



HB 444 – Township Omnibus Bill
House State and Local Government Committee
Proponent Testimony
June 8, 2020

Good afternoon Chairman Wiggam, Vice Chair Stephens, Ranking Member Kelly, and members of the House State and Local Government Committee. My name is Bob Kusmer, Ballville Township Trustee in Sandusky County. I appreciate the opportunity to submit this written testimony as a proponent of House Bill 444, the township omnibus bill. I will concentrate on the transfer of cemeteries.

Ohio townships presently maintain over 2400 cemeteries. Under the Ohio Revised Code, 517.27 “Transfer of cemeteries to board of township trustees” a township is required to take title to all cemeteries abandoned and pay for their costs. We are now facing a new financial concern in regard to the abandonment of cemeteries.

We are seeing this section of law being implemented as part of a business plan by these large privately owned associations. As profits dry up over the years, maintenance and operating costs become a liability upon the association. When these cemeteries are no longer financially viable, they abandon them and the monetary encumbrance becomes the township’s problem.

This situation is what my residents are facing in the near future. Oakwood Cemetery is a privately owned association that is approximately 43 acres with over 25,000 graves. It has been neglected and mismanaged over the past fifteen years. Based upon the association treasurer’s report in 2018, the cemetery is losing \$95,000 a year, and now wants to abandon the cemetery and give it to the township. There is over 2 miles of roads in disrepair. Storm sewers are collapsed due to their negligence. Also, over 2,500 head stone that have been damaged and are in need of replacement or repair. The estimated cost to bring this facility up to standard is between \$1,500,000.00 and \$2,000,000.00 dollars. This responsibility will become Ballville Township residents’ problem as the association goes away. The cemetery has \$700,000 in its account as of 2018, but they plan to keep the money and invest it for the Township. We would receive the interest of approximately \$22,000 annually and the cemetery burdens.

We have a general fund budget of \$300,000 annually. This means 33% of my budget will have to be dedicated to the operating cost of just one cemetery. This does not include any infrastructure costs. With the rest of my budget, I have to maintain our five other cemeteries, three parks, a zoning department and the overhead for our facilities.

I have included pictures of Oakwood Cemetery for your review. I also have enclosed articles of other townships facing this same situation.

I believe the law was never intended to become an escape mechanism for these large associations to make their money and then abandon the cemetery when the cash flow goes in the red. This Section of the Ohio Revised Code was for a township to take over the small church cemetery or the family plot in the middle of a farm.

I see this abandonment issue being used as part of these private association's business plan to make their money and run. I urge you to reconsider the intent of ORC 517.27 to prevent this abuse of the law.

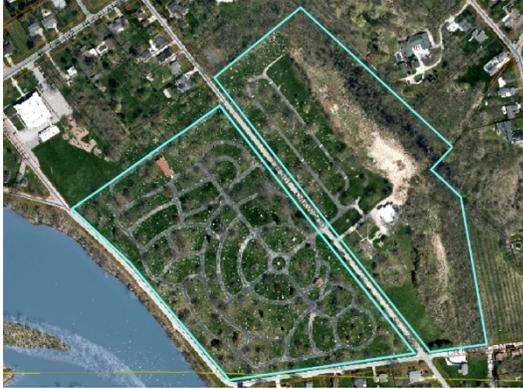
Thank you Mr. Chairman for the opportunity to submit this testimony to you and the committee. Please feel free to contact me, if you have any further questions.

Respectfully submitted,



W. Robert Kusmer
Ballville Township Trustee, Chairman
Phone 419-680-0938
Email wrkusmer@gmail.com

BALLVILLE TOWNSHIP – OAKWOOD CEMETERY



Aerial view of the 43 acre cemetery



half of the old part of the cemetery



One of many drives flooded after a rain



Damage headstone



Typical drive and curb in cemetery



Drive and curb damage

Ravenna Township takes over troubled cemetery

by: [Maia Belay](#)

Posted: Feb 19, 2018 / 04:29 PM EST / Updated: Feb 19, 2018 / 04:29 PM EST

FOX 8 NEWS CLEVELAND

RAVENNA TOWNSHIP - A Portage County township is now in the cemetery business after the former owners of Grand View Memorial Park cemetery were sentenced to years in prison on a slew of charges for cheating customers.

"It's sort of like being dropped down an elevator without any breaks. You leave your stomach up here," said Paula Briggs with a small box of receipts and records on her lap.

Briggs says she paid more than \$2,000 dollars more than a decade ago to Ted and Myndi Martin, both sentenced to prison after a years-long investigation for defrauding customers.

The biggest challenge facing Ravenna Township, the new owner, is finding where some people are buried. Due to what one trustee calls poorly kept records, they will soon begin the process of checking every space in the mausoleum to verify if the records are accurate.

"Right now we're experiencing and taking on cemetery 101 because none of us had any idea where to start where to begin," said Patsy Artz, a Ravenna Township Trustee.

Artz says by their count, at least 18 spaces across the cemetery, including the mausoleum are oversold.

"The biggest challenge we found so far is the paperwork," said Artz. "It's not all there. We have people that never got a plaque. They paid for plaque, but they never got them and they have literally lost track of their loves ones. They're not sure where they are buried."

