

TOWN OF NASSAU CEMETERY MANAGEMENT

On November 7, 2013 the Nassau Town Board adopted rules, regulations and charges for the cemeteries operated by the Town of Nassau.

The Town of Nassau operates the Brainard Cemetery on Route 20 in East Nassau, the Larkin Cemetery in Hoags Corners and the Vickery Cemetery in Hoags Corners.

If you are interested in burial space or erecting a monument in any of these burial grounds, please contact the Nassau Town Clerk. Thank you.

TOWN OF NASSAU RULES, REGULATIONS AND CHARGES FOR CEMETERIES OPERATED BY THE TOWN OF NASSAU

Pursuant to New York State Law, the Town of Nassau has taken over the responsibility for certain burial grounds in the Town of Nassau.

To facilitate the orderly management of such burial grounds by the Town of Nassau, it is necessary that the Town Board establish rules, regulations, rates and charges for proper management and maintenance of these burial grounds which are as follows:

RULES & REGULATIONS

A. INTERMENT

All grave sites sold are held subject to the rules and regulations of the Town of Nassau. No grave shall be used for purposes other than as a place of burial for the dead. The definition of a lot owner ("Lot Owner") is any person or persons or legally established entity that has paid in full, or has received prior rights, for a lot, single grave, mausoleum, crypt or niche.

The official records of all Lot Owners shall be maintained by the Nassau Town Clerk at its designated office where each Lot Owner shall be registered by name and address. It shall be the responsibility of each Lot Owner to inform the Town of Nassau as to any changes of mailing address. Notices sent to any Lot Owner at the last registered address on file shall be considered sufficient and proper legal notification.

The transfer of ownership of any lot, single grave or niche shall be made only on forms approved by the Town of Nassau. No transfer or assignment of ownership of any interest in any lot, single grave or niche shall be valid without being approved and recorded with the Town of Nassau.

In any single burial space, where allowed or permitted due to conditions, only one (1) full casket interment and one (1) interment of cremated remains or two (2) interments of

cremated remains are allowed. The Town of Nassau may limit the number of interments per space if room for memorialization is not available for the person to be interred.

Scattering or commingling of cremated remains on a lot or grave is strictly prohibited. The Town of Nassau may designate special areas for the scattering or commingling of cremated remains.

Concrete vaults or concrete grave liners will be required for interments in all graves.

The interment of cremated remains will be permitted only in appropriate receptacles such as metal, concrete or other material approved by the Building Department.

Grave site owners shall not allow interments to be made in their grave site(s) for remuneration, nor shall any transfer or assignment of any new grave site(s), or any interest therein, be valid without the prior written consent of the Town of Nassau and such consent endorsed upon such transfer or assignment.

B. DISINTERMENT

Disinterment may be made upon written request to the Town of Nassau and duly consented to by all of the Lot Owners of the burial property for which disinterment is requested and shall include the surviving spouse, children of legal age, and the parents of the deceased to be disinterred. If the consent of all of these parties cannot be obtained, application may be made to the New York State Supreme Court, Rensselaer County. Only an agent approved by the Town of Nassau may conduct disinterments. A Board of Health burial/transit permit is required for all disinterments. The services of a licensed funeral director will be required if the remains are to be transferred out of a cemetery under the control of the Town of Nassau. The Town of Nassau assumes no liability for any damage including damage to any casket, vault or urn incurred in making a disinterment.

C. MEMORIALIZATION

The owner(s) of each grave site(s) will have the right to erect any stone, monument, sepulchral or other memorial structure thereon. Headstones shall not exceed four feet in height and must be placed on a solid concrete foundation, installed by an entity approved by the Town of Nassau or its agents. All monuments shall be no larger than eighty percent (80%) of the width of the lot, unless approved in writing by the Town of Nassau.

No vault shall be built entirely or partly above ground without prior written permission from the Town of Nassau. All monuments or parts of vaults above ground shall be of marble, granite, or other cut stone. Flat grave markers, including veteran's grave markers, must be placed on a concrete foundation so constructed that the surface of such marker will remain flush with the ground. Flat markers will be allowed above ground if they are

placed on a cut stone base at least 6 inches thick. Plans for the erection of a mausoleum or sarcophagus will not be approved until satisfactory provisions have been made for the endowed care of the structure. The amount of the endowment will be determined by the Town of Nassau and will be based on the size and design of the building.

