

POCASSET HILL CEMETERY

HANDBOOK

CEMETERY COMMISSION
TOWN OF TIVERTON, R. I.

29 September 2009

Approved by
Tiverton Town Council
29 September 2009

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HOME RULE CHARTER

TOWN OF TIVERTON

ARTICLE X BOARDS AND COMMISSIONS

Section 1006 Cemetery Commission

The Cemetery Commission shall consist of five (5) members appointed by the Town Council for three (3) year terms staggered so that no more than two (2) terms expire in any one year. The Pocasset Cemetery Superintendent (contractor) shall be an advisory member of the Commission. Vacancies shall be filled by the Town Council for the remainder of the unexpired term. In October the Cemetery Commission annually shall elect a Chairperson, Vice Chairperson, Secretary and Treasurer. The Treasurer shall present all bills and invoices to the Commission for approval and shall inform the Commission of any changes in the status of funds and accrued interest. The fee schedule for grave plots shall be set by the Town Council upon recommendation of the Commission and revised when necessary. The Town Treasurer shall maintain control and custody of Commission funds which shall be expended by or under the direction of the Commission with the approval of the Town Council.

(Amendment Minutes of August 12, 2009)

(a) Duties and Responsibilities

The Cemetery Commission shall report on its activities to the Town Administrator. Responsibilities include management of the Pocasset Hill Cemetery and any other cemetery which is or shall be under the management and/or control of the Town of Tiverton [Note: Osborn Burial Lot]. The Town Council shall upon recommendation of the Town Administrator in consultation with the Cemetery Commission, retain a contractor [Superintendent] to perform the duties associated with the maintenance of the cemeteries and the digging of graves. The Cemetery Commission shall develop Rules and Regulations governing the use of cemetery properties for adoption by the Town Council. These Rules and Regulations shall be updated periodically as required.

CEMETERY COMMISSION BYLAWS

Officier's Duties

Chairperson. The Chairperson shall preside at all meetings of the Commission, supervise the affairs of the Commission, keep a full and accurate record of all sites within Pocasset Cemetery and, with the assistance of the Vice Chairperson, Secretary and Treasurer, prepare an annual report for the Town Administrator.

(Amendment Minutes of August 12, 2009)

The Commission Chair has been authorized by the Commission [1] to execute transfers of ownership and [2] to execute reacquisition's without consulting the Commission. Transfers and reacquisition shall be reported by the Chair to the Commission.*

Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson during the absence of the Chairperson, and shall assist the Chairperson in the supervision of the affairs of the Commission and preparation of the annual report.

(Amendment Minutes of August 12, 2009)

Secretary. The Secretary shall keep full and accurate records of the business transacted by the Commission at it's meetings, keep a list of the officers and members of the Commission, conduct the correspondence of the Commission, preserve the Commission's records, and post agendas and minutes of all meetings according to State and Town law and requirements.

(Amendment Minutes of August 12, 2009)

Treasurer. The Treasurer shall keep a full and accurate record of all receipts and disbursements, present all bills approved by the Commission to the Town Treasurer for payment, serve as the Commission's sale representative, present to the Commission a monthly financial statement, prepare for the Town Treasurer and also to the Commission a proposed annual budget, and assist the Chairperson in the preparation of an annual report.

(Minutes of March 15, 1994) * (Amendment-Minutes of July 19, 1994)

(Amendment Minutes of August 12, 2009)

Cemetery Superintendent [Bids]

All bids for appointment as Cemetery Superintendent must include Workman's Compensation insurance and liability insurance.

[Minutes of May 17, 1993]

CEMETERY COMMISSION POLICIES

Size of Graves and Lots

1. All single grave lots shall be 42” wide.
(Amendment Minutes of August 12, 2009)
2. All graves in multiple-grave lots shall be 48” wide. Two-grave and four-grave lots shall be 96” wide. Six-grave lots shall be 144” wide. Eight-grave lots shall be 192” wide.
[Minutes of June 20, 1995]
3. All lot size in cremation section (3 ft x 1 ft) Max urn size (5 ins x 5 ins x 10 ins ht) Flat maker size , max (2 ft x 1 ft), one per grave.

