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**Date:** May 10, 2018  
**To:** Mayor and Council  
**Author:** Shaun Martinho, Manager of Public Works  
**RE:** Items in Municipal Cemeteries  
**Report No.:** MS 2018- 19

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## **AIM**

To advise council as to how Municipal Services replaces damaged or destroyed items, by employees or contractors, in our cemeteries.

## **BACKGROUND**

Due to the size of rural properties it is necessary to have mailboxes within the Municipal Right-of-Way for the safe and efficient delivery of mail. During Winter Control Operations, wet and heavy snow can cause damage to mailboxes. To provide some relief to our rural residents we have setup a mailbox replacement program. This winter we received a total of 11 complaints and issued 4 mailboxes for replacement.

Since 2008, Municipal Services has received 18 complaints regarding damaged items in Town owned cemeteries. Most of the work orders reviewed reported damage to permanent vases or turf damage around headstones. In almost all documented cases Municipal Services provided relief to customers by replacing the damaged goods or repairing the damaged area.

Due to space restrictions in some of our cemeteries, damage can occur to headstones when completing burials. Since 2008 we have had 30 requests to repair headstones. In total, only 5 work orders reported physical damage to the headstone with the balance being requests to level sinking monuments. In all cases, Municipal Services investigated and repaired all of the reported damage.

Unfortunately, we have also received complaints about vandalism in our cemeteries. In several cases, it was reported that vandals knocked over headstones, broke vases, stole wreaths, and damaged flowers. In response to the vandalism, Municipal Services repaired damaged monuments and engaged in clean-up activities.

## **DISCUSSION**

When dealing with damage to mailboxes during winter maintenance, the investigation required to discover cause and ownership is relatively straight forward and easy to accomplish. Municipal Services would prefer to keep the right-of-way free from obstructions, but we understand that mailboxes must be placed at the edge of the road for the efficient delivery of mail. To provide some relief to our rural residents, in the event that a mailbox becomes damaged, Municipal Services created a mailbox replacement program.

Our inability to determine cause and ownership of goods damaged in our cemeteries makes it difficult to set up a similar replacement program. Each damage claim needs to be thoroughly investigated to determine if the items were placed in accordance with the Regulations for Cemeteries, Lots and Plots section of the cemetery by-law. Furthermore, according to section 38 of By-law 90-2012:

38. Except as otherwise indicated in the Act, the Regulations and this by-law, the Town is not responsible to maintain, nor is the Town liable for loss or damage to any articles left in the Cemeteries or upon any Lot or Plot.

Historically, if it is apparent that the municipality is liable for the damage, we have assumed financial responsibility for the repairs. Municipal Services has always aimed to provide the highest level of service possible when dealing with issues that arise in our cemeteries. This is evident by the low frequency of complaints and the current condition of all our cemeteries.

Going forward, the most practical and efficient way in dealing with damage complaints is to review each instance on a case-by-case basis. Municipal Services will continue to show the utmost respect and courtesy to the families visiting our cemeteries and assume any and all responsibility for damage's caused by Town staff or our contractors.

## **LINK TO STRATEGIC PLAN**

Effectively manage corporate resources and maximize performance in day-to-day operations.

## **FINANCIAL CONSIDERATIONS**

It should be noted, that our cemeteries are operated with the goal of full cost recovery. Any additional costs incurred, due to the creation of a damaged item replacement program, will need to be accounted for in the Care and Maintenance portion of our price schedule.

## **CONSULTATIONS**

Municipal Services Department  
Corporate Services  
Public Works Staff

## RECOMMENDATION

That Municipal Services continues to review cemetery damage complaints on a case-by-case basis and provide relief to families when the damage is caused by Town staff or one of the Town's sub-contractors.

Respectfully submitted,

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