

WEST NECK CEMETERY ASSOCIATION, INC.

RULES & REGULATIONS

*(Regulations of May 1983 as revised and adopted April 2008;
with updates of April 2012)*

WEST NECK CEMETERY ASSOCIATION, INC.

Waterford, Connecticut

Organized June 1850; Incorporated March 11th, 1853 as the Waterford Union Cemetery Association

Incorporated March 19th, 1908 as the West Neck Cemetery Association

West Neck Cemetery is located on a one-acre parcel at
**198 Great Neck Road
Waterford, Connecticut 06385**

2012-2013 Officers/Board of Directors:

Kristen M. Widham, President

Stephen Percy, Vice-President

John R. Morgan, Treasurer and Secretary/Sexton

David Tracy, Caretaker/Sexton

Francis Fetrow, President Emeritus;

Funeral Home Liaison Officer

www.WestNeckCemetery.com

WEST NECK CEMETERY ASSOCIATION, INC. RULES & REGULATIONS (as adopted 4/08 and 4/12)

I -- GENERAL

These rules and regulations of the West Neck Cemetery Association, Inc. are intended to protect the rights and privileges of lot owners, not to restrict them.

All lots are sold subject to the regulations in effect at the time of purchase; lot owners are subject to new rules and regulations that may be adopted thereafter.

II -- ASSOCIATION HISTORY (from the written Record Book)

The first page of the Record Book has two parts. The first reads, "The Records of the Waterford Union Cemetery Association. Organized June 1850. Incorporated March 1853." The second reads, "The Records of the West Neck Cemetery Association. Incorporated March 19th, 1908."

This latter date stands as the Incorporation Date of the Association, though the organization date of June 1850 identifies the earliest recorded minutes; at this writing, both dates entitle the Association to the label of being an "ancient burial place" under Connecticut statutes, which specify that this name applies to any land that has been used as a burial ground for more than one hundred years.

Both Associations are rooted in the membership of the neighboring Seventh Day Baptist Church. In fact, in June of 1850, the minutes of the Waterford Union Cemetery Association say the Association "shall be known as the Seventh Day Baptist Burying Ground Association" and the Bylaws specify that "This Association shall hold its annual meeting on the last second day (Monday) in each year." This reflects the Seventh Day Baptist belief that Saturday, not Sunday, is the Biblical Sabbath, so Monday is the second, not the first, day of the week.

The Record Book shows gaps of time as well as bursts of activity. Names of many of those interred in the cemetery appear as officers, directors, and sextons: Rogers, Maxson, Lester, and Brooks are among the earliest. Projects have included determining "the cost of a fence of stone or iron to enclose the Cemetery" (12/2/1850) and investigating "making a macadam road in the cemetery" (1913). Unfortunately, there is no mention of such intriguing events as how it came to be that a Civil War freed slave who served in the Navy and died in February 1862 came to be buried there.

Quite a bit of information on the founding members and family links among them can be found through an ambitious project titled "They Came to Milton," an online index of members of the Seventh Day Baptist church from its beginning in 17th century Rhode Island. There are links to family lineage for many of the Baptists interred at www.WestNeckCemetery.com. This index also shows the direct connection between the founders of this cemetery and those interred in the Old Rogers Cemetery, which is located nearby at the corner of Great Neck and Shore Roads.

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III -- SALE AND OWNERSHIP OF LOTS; PERPETUAL CARE

Delivery of Deed; Recordation and Transfers; Use of Lot; Reclamation Policies

Lot deeds are delivered only when the cost of the lot has been paid in full.

- In the case of a single-grave lot, a receipt of purchase is given to the purchaser or the family of the deceased.
- For lots with two or more graves, a deed is made out in the name of the purchaser or survivors.

No burials, cremain interments, or monument placements are permitted until final payment has been made.

Heirs-at-law, blood relatives, or survivors of the purchaser of any lot may designate in writing the names of individuals who may in the future be interred on a specific lot, provided there is space for these burials. This letter of instruction must be witnessed and signed before a notary public.

Transfer, but not a sale-for-profit, of a lot from the original owner to another party is permitted, provided suitable notarized transfer papers are provided to the Secretary of the Association.

Recording of both lot deeds and cremation-area deeds in the land records of the Town of Waterford is, and always has been, at the discretion and expense of the purchaser.

The Association assumes neither responsibility for recording deeds nor liability for unrecorded lost deeds beyond honoring an ownership “chain of title” as supported through a search of its own records of deeds issued and subsequent designations and/or transfers, if any.

Without legally acceptable papers, the Association will not authorize the interment of any non-family member in any lot. In the event the Association has made a good faith accommodation for a family member or friend and used a lot that later comes under dispute by an owner, heir-at-law, or other party with legal standing, the Association will be held harmless for the failure of those responsible for the interred to have acquired proper authorization from any such party.

