

## **Town of Hardwick Cemetery Policy**

### **Cemeteries in Hardwick**

The Town of Hardwick contains seven cemeteries:

1. Fairview Cemetery, located on the east side of Glenside Avenue
2. Hardwick Center Cemetery, located on the south side of Shepard Farm Lane
3. Hardwick Street Cemetery, located on the north side of the Bayley-Hazen Road
4. Main Street Cemetery, located on the east side of South Main Street
5. Maple Street Cemetery, located on the west side of Slapp Hill
6. Sanborn Cemetery, located on both sides of Montgomery Road
7. West Hill Cemetery, located on the east side of West Hill Road

The Selectboard serves as the Cemetery Commission for all of them, hereafter referred to as the Town Cemeteries.

This manual complements Vermont Statutes Annotated Title 18: Chapter 107 on Deaths, Burials, and Autopsies available at <<https://legislature.vermont.gov/statutes/chapter/18/107> >.

Vermont law establishes the framework within which cemeteries must operate, so those statutes apply to relevant situations in Hardwick. However, Vermont law grants towns the power to set specific policies and procedures for their own cemeteries, and this manual describes the specific policies and procedures adopted by the Hardwick Selectboard for the Town Cemeteries. From time to time, the Selectboard may amend these policies.

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## **Vision Statement**

The Selectboard and its appointees of the Town of Hardwick, hereafter referred to as the Selectboard, will provide a well-maintained setting for the internment and commemoration of the dead and for the comfort and inspiration of the bereaved and the general public. The Selectboard will strive to accommodate the desires of families and individuals within the rules adopted for the operation of the Town's cemeteries. The Selectboard will provide compassionate and efficient service in a manner that respects human dignity.

## **Authority**

To assure the smooth operation of the Town Cemeteries, the Selectboard has delegated routine duties to Town officials. Generally speaking, the Town Clerk and Treasurer, an elected official, keeps the records. The Town Manager, an appointed official, administers the policies and manages the finances, and the Town Sexton, a contracted official, conducts the physical work and some of the administrative work required by the policies. All three officers stay in communication with the others to ensure the smooth and legal operation of the Town Cemeteries.

## **Policy Maintenance**

The Town Manager maintains these policies and procedure, so they reflect current state law and local regulations. The Town Manager will convey changes to the Town Clerk and Treasurer and the Town Sexton, and, if a change in state law requires a change in these policies, to the Selectboard.

## **Cemetery records**

The Town Sexton maintains maps of lots in all Town Cemeteries. The Town Clerk and Treasurer keeps the records and maps for the Town Cemeteries, including a record of each burial.

## **Responsibility for Cemetery Lots**

The Town of Hardwick will maintain the cemetery's corner posts, lawns, plantings, access roads, and fences of Town Cemeteries. It will not maintain, repair, or replace any memorial or foundation in any lot. By purchasing lots, the owner agrees that he or she will set and maintain all memorials and repair those that suffer damage or destruction from any cause. The owner also agrees that he or she will hold the Town and its employees harmless for any damage a memorial might receive.

## **Purchasing a Cemetery Lot**

To purchase burial lots in one of the Town Cemeteries, call the Town Manager's Office at 802-472-6120 or visit the Town Manager's Office during regular business hours. The purchaser of a lot must pay the Town Manager all applicable processing and internment cost in full before the funeral service.

The Town Sexton requires at least 48 hours notice for all pending funeral services. The notice must be given during regular business hours. Individuals may acquire up to two (2) full lots for future family needs by purchasing them in full.

## **Burial Rights**

The term "burial right" means the right to interment in a specific lot within the Town Cemeteries. Each lot within the Town Cemeteries contains from one (1) to four (4) burial rights for traditional and natural burials. Each space for one (1) body will hold two (2) cremains. The person named on the Cemetery Deed may convey burial rights to only a spouse, life partner, biological, and/or adopted descendants of their union.

A spouse or life partner has a burial right of his or her own body in any lot conveyed to the other. This right will continue as long as the union of the couple continues. If the union lasts to the death of the owner of the lot, the spouse or life partner continues to hold a burial right.

If the owner of a burial lot does not mention a burial lot in a will, one of the heirs or, in the case of a minor, a guardian, must file an affidavit with the Town Clerk listing the names of all known heirs. A majority of the known heirs must designate one of their number as their representative authorized to sign orders of interment and manage all other matters regarding the lot and its burial rights.

