural Burial Site is one in which human remains, including cremated remains, are interred in bio-degradable containers without the use of any ~~concrete~~ impervious manufactured materials container or vault (partial, inverted or otherwise), vault lids, outer burial containers, ~~concrete~~ impervious manufactured boxes slabs, or partitioned liners, and without the use of toxic embalming chemicals except where the decedent has been embalmed as may be required by applicable law or against their specific written instructions or in which embalming was required for transport.

After some discussion the task force decided to move forward with the proposed definition but to place the definition back on the agenda for the next meeting in order to determine where the definition should be placed in the Ohio Revised Code.

The task force then moved on to township selling merchandise. Mr. Turner provided the language from 126 HB 382 upon which the task force based their discussion. The question arose about whether this language would apply to both charter and non-charter townships. The task force also indicated that they would like to include in the justification that items to be sold are “new” or at-need/pre-need. After the discussion, the task force moved to place this topic on the agenda for the next meeting

Finally Co-chair Petit provided an update on the topic of BWC’s scope rating for cemetery salespeople. Co-chair Petit is working with the Department of Commerce’s Legislative Director to reach out to BWC. The invitation has been extended to have someone from BWC either come to the next meeting or provide comments in writing for the next meeting.

III. New Business

Co-chair Noonan brought the task force into new business and discussion began on Mr. Snyder’s homework. After extensive discussion the task force determined that Mr. Snyder’s homework included many aspirational goals that could be used for the vision portion of the final report. The task force also expressed that they would like the report to reflect the moral, ethical and philosophical point of view that has been threaded throughout their deliberations.

Mr. Russell then expressed his belief that all cemeteries need to be protected including the tombstones that are artifacts about the people. Tombstones can be interpreted to show the economic status of the family by the type and size of stone used; if there was a stonecutter in the community; where the stone came from tells us about the trade between people; and decorations and epitaphs which reveal to us much about the community itself. While these cemeteries do not need to be maintained the same as registered cemeteries they do need some protection. The task force members agreed with Mr. Russell’s statements and concluded that the statements should be added as part of the justification under criminal sanctions.

The task force then deliberated on easement, or set aside, programs currently existing in the state. Specifically there was discussion on the Department of Agriculture Farmland Preservation program that includes an easement purchase program and an easement donation program. The task force concluded that the final report should include a recommendation to conduct research into the viability of a cemetery easement donation program similar to the Department of Agriculture and that any future program should include an education component to notify private landowners of the availability of such program. Finally, the task force requested additional information on programs similar to Michigan where landowners agree to a 99 year restriction on land use in exchange for tax benefits.

Finally, the task force discussed phase one of the report writing and determined the best approach would be to form a sub-committee for drafting purposes. Mr. George, Mr. Turner and Mr. Russell volunteered their services. The co-chairs will participate as their schedules permit.

Next Meeting Dates:

Report writing sub-committee August 8th at 9:00 am

August 20th at 10:00 am

IV. Adjournment

Mr. Piccininni moved to adjourn. Mr. Turner seconded the motion. The motion passed unanimously.