A "Foundation/Memorialization Application" form accompanied by a sketch, showing the design and plan of the work and shall show sizes, kind of material, inscriptions and location of proposed memorial on the lot must be submitted to the Building Department of the Town of Nassau for approval. If, in the opinion of the Building Department, any of the specifications of a monument do not conform to the approved standards, the plan will not be approved.

All stones, monuments, sepulchral, mausoleums, statues or any other above ground fixed memorial, or descriptions to be placed in or upon any grave site(s), shall clearly conform generally to the existing memorials in the cemetery. The Town of Nassau shall have the absolute right to remove any inscription which in the opinion of the Town is offensive in any way to the owner(s) of grave site(s) in the cemetery, their families, friends and other visitors.

No monument or grave marker will be permitted on a grave site(s), where the purchase price of such grave site(s) has not been fully paid. The Town of Nassau will permit the monument or marker to be erected only after the purchase price of such grave site(s) has been paid in full.

When a monument, stone or marker has been placed on a grave site, should the monument, stone or marker have to be moved in order for a burial to be made, the owner of the grave site shall assume all liability for any damage done to such monument, stone or marker. The Town assumes no responsibility for any damage done by the removing and resetting of such monument, stone or marker.

No trees or shrubs may be planted by the Lot Owner. Planting of flowers will be allowed along the base of a monument in a cut out bed not to exceed 10 inches from the base of the stone. The Town of Nassau may remove any trees or shrubs that are deemed an impediment to general maintenance or safety. Chairs, benches or enclosures of any kind are not allowed and will be removed without notice. Seasonal decorations are permitted but shall be removed by the grave site owners within 30 days thereafter or sooner.

D. GENERAL REGULATIONS

The Town of Nassau reserves and shall have the right to correct any errors that may be made by it in transfer, or conveyance and may substitute and convey in lieu thereof other interment rights of equal value and similar locations as far as possible, or as may be

selected by the Town or, in the sole discretion of the Town, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof with consent of the family.

No sign indicating that any grave site, vault or other receptacle for the dead is for sale will be permitted in a cemetery operated by the Town of Nassau.

The Town of Nassau from time to time may lay out or alter the avenues or walks and make such rules and regulations for the care of the grounds as they may deem requisite and proper, to secure and promote the general welfare of the cemetery.

The owner(s) of grave site(s) and their families will be allowed access to the grounds only during hours of daylight. Persons found within the cemetery grounds during hours of darkness will be arrested and prosecuted as trespassers.

The right to burial in any grave site will be denied for the following reasons:

- Failure to pay for such grave site(s) in full.
- Failure to pay grave opening fees.

No person shall drive any vehicle into or on the cemetery property except on a road maintained by the cemetery for this purpose. Cemetery roads may not be maintained during the winter season, dependent on weather conditions. No unlicensed recreational vehicles are permitted at any time.

No alcoholic beverages shall be possessed, consumed or placed in the cemetery.

The Town of Nassau assumes no responsibility for anything placed on a grave, lot or niche that may be removed, lost or stolen.

Pets of any kind are strictly prohibited on cemetery grounds at any time.

The Town Board finds that the following lot prices and service charges are provided for the proper management of cemeteries controlled by the Town of Nassau and are in addition to any contractor or agent providing services:

Service Charges

Foundation/Memorialization Application: \$25.00 per foundation/memorial

Interment: \$150

Interment – Cremation: \$150

Disinterment: \$200.00

Transfer of Ownership: \$50.00

Copy of Certified Ownership Certificate: \$25.00

Lot Prices

Single Grave: \$600.00

Each Additional Right of Interment: \$500.00

Grave specified for cremation interment only: \$500.00

These rules and regulations and rates and charges for the maintenance and operation of cemeteries controlled by the Town of Nassau may be amended from time to time as is necessary by majority vote of the Town Board.