If the owner of the unused portion of a lot, provided it contains at least one (1) burial right, ceases to want it, he or she should notify the Town Manager who will refund the paid price for the burial right(s) provided that 1) the lot has no obstruction on it and 2) the seller pays to have the corner posts moved. The Town Manager will notify the Town Clerk and Treasurer of the change in the records. The redeemed space then becomes available for sale.

If the Town cannot identify the owner of a burial lot or cannot locate the owner of a burial lot for 20 years, the Town may re-claim ownership by following VSA Title 18 Sections 5532-5537.

## **Using a Cemetery Lot**

The Town Sexton oversees the laying out and marking of lots within Town Cemeteries, with each lot having granite corner markers which indicate the lot number and the last initial of the owner of the lot. Each lot must have corner markers.

Contact the Town Sexton to arrange for a burial; the Town Manager can provide the contact information. Hardwick does not allow any interments, disinterments, and grave marker installations on federal, state, or local holidays, Sunday, or Town Meeting Day. In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday.

The Town Sexton will mark out the lot for the grave digger and the memorial installers. Any joint replacement hardware, pins, plates, screws, pacemakers, gold, or amalgam dental fillings found among cremains get recycled. For that reason, the Town of Hardwick suggests that bodies which contain any of those materials be cremated instead of being buried in the traditional manner or in a green burial.

## **Traditional Burials**

Hardwick requires that all embalmed remains have a vault designed in accordance with industry standards and specifications.

## **Cremations**

Hardwick puts the decision about having a container for cremains in the hands of the family; the Town does not require that cremains have a container. Do not scatter cremains in any portion of any Town Cemetery.

## **Natural Burials**

The terms natural or green burial refer to placing a body in the ground without the use of embalming fluids, burial vaults, or a casket that will not decompose. Instead, the body is wrapped in a shroud of biodegradable fiber, and/or placed in a casket made of biodegradable materials and buried beneath 3.5 or 4 feet of soil. A natural burial allows the body and its shroud and/or casket to decompose naturally.

Since natural burials leave nothing permanent in the ground, fifty (50) years after internment, another burial may use the same space. The marker placed on the previous burial will be moved to another visible place in the cemetery to make way for a marker for the most recent body. The marker for a natural burial must include the phrase "Natural Burial" to alert the lot owner that he or she may reuse the space after fifty (50) years.

Vermont law does not require families to hire a funeral director. If you decide to care for your own dead, first contact the Department of Health Statistics and Vital Records <<https://www.healthvermont.gov/stats/vital-records>> to record the death, then contact the Town Sexton to plan for the burial.

Hardwick allows natural burials in all lots in all Town Cemeteries, and all policies apply to them unless specifically stated otherwise.

You must use a biodegradable container, such as unfinished wood, wicker, or woven, cardboard, or paper mache casket, and/or shroud of biodegradable fabrics. The body must arrive at the burial site in its casket or fully shrouded. Bodies not in a casket must arrive on an unfinished, solid wooden board, approximately the length and width of the body, for lowering it into the grave. Do not use plywood or particle board; the glues and processing disqualify them.

You must line the bottom of the gravesite with 2-3" of untreated wood chips, pine boughs, hay, or a combination of these materials prior to lowering the body into the grave. Cover the body with 2-3" grass cuttings, leaves, sticks, cut flowers, compost, or other 100% biodegradable, non-toxic, plant-derived material. These layers aid in the decomposition process. Then refill the grave with all the dirt removed and create a mound that will settle over time.

## Winter Burials

Hardwick does not have a temporary receiving vault. The Town has no rules against winter burials, and the Town Sexton manages them if requested. Because accessing a grave site and digging a grave during the winter may require opening snowed-in roads and digging through frozen ground, a winter burial carries extra fees for that work. The family bears the responsibility for the extra costs.

## Memorials, Markers, and Monuments

**Base:** The above-ground structure erected or placed on the foundation. The upper part of a monument or die stone sits at the base.

**Corner marker:** A granite object used to designate the corner of a lot or a group of lots.

**Flag-holder/Memorial Marker:** A stick-type device used to mark graves.

**Foundation:** The underground concrete structure that supports the above-ground monument. Unless otherwise approved by the Selectboard, all above ground memorials must sit on a foundation. Foundations must be flush with the ground, properly cured, and a minimum of three (3) feet deep, with the exception of those under small monuments (headstones) which can sit on a 4" thick foundation.

**Marker:** A memorial that lies flush with the ground.

**Memorial:** A monument, headstone, tablet and/or marker including its below-ground foundation. A memorial must include at least the following information: name, birth date, and death date (if known). The Town Sexton must approve the location of memorials. Memorials must be installed by professional installers.