The Association may, at its discretion, repurchase unused lots or portions thereof from authorized owners and/or heirs *at the original price*, or the appropriate prorated amount for unused portions.

This policy is in keeping with the conventions of other local cemeteries; it also observes the intent of the Connecticut statutory requirement that cemetery associations “shall not . . .[speculate] in cemetery lots and property, or for private gain, either directly or indirectly, to any of the members of any such association.” (CGS Sec. 19a-296(a)).

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All resales will be made at current prices and monies received will be added to the Perpetual Fund.

Further, the Association may, at its discretion and only after proper, documented observance of all statutory and legal requirements, reclaim title to abandoned or unused lots or portions thereof whose present owner or person beneficially interested in such lot or portion remains undiscoverable. (CGS Sec. 19a-307).

The Association deems two generations, or fifty (50) years, of noncontact with the family of those interred in a plot sufficient to invoke the statutory notification requirements and reclamation of burial sites. Though the statute only requires ten (10) years, the Association recognizes that some plot owners may live at a distance yet have intentions of being buried in a family plot.

In the event a bona fide claimant to reclaimed property makes known an interest in burial after reclamation, the Association will make good faith efforts to accommodate said claimant in an alternative site, if available, but is under no legal obligation to either do so or compensate the claimant beyond the original purchase price of the reclaimed site.

Perpetual Care Fund and Perpetual Care

“The Perpetual Care Fund” and “Perpetual Funds,” as used herein, are construed to mean all funds, including investments and other financial instruments, held in the Association’s name for the benefit of overall cemetery needs and general maintenance, and are not to be considered separable for dedicated use on any designated lot.

This is not intended to exclude the possibility that large one-time donations or bequests may be earmarked for specific purposes, such as supplemental stone-care or specific monument repair, and the Association will endeavor to honor such requests. However, the Association accepts all contributions without any obligation or guarantee to maintain such assets separately from existing accounts or make their use separable from what it deems the greater needs of the cemetery.

The Cemetery Association understands Perpetual Care to include all work required to keep lots in good condition: cutting and fertilizing grass; refilling graves; and cleaning stone work.

Perpetual Care does not include rebuilding monument foundations *unless* specific provisions have been made for that purpose. Nor does it include any expenditure beyond the annual income received from the Perpetual Care Fund or general donations to restore any damage wrought by storms, vandalism, or war.

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IV -- INTERMENT REQUIREMENTS AND ASSOCIATION REGULATIONS

Statutory Requirements for Interment

No burial will be permitted in the Cemetery except in the manner and as permitted by the laws of the State of Connecticut and the Town of Waterford.

All caskets must be encased in a vault as per State Statutes.

Association Regulations for Interment

The interment must be approved by the Caretaker or designated Association officer and the grave opening must be made where marked out by the Caretaker or designated Association officer.

Only one (1) interment will be allowed in each grave with the following exceptions:

- One parent with infant under one year of age.
- Ashes of any two persons.

Interment of Cremated Remains

Present policy allows two cremations per gravesite; “gravesite” includes cremation/memorial sites.

A section of the Cemetery has been set aside solely for the burial of cremated remains and placement of “in memory of” markers. In this section, granite markers or VA bronze markers flush with the ground must be used.

Post-interment Considerations

The level of the lots once graded by the Association shall not be changed.

All contractors and their workers, while in the Cemetery, are under the supervision of the Caretaker. They must clean up and leave the area in an acceptable condition.

No existing grave can be opened without approval by the Caretaker.

All new lot enclosures are prohibited.

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V -- MONUMENTS AND MARKERS

Association Regulations

Memorials shall be permitted under the following regulations:

- All monuments to be placed are subject to the approval of the Cemetery Board of Directors.
- A sketch showing the dimensions and inscription, signed by the contractor and plot owner with a copy for the records of the Association, is to be submitted with application.
- The Board of Directors reserves the right to reject any monument or marker it deems inappropriate.

Monuments and markers placed on plots in accordance with these rules and regulations are the property of the plot owners and their heirs, not the West Neck Cemetery Association, Inc.

Monuments: Association General Specifications

All monuments must be of stone of an approved quality and no dimension may be greater than the following specifications.

All monuments, including all flush, flat, upright, or slant markers, must have an approved concrete foundation at least three (3) feet, six (6) inches deep to prevent frost heaving.

All monument foundations shall be placed in a line three (3) inches from the head boundary line of the plot.

The height of any monument is measured from the level of the base to the highest point of the monument from ground level, including base, if any.

Monuments: Placement of Monuments or Markers

No monument is to be placed until the gravesite is paid for in full.