Purchases

Residence requirement. Lots are to be sold to Tiverton residents only. Exception may be made for someone who has lived in Town the greater part of his /her life but who currently lives elsewhere for reasons of health or finances.
[Minutes of June 12, 1985]

(Amendment Minutes of August 12, 2009)
Acknowledgement of rules. A lot purchaser must sign 2 copies of the cemetery rules. A signed copy must be given to the Cemetery Commission and purchaser at the time of purchase.
[Minutes of February 2, 1986]
(Amendment Minutes of August 12, 2009)

Ownership Changes

Return of lots. The Commission will comply with applications for a refund of the original purchase price and the return of lots to Town ownership providing that:

1. Return to Town ownership is possible, i.e., no graves are being used or division of the lot is unimpeded by either graves-in-use or monuments and
2. The application for refund is accompanied by an original deed issued in the name of the applicant.
[Minutes of March 15, 1994]

Transfer of Ownership. The Commission will comply with applications for a transfer of ownership of lots providing that the application is accompanied by an original deed issued in the name of the applicant.
[Minutes of March 15, 1994]

Burial

Conduct. Unless they request otherwise, funeral directors shall [a] inform themselves in advance regarding the location of the grave to be used and [b] lead the procession to the grave. Cemetery personnel shall remain out of sight during interments unless requested otherwise

[Minutes of Sept. 25, 1986-Amended Nov. 22, 1994]

Affidavit and permission for burial. Permission from a lot owner must be obtained before a burial can take place. The Commission requires an affidavit asserting that the lot owner is either the original owner of the deed or the legal heir thereto.

[Minutes of May 17, 1994]

Mechanical Maintenance and Materials Fee. A Mechanical Maintenance and Materials Fee of seventy-five (\$75) shall accompany each grave opening when used.

(Minutes of April 19 and May 17, 1994), (Amendment Minutes of August 12, 2009)

The Mechanical Maintenance and Materials Fee shall be waived for all burials involving cremation.

[Minutes of July 19, 1994]

Monuments

Repair of monuments. Unless caused by the Commission or its Superintendent, repair of broken, dislodged, or tilting markers is the responsibility of the monument owners. If desired, the Commission will assist such owners in making arrangements. However, if [a] the monument presents a problem and [b] its owners cannot be located, then the Commission will arrange and pay for repairs. The Commission will arrange and pay for repairs in cases where the Commission or its Superintendent is at fault.

[Minutes of March 21, 1995-Replaces policy of June 21, 1994]

Veterans' markers in the general cemetery. Veterans' markers are to be placed at the foot of the grave except in single grave lots.

[Minutes of April 18, 1991]

Equipment.

Loaning cemetery equipment. Cemetery equipment [artificial turf, for example] will not be loaned.

[Minutes of September 25, 1989]

Vault storage. No vaults are to be stored at Pocasset Hill Cemetery.

[Minutes of September 25, 1986]

Veterans' Graves

1. The privilege of burial in the veterans' section is conferred upon

a. Those who have served honorably in the Armed Forces of the United States as evidenced by:

(1) death while on active duty or

(2) an honorable discharge or

(3) a general discharge under honorable conditions or

b. Those who served honorably in a reserve component of the Armed Forces and whose death was caused by illness or injury contracted or incurred while on active duty for training or inactive duty training and

c. Who were residents of the Town of Tiverton at the date of

(1) their enlistment or

(2) their entering a hospital or retirement home or

(3) their death.

2. A qualified veteran (see #1 above) may reserve a grave in the veterans' section only if all of the following conditions are met:

a. The parent, child, sibling, or spouse of that person is already buried in the veterans' section must be a veteran and

(Amendment Minutes of August 12, 2009)

b. The adjacent grave is available and

c. The person will accept that grave.