**Monument:** The portion of a memorial that extends above the surface of the ground, including its base. Each monument must have a 3.5 to 4' deep base. The base must be set back 18" from the front of the lot. If the owner decides to put a single "family" monument in a lot, flat flush markers may mark the site of individual graves.

**Permanent monuments** not made of granite, marble, fieldstone, or bronze require approval by the Sexton or Town Manager. Each individual grave must have a memorial. Large memorials may cause a reduction in the number of burials allowed in a lot. The Town does not permit any mausoleums, columbariums, or tombs.

The Town Sexton will oversee all opening and closing of graves.

## Maintaining Your Cemetery Lot

You may place bouquets of fresh flowers or artificial flowers in the front or back of a memorial, within one (1) foot of the memorial. You may place up to two (2) readily moveable pots sitting on the ground, also within one (1) foot of the memorial. You must remove any artificial flowers or plants by November 1 each year.

You may plant flowers, but not trees or woody shrubs, such as lilacs, roses, forsythia, or ewe, on your lot, within one (1) foot of the memorial.

~Do not use glass containers.

~Do not place loose stones on your lot.

~Do not place metal rods with whirly decorations on your lot.

- ~The Town regularly cleans and mows Town Cemeteries, and the Town Sexton or maintenance crew has permission to remove all disallowed decorations or plantings without notifying you and with no liability.
- ~Do not do any grading on your lot.
- ~Do not use either fertilizer or weed killers on your lot. Do not put any curbing or fencing on your lot.

The Town of Hardwick and its employees have no liability for any lost, misplaced, stolen, or broken floral arrangements or receptacles.

### **Rules for Visitors in the Cemetery**

Hardwick maintains its Town Cemeteries as a place of burial for the dead. Visitors may participate in other types of low-impact secondary uses, such as walking and jogging, provided they do not interfere with the primary use. Any other uses require advanced written approval by the Town Manager.

- ~Do not enter a cemetery except through an established gate or entrance. Do not use loud, boisterous, or obscene language.
- ~Do not possess or consume alcoholic beverages in a cemetery. Do not disturb or interrupt funeral services or internments.
- ~Do not solicit or sell any commodities or services.
- ~Do not place any signs, notices, or advertisements in Town Cemeteries without advance written permission from the Town Manager.
- ~Do not cut/capture nor injure any wild or domestic flowers or animals.
- ~Do not deface, damage, or destroy any plants, lawns, fences, structures, trees, bushes, or memorials, unless you own the lot or have permission from the lot owner.
- ~Do not discharge firearms in or adjacent to a cemetery. This prohibition does not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United States.
- ~Do not injure or deface any memorial, fence, or other structure or property within a cemetery.
- ~Do not allow any dog or other domestic animal to run loose within a cemetery.
- ~Do not litter.

### **Traffic Regulations**

If a family does not use the services of a funeral home, it must appoint someone to direct traffic during the burial services.

- ~Do park vehicles that deliver vaults and other items to a funeral site in an inconspicuous location during funerals.
- ~Do not operate or cause motorized vehicles to operate within a cemetery, except on roads designed for that purpose.
- ~Do not travel in excess of five (5) miles per hour upon any road in a cemetery.
- ~Do not enter a cemetery with a loaded truck without permission from the Town Sexton. Do not unload any stone, dirt, or other material in a cemetery without permission from the Town Sexton.
- ~Do not operate any motorized recreational vehicles within the boundaries of a cemetery.
- ~The Town Sexton may use such vehicles for maintenance.

**Appeals:**

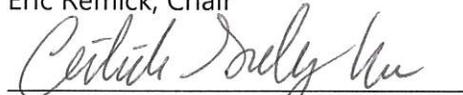
You may appeal decisions by the Town Manager or Town Sexton to the Selectboard within thirty (30) days of the decision. The Selectboard will hold a warned meeting to hear the appeal and issue a ruling within thirty (30) days of receiving the appeal.

Policy reviewed and accepted by the Hardwick Selectboard and becomes effective immediately this 6<sup>th</sup> day of June 2024.

Signed by the Hardwick Selectboard:



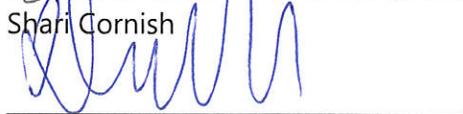
Eric Remick, Chair



Ceilidh Galloway-Kane, Vice Chair



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Danny Hale



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Revised: June 6, 2024