

BY-LAWS
AND
REGULATIONS

TOWN OF BRADLEY
CEMETERIES

Adopted by Town Council: Aug 19 2008

Audrey Wilcox
Suey Strout
Joseph F. Johnson
Lillian Couter

Certified by Town Clerk: Aug 19 2008

Melissa Y. O'Neil

1. Title

1.1 There is hereby established a Town of Bradley Cemetery Committee as a Committee of the municipal government. The Committee shall care for and have oversight of all cemeteries owned by the Town for which the Town has accepted maintenance responsibilities.

2. Purpose

2.1 The purpose of these bylaws is to establish a governing body for Public Cemeteries; establish regulations and procedures to govern burials, placement of headstones, decorations, and provide a beautiful and dignified resting place for the deceased.

3. Cemetery Committee

3.1 The affairs of the Bradley Cemeteries shall be conducted by the Cemetery Committee. The Committee members shall elect from among their number a Chairman, Vice-Chairman. The Cemetery Committee shall at a minimum meet every three months to discuss business and review the established bylaws as necessary. Minutes of said meetings shall be filed with Bradley Town Clerk.

4. Committee Appointments

4.1 The Town Council shall appoint committee members to three-year terms.

4.2 Upon recommendation of the Cemetery Committee, The Town Council shall appoint one person who shall be known as the Superintendent of Cemeteries. The salary of the Superintendent shall be determined by the Town Council. The Superintendent shall be responsible to the Town Manager for control and management of the municipal cemeteries and the administration of the cemetery bylaws recommended by the Cemetery Committee and adopted by the Town Council.

5. Purchase of Lots

5.1 Persons desiring to purchase a lot in the cemeteries are referred to the Superintendent of Cemeteries. The Superintendent will have available suitable plots showing size and other information as may be required.

5.2 Upon having made a lot selection, the Superintendent will issue a lot order to the Town Clerk. Upon payment of the purchase the Town Clerk shall issue a Deed under its seal, and the deed will be recorded in the records of the Town as proof of ownership of the lot.

6. Ownership and Title of Lots

6.1 The term "lot owner" or "ownership" shall be construed to mean the rights to use a lot or part of a lot, as purchased from the Town for a consideration of burial purposes only. The size of each lot is 4' x 12'.

6.2 The title to a cemetery lot invests the owner the right to use the lot for burial purposes only, for themselves, or their heirs. Only at the discretion of the Cemetery Committee, shall ownership change. The lot owner cannot resell or transfer their lots to any person or persons whomsoever, without written notification from the Cemetery Committee to

the Town Clerk. Upon approval of the ownership change a new deed will be issued as described in section 5.2.

7. Care of Lots

7.1 All cemetery lots in the Town of Bradley are provided with annual care as part of the purchase price of the lot. Annual care shall include mowing of the lot, and trimming around headstones and markers. In addition to annual care, the Town reserves the right to make minor repair to cemetery headstones and markers and to clean the headstones and markers as deemed appropriate. This does not require the Town to take such action, however merely grants them the authority when it is necessary to maintain the overall appearance of the cemeteries in a dignified manner.

7.2 Regular cleaning shall occur to maintain the appearance of the cemeteries and shall include but is not limited to: removal of unsightly flowers (artificial or real); removal of unsightly structures, damaged or broken containers, pottery, etc. and items deemed inappropriate.

8. Acceptable Headstone/Monumental Work

8.1 Headstone, marker and monumental placements shall be approved by the Cemetery Superintendent.

8.2 All headstone/monumental, foundation or other work pertaining to lots must deposit with the Cemetery Superintendent a written order signed by the owner or recorded representative of the lot.

8.3 In the Evergreen Cemetery "cremation" area foundation bases are prohibited, all work is to be flush with the ground.

9. Vaults and Mausoleums

9.1 Upon recommendation from the Cemetery Committee vaults and mausoleums may be placed only in areas prescribed and approved by the Town Council. Complete plans and specifications of the proposed construction, including details of materials, workmanship, method of construction, etc., shall accompany such applications and the approval of the Town Council shall be obtained before any construction work is begun.

9.2 Before any vault or mausoleum may be erected the lot owner will be required to deposit in Perpetual Care Fund of the Town such amounts as the Town may deem necessary as a trust, the income from which is to be used in the perpetual care and maintenance of the structure and the ground. Such amounts in no cases shall be less than twenty-five percent (25%) of the structure.