3. The "Armed Forces of the United States" is defined as including only the following named services:

a. United States Army (and WAC)

b. United States Navy (and WAVE)

c. United States Air Force (and WAF)

d. United States Marine Corps (and WMC)

e. United States Coast Guard (and SPAR)

"Reserve components" is defined as the reserve elements of the above named services (including Reserve Officer trainees attending an authorized training camp or cruise), the Army National Guard, the Air National Guard, and American merchant seamen who were in active ocean service at any time between 12/7/41 and 8/15/45 and to whom the United States Coast Guard has issued a DD-214. (Minutes of August 16, 1994)

4. No plantings are permitted In the veterans' section.

(Minutes of September 20, 1994)

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Lot Purchase

Commission Treasurer

1. View / select lot with Buyer
2. Collects check
- 3 Buyer signs “Rules and Regulations”
4. Treasurer prepares two Purchase Cards
5. Treasurer prepares two (2) Deeds and File Card
6. Places File Card in box in vault and one Purchase Card in Commission File
7. Check, one Purchase Card, and Deeds (2) given to Town Treasurer

Town Treasurer

1. Accepts check, Deeds, and Purchase Card
2. Deposits check, posts appropriately, and files Purchase Card
3. Affixes seal to Deeds
4. Forwards Deeds to Town Clerk (once check has cleared)

Town Clerk

1. Accepts the Deeds
2. Files one Deed
3. Mails second Deed to Buyer

POCASSET HILL CEMETERY

Town of Tiverton, R. I.

DATE _____

*This certifies that _____ of _____ having paid into the Treasury of said Town of Tiverton the sum of _____ Dollars and into the Perpetual Care Fund the sum of _____ Dollars, the receipt of which is hereby acknowledged, is entitled to the sole and exclusive use, as a place for burial of the dead, of a Lot in Pocasset Hill Cemetery, owned by and situated in the Town of Tiverton, and numbered **Section** _____, **Number** _____ (**grave**) No. _____ in the plan of said Cemetery, deposited in the Office of the Town Clerk of said Town of Tiverton. Said use and occupancy of said Lot by the said _____ heir heirs and devisees, to be subject to all rules and regulations which have been or may be made by authority of said Town in relation to said Cemetery.*

In Witness Whereof *the Treasurer of said Town of Tiverton*
has hereunto set his hand and seal of
said Town the day and year above written

.....Treasurer

Countersigned byTown Clerk

POCASSET HILL CEMETERY
RULES AND REGULATIONS

Tiverton Town Code: Chapter 2, Article XI, Section 2:52
Adopted by the Tiverton Town Council, July 26, 1993

1. Glass, plastic or spiked vases and pots, fences, artificial flowers and wire blankets or anything that does not comply with the cemetery regulations are prohibited from March 1st to November 1st.

(Amendment Minutes of August 12, 2009)

2. From November 1st to March 1st, artificial flowers will be allowed on cemetery premises if fastened to the base of the monument.

(Amendment Minutes of August 12, 2009)

3. In those locations where plants and/or shrubs are allowed, they shall not exceed the height of the monument.

(Amendment Minutes of August 12, 2009)

4. Any flowers or personal mementos left at grave sites will be removed after five [5] days and held for seven days by the Superintendent prior to disposal.

(Amendment Minutes of August 12, 2009)

5. Only flat markers shall be allowed on single grave lots. No trees, shrubbery or edging shall be allowed on single grave lots. Only American flags will be allowed on veterans graves and only one (1) planter no higher than twelve (12) inches or wider than the maker shall be allowed on single grave lot.

(Amendment Minutes of August 12, 2009)

6. Monuments cannot exceed the height of those in the area and placed in a row. Also, the monument base should not exceed (3 ft x 1 ft) in the 4 grave lots.

(Amendment Minutes of August 12, 2009)

7. No walking of pets, sledding, skiing, skateboarding, fast bicycling, roller-blading or picnicking is allowed on cemetery grounds.

(Amendment Minutes of August 12, 2009)

8. No flammable candles of any kind are permitted.
Cemetery Commission Policy, December 13, 1994)

(Amendment Minutes of August 12, 2009)

9. Only human remains can be buried according to state law.

(Amendment Minutes of August 12, 2009)

10. Cremation Section: Shrubs, fencing, or edging is prohibited and will be removed immediately. Only a (1ft x 1ft) planter is allowed for flowers. (Amendment Minutes of August 12, 2009)

Burial Requirements

[Cemetery Commission Policy, May 17, 1994]

At the time of burial the Funeral Director will be required to furnish the Cemetery Superintendent with the following four [4] items:

1. A burial certificate.
2. A permission form signed by the deed purchaser or legal heir.
3. A check to the Cemetery Superintendent for the opening fee.
4. A check to the Town of Tiverton for a mechanical maintenance fee.