The township was granted ownership pf the cemetery at the start of the year. Since then Artz says they have already spent more than their originally planned \$50,000 budget in maintenance costs for the year and will have to expand the budget due in part to a leaky mausoleum roof.

As for victims like Briggs, they're left scrambling to pay a second time what should have been theirs from the start.

"We got to dig up another 800 dollars to take care of us in the afterlife that we had already paid for so we're out that much money," said Briggs.

Township leaders say many victims were scammed out of more than \$8,000 dollars. They have received calls from others claiming they purchased the same plot.

"To take advantage of someone that is in mourning - let's put it this way: I'd hate to die if I were them," said Artz.

How taxpayers could end up footing the bill for abandoned cemeteries

5:00 AM, Sep 20, 2018 Updated: 12:11 AM, Sep 21, 2018

WCPO 9 CINCINNATI

CINCINNATI -- Gordon Holcomb has only one clue telling him where his parents are buried.

All the 81-year-old knows about his parents' burial sites is that they're located somewhere in Beech Grove Cemetery -- wherever plot 27, section 5D is.

He can't tell where they are based on those coordinates. The information center at the cemetery disappeared long ago, and Holcomb has no idea which area to look in.

The disarray within the Springfield Township cemetery is part of a larger trend: A lack of state oversight that leads to dilapidated cemeteries and costs passed on to taxpayers.

But the Ohio Department of Commerce, which recommends guidelines for the maintenance of a cemetery, has no legal authority to do more than that, said Kelly Stincer, the department's public information officer.

Cemetery owners are responsible for keeping records of where people are buried and for the maintenance and care of that cemetery, Stincer said. That maintenance includes the grounds around graves and repairing roads.

So what happened at Beech Grove Cemetery? And whose job is it to fix the problem?

"I see sunken markers, sunken stones, stones that are leaning forward ... I've been to a lot of cemeteries, and I've never seen one in this condition," Holcomb said.

Township officials weren't able to take possession of the cemetery until 2017, when previous owners Bethel Church abandoned the property.

Springfield Township trustee Gwen McFarlin said by that time she had already heard numerous complaints from people with loved ones buried there, though Stincer said the state hasn't received any complaints about this cemetery since 2001.

Local officials turned to the only enforcement available in the absence of ownership: They declared Beech Grove Cemetery a nuisance at every meeting.

"It was a vicious sort of cycle that we were going through, but it was the only legal process we had available to us so that we could even cut the grass," McFarlin said.

The oversight of Beech Grove, along with 4,166 cemeteries across Ohio, is the responsibility of the Department of Commerce. But Stincer said that the state has "absolutely no authority to enforce even the minimum recommendations for maintenance."

But Springfield Township Administrator Chris Gilbert said he wishes the state would take a larger role in enforcement.

“Unfortunately the State Department of Commerce is not immune to the same issues that local governments are,” Gilbert said. “Resources are scarce, the ability to enforce policies, laws and regulations are difficult when you don’t have the manpower or resources to do so.”

Stincer said that two full-time staffers handle the day-to-day administration of the program in order to "serve consumers and assist the cemetery community" in complying with Ohio law.

"This includes registrations, renewals, audits and consumer complaints," Stincer said in an emailed statement.

"Complaints often involve maintenance of cemeteries; from mowing and trimming to roadways and drainage," the statement continued. "The dispute resolution process is a valuable resource for Ohio cemetery operators to receive advice from the commission regarding standard industry practices and procedures. In addition, the commission adopts and publishes suggested maintenance guidelines for all cemeteries registered in the state of Ohio."

Complaints ranged from holes in the ground to people not receiving tombstones, according to Ohio Department of Commerce records. A Union Township mother in 2012 filed a complaint with the Department of Commerce, alleging the cemetery buried another child in her child’s grave. The department says they never received this complaint.

Out of the thousands of cemeteries throughout the state, the Department of Commerce has only received 222 complaints since 2010.

“Unfortunately, just like any law, the enforcement of that law is only as good as your ability to enforce it,” Gilbert said.

Township officials thought they’d finally be able to take on the upkeep when Bethel Church abandoned the cemetery, but taxpayers inherited the cemetery’s debt: About \$200,000 in liens and back taxes.

Township officials then spent six years trying to pass a new law to have those fees forgiven; they also spent tens of thousands more on maintenance repairs and they plan to spend up to \$25,000 more to create maps so people can find where their loved ones are buried.

“That money would have been spent on other infrastructure projects in the community whether that be street repaving, storm sewer repair,” Gilbert said. "The mowing and maintenance of our parks.”

Gilbert said the real problem is it’s not clear how much taxpayers would have paid had guidelines been enforced from the beginning. He said it would make more sense for the state to allow local governments to enforce cemetery guidelines, since local governments suffer from the fallout.

“I would say -- giving local governments as far reaching ability as they possibly can to allow us to deal with these situations locally without dealing with a very lengthy legislative process to get us to the point we are today,” Gilbert said.

Springfield Township officials say they’re partnering with the National Underground Railroad Freedom Center to help restore the historic cemetery. This is good news for people like Holcomb, who haven’t been able to pay respects to loved ones in years.

“It’s important because it reflects on our personal feelings,” Holcomb said. “Our hearts. Our memories. It’s, it’s painful.”

Officials believe they will be able to help Holcomb find his parents' grave this year.