9.3 Duplicate keys for mausoleums shall be left in care of the Superintendent of Cemeteries and the Town Manager.

10. Privileges and Restrictions

- 10.1 No mounds shall be raised upon any grave above the general level of the lot. If a lot is sold and ledge or rocks are found, the buyer may have the option of a different lot (depending on availability the new lot may not be the same cemetery) or pay the additional costs for needed removal.
- 10.2 No person will be permitted to trim, prune or remove branches from any tree or ornamental shrub in the Cemeteries except on their own lot.
- 10.3 The Town reserves the right to remove any tree, plant, shrub or vine, or any part thereof which may become unsightly, dangerous, or not in keeping with the landscape design.
- 10.4 Individual lot plantings may not exceed five percent (5%) of the total lot area and must be placed adjacent to the headstone.
- 10.5 No hedges, shrubs, vines, trees, fences or enclosures of any kind will be permitted on or around lots.
- 10.6 The throwing of rubbish in any part of the cemetery other than places provided is prohibited. All wanted articles shall be removed from the cemeteries by October 15th to prepare for winter work.
- 10.7 Flowers which are set or planted may not encroach by branch or root to adjoining lots, walks or drives.
- 10.8 Fresh flowers in vases or baskets are allowed anytime as are plants in beds adjacent to headstones. These items may not be more than 14" wide and cannot extend beyond the headstone.
- 10.9 As soon as flowers, wreaths, emblems, etc., used for holiday decoration or individual celebrations, become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assumed.
- 10.10 The Town or their employees assume no liability for damage, actual or mental anguish, in performance of their normal operations, or loss by vandalism or other acts beyond reasonable control.
- 10.11 All winter flowers, wreaths or decorations that are wanted by the owner must be removed before May 1 of each year.
- 10.12 As soon as flowers, wreaths, emblems, etc. used at funerals or placed on graves at other times, become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assumed.

11. Rules for Visitors

- 11.1 The cemeteries will be open to visitors at all times between the dawn and dusk.
- 11.2 Pets, with the exception of Seeing Eye dogs, will not be allowed in the Cemeteries.
- 11.3 Firearms will be allowed in the Cemeteries only at military funerals.
- 11.4 Visitors are required to use the walks and drives and are forbidden to trespass on cemetery lots, or pick any flowers (either wild or cultivated) or injure any shrub, tree or plant, or mar or deface any headstone, stone or structure in the Cemeteries.

12. Interments

- 12.1 All interments in lots shall be restricted to the guidelines established in section 6.
- 12.2 The interments of two bodies in one single grave space will not be allowed except in the case of parent and child under age 12. Each grave space shall be permitted to include, one burial, 6 cremated remains, or two children. In the event that a husband or wife is buried in a vault and the surviving spouse desires to be cremated, the cremated remains of the surviving husband or wife will be allowed to be placed in the same burial plot. No interment of anybody other than that of a human being will be permitted.
- 12.3 In all interments the casket or urn shall be enclosed in a permanent outside container. The following are considered permanent outside containers: concrete boxes, concrete copper or steel burial vaults, and sectional concrete crypts.
- 12.4 It is necessary to secure a burial permit from the Town Clerk for all burials including cremations. The permit is to be supplied to the cemetery superintendent by the Town Clerk.

13. Removals

- 13.1 Funeral Homes representing owners or their heirs desiring graves opened for removal purposes shall secure the necessary disinterment permit from the Town Clerk and deliver the same to the Cemetery Superintendent. Verification of contact or an effort to contact the abutting grave owners must be presented to the Town Clerk before a disinterment permit will be issued.
- 13.2 Any markers or headstones designating the location of an interment shall be removed at the time of disinterment is made.
- 13.3 Graves will not be reopened for inspection except for official investigations.

14. Fees, Charges and Payments

- 14.1 The payment of all fees and charges shall be made at the office of the Town Clerk/Treasurer.
- 14.2 Upon recommendation of the Cemetery Committee the Town Council will set the prices for lots. Said prices will be posted with the Town Clerk and Town Treasurer.

TOWN COUNCIL MEETING

8/19/08

PLEDGE OF ALLEGIANCE

COUNCIL PRESENT: Audrey Wilcox, Sally Strout, Frederick Gifford and Lillian Coulter. Oscar Emerson excused.