Purchaser's Signature

Chairperson's Signature

Transfer of Ownership

Commission Chair

1. Receives request for information regarding the transfer of title to a Lot.
2. Responds to questioner by sending a Certification of Transfer form.

Commission Chair

1. Receives **Certification of Transfer** form-- properly signed, notarized, and with original deed attached.
2. Copies the Certificate of Transfer.
3. Attaches copy of Certificate of Transfer to front of the file copy of original deed and files under new name.
4. Revises File Card in card file in vault, and Purchase Card in Commission's file.
5. Completes a Memorandum.
6. Assembles--in order--(a) the Memorandum, (b) the Certification of Transfer, and (c) the original deed. Gives assembly to Town Treasurer.

Town Treasurer

1. Changes records to reflect ownership change.
2. Files Memorandum.
3. Returns Certification of Transfer and original deed to Commission.

Commission Chair

1. Mails Certificate of Transfer and original deed to transferee.

POCASSET HILL CEMETERY

Town of Tiverton, R. I.

Certification of Transfer

This certifies that _____ (herein and hereafter also known as the (Grantor) transfers the ownership of a Lot in Pocasset Hill Cemetery, owned by and situated in the Town of Tiverton, and numbered _____ No. _____ in the plan of said Cemetery, deposited in the Office of the Town Clerk of said Town of Tiverton to _____ whose address is _____

In Witness Whereof

GRANTOR has hereunto set his hand on the day and year above written.

.....Date..... /..... /.....
Grantor

.....Date..... /..... /.....
Notary Public

My commission expires

* GRANTOR must attach the original deed to this Certification of Refund and Return.

Reacquisition of Lots

Commission Chair

1. Receives request for information regarding return of a Lot.
2. Ascertains possibility of return--see Policy File.
3. If-return is possible: responds to questioner by sending a Certification of Refund and Return form. If return is not possible: informs the questioner.

Commission Chair

1. Receives Certification of Refund and Return form--properly signed, notarized, and with original deed attached.
2. Assembles--in order--(a) the Memorandum, (b) the Certification of Refund and Return, and (c) the original deed.
3. Gives assembly to Town Treasurer.

Town Treasurer

1. Changes records to reflect return of Lot to Town ownership.
2. Mails check to Grantor.
3. Files or discards Memorandum.
4. Returns the Certification of Refund and Return, and the original deed to Commission Chair.

Commission Chair

1. Replaces old file copy of original deed with the Certification of Refund and Return and the original deed.
2. Removes File Card from card file in vault, and Purchase Card from Commission's file.

POCASSET HILL CEMETERY
Town of Tiverton, R. I.

**Certification of Refund
and Return**

This certifies that _____ herein and hereafter also known as the (Grantor) having received from the Cemetery Commission of the Town of Tiverton a refund in the amount of _____ Dollars, the receipt of which is hereby acknowledged, returns to the ownership of the Town of Tiverton a Lot in Pocasset Hill Cemetery, owned by and situated in said Town, and numbered _____ No. _____ in the plan of said Cemetery, deposited in the Office of the Town Clerk of said Town of Tiverton.

In Witness Whereof the GRANTOR has hereunto set his hand

on the day and year above written.

.....Date..... /..... /.....
Grantor

.....Date..... /..... /.....
Notary Public

My commission expires

* GRANTOR must attach the original deed to this Certification of Refund and Return.

PERMISSION FOR BURIAL

Superintendent

1. Accepts Affidavit and Permission form Funeral Director.
2. Re-supplies Funeral Director with forms if requested.
3. Gives Affidavit and Permission form to Commission Treasurer.

Commission Treasurer

1. Attaches Affidavit and Permission form to card in file.
2. Assures that the Superintendent is adequately supplied with forms.

POCASSET HILL CEMETERY
Tiverton, RI

AFFIDAVIT AND PERMISSION FOR BURIAL

Date _____

Name of original Lot Purchaser as appears on Deed _____

I/We _____

Husband

Wife

Son

Daughter

Heir by Legal Will

Grant permission of burial to _____

In Plat _____, Lot _____, Grave _____.

Witness: _____

Signature: _____

Notarized By _____