OFFICE STAFF: Melissa Doane, Town Manager and Virginia Oakes as note taker

PUBLIC PRESENT: Eric Gifford

OPEN TOWN COUNCIL MEETING: 6:30

REVIEW OF MINUTES: Councilor Coulter motioned to accept the 8/05/08 minutes as presented or with discussed changes. Councilor Gifford seconded the motion. Vote 4-0. Motion carried.

CITIZENS REQUEST: None

MANAGER'S REPORT:

1. Manager Doane reminded Council that she would be on vacation from August 20th - 27th.
2. The Building Committee will be meeting with 4 candidates for the architect engineering firms. They will be asked questions regarding their proposal for the new Fire Department. Those firms are Carpenter Associates/Robert Fenney, Design Group, Lewis and Malm, and Plymouth Associates. Manager Doane has contacted them and scheduled the meeting September 8th at 5:30 for 30 minutes each.
3. The Fall Clean Up is scheduled for October 11th.
4. The Residential Hazardous Waste Day on Saturday went well. Neil stated that the only problem was that people were there too early which made it difficult for him to set up. Of the 125 permits issued, about 80 permits were turned in.
5. The Cemetery Committee met on August 13th. They have completed the bylaws. Councilor Gifford motioned to accept the bylaws as presented by the Cemetery Committee. Councilor Coulter seconded the motion. Vote 4-0. Motion carried. Manager Doane further presented, at the recommendation of the Cemetery Committee, an increase on the cemetery plots of \$250 for residents and \$450 for non residents. Councilor Gifford motioned to accept the new amounts for the cemetery lots from \$175 to \$250 for residents and \$250 to \$450 for non residents. Councilor Wilcox seconded the motion. Vote 4-0. Motion carried. The Cemetery Committee also recommended a Cemetery Superintendent who will help with the purchasing of the plots and making sure the bylaws are followed. The Committee requested Edward Buck be Bradley's Cemetery Superintendent. Councilor Gifford motioned to accept Edward Buck as Bradley's Cemetery Superintendent

for one year for the sum of \$500. Councilor Strout seconded the motion. Vote 4-0. Motion carried.

6. Manager Doane provided Council with correspondence between herself and Thomas Stevens regarding the restoration of Evergreen Cemetery. She walked the cemetery with Councilor Wilcox and Chairperson Strout and they pointed out the stones that were not to Council's satisfaction. Manager Doane notified Mr. Stevens that Virginia and Councilor Wilcox would go and take pictures of the stones Council is not satisfied with and email them to him so he can address the issue. She will contact him when she returns from vacation.
7. Neil Bonneville will be starting the junk yard clean up on September 6th.

NEW BUSINESS: Councilor Wilcox motioned to accept the snow removal contract for municipal roads, D&H Construction as stated in contract for the 2008-2009 winter season. Councilor Gifford seconded the motion. Vote 4-0. Motion carried.

Councilor Gifford asked if Planning Board was currently working on ordinances. He feels rental properties are becoming a problem. He would like to have building owners responsible for their tenants' actions. Councilor Wilcox added that she would like to see yard sales and abandon cars included in an ordinance. Manager Doane explained that Dean Bennett was in the process of revising the Land Use Ordinance with the Planning Board. She further stated that she would ask Dean if these concerns would be appropriate for a Land Use Ordinance.

UNFINISHED BUSINESS: Manager Doane reported status of mobile home acquired at 113 Penney Lane. Carl Kitchen will move the trailer for \$1000 but it needs the tongue welded on. Smitty's Welding in Eddington will weld the tongue on for \$300-\$400. Manager Doane shared an email received from Scott Atherton. He is offering \$1600 for the trailer what is owed on the back taxes. Councilor Gifford motioned to accept Mr. Atherton's offer for \$1600. Councilor Strout seconded the motion. Vote 4-0. Motion carried.

MUNICIPAL WARRANTS: Councilor Coulter motioned to accept warrant #14 for \$211.94, #15 for \$3,868.88 and #16 for 28,307.08. Chairperson Strout seconded the motion. Vote 4-0. Motion carried

NEXT MEETING: September 2nd

ADJOURN: Councilor Gifford motioned to adjourn. Councilor Wilcox seconded the motion. Vote 4-0. Motion carried.