No temporary markers such as those placed by funeral directors pending placement of a permanent marker will be allowed to remain in place for more than two (2) years.

No lot owner shall erect or place upon any lot a monument, headstone, or other structure composed of cement, white bronze, iron, or wood.

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Monuments: Association Detailed Specifications

- **Flat Markers** – not to exceed three (3) square feet in area and no higher than eight (8) inches.
- **Upright Markers** – not to exceed thirty-six (36) inches in height, eight (8) inches in thickness and no wider than thirty-six (36) inches with a base if desired, appropriate to the width and thickness.
- **Slant Markers** – not to exceed thirty-two (32) inches in height, twelve (12) inches in thickness and no wider than thirty-six (36) inches with a base if desired, appropriate to the width and thickness.
- Photographic reproductions of the deceased on gravestones are forbidden.

SINGLE PLOTS

- **Flush Markers** – not to exceed two (2) square feet in area and not less than four (4) inches in thickness with the exception of bronze plaques.
- **Flat Markers** – not to exceed two (2) square feet in area and no higher than eight (8) inches.
- **Upright Markers** – not to exceed thirty (30) inches in height, eight (8) inches in thickness and no wider than twenty-four (24) inches with a base if desired, appropriate to the width and thickness.
- **Slant Markers** – not to exceed thirty (30) inches in height, twelve (12) inches in thickness and no wider than twenty-four (24) inches with a base if desired, appropriate to the width and thickness.

MULTIPLE PLOTS (2 gravesites or more)

Each plot will be allowed:

- One (1) raised monument or one (1) monument for a multiple of plots, plus
- One (1) 12” x 18” flush or flat marker per grave on those graves not encumbered by a major monument.

VI -- DECORATION OF GRAVES

Association Authority and Responsibility

All decorations in the Cemetery become the property of the Association upon placement and may be removed or disposed of at the sole discretion of the Caretaker.

The Association is not responsible for watering any flowers or plants placed on a lot, except on plots where special flower funds have been created to provide for this service.

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In the spring of each year, usually the latter part of March, all winter decorations of any sort will be removed in order to make possible the annual clean-up of the entire Cemetery.

Visitor Courtesies and Responsibilities

Please discard dead flowers and other refuse in the receptacles provided throughout the Cemetery.

Temporary Floral Decorations

Floral decorations may consist only of those in plastic or clay pots. Flowers left in cans, bottles, jars, or glass of any kind are subject to immediate removal.

Floral arrangements used at the time of interment are subject to removal when they have become wilted or unsightly.

Temporary Artificial and Non-floral Decorations

Artificial flowers must be limited to one display per grave. Additional displays will be removed by the Cemetery without notification.

Plastic statues of any size are not permitted and are subject to removal.

Plantings and Other Long-term Decorations

Flowers, shrubs, or trees may be planted on a grave or lot only with the specific approval and written consent of the Cemetery Caretaker. *The Association has a partial list of plants that may be suitable for cemetery use; contact the Secretary or Caretaker prior to submitting your proposal.*

There are no exceptions to this rule, and any unapproved plantings are subject to removal at the discretion of the Caretaker.

No other long-term or permanent decorations are allowed without the specific approval and written consent of the Cemetery Caretaker.

Association Authority over Plantings

The Association reserves the right to groom or otherwise control the growth and appearance of all vegetation within the Cemetery.

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No planting that obscures the view or enjoyment of neighboring lots will be allowed.

Care must be given to ensure that plantings do not grow to obscure either the view of or ready access to any headstone or marker, especially any side of monuments with inscriptions. At the discretion of the Association, any plantings may be trimmed, pruned, or removed entirely in order to provide clear, unobstructed views and access to any memorial, marker, or plot, including access for mowing and other groundskeeping activities.

In the event a planting is severely damaged or has grown beyond acceptable limits, the Association will attempt to inform the party responsible for its placement of the Association's concerns. However, when this is not possible, after a good-faith attempt, the Association will proceed as it deems best.

Disturbing Association Property Prohibited

No one may pick flowers, or cut shrubs and trees on any part of the Cemetery property unless authorized by the Association and in accordance with these rules.

Flags and Markers on Veterans' Graves

American flags are placed on veterans' graves immediately prior to Memorial Day and may be removed after Veterans' Day (November 11) by the Cemetery Caretaker.

The placing of flags for deceased members of the armed forces and fraternal organizations remains the responsibility of the various veterans and fraternal organizations, not the Association. However, the Association will endeavor to periodically provide as comprehensive a list of veterans as possible to the veterans' group responsible for providing flags for veterans.

The Cemetery management welcomes the year-round placement of a flag on a veteran's grave provided that the family of the deceased assumes the responsibility of setting out new flags from time to time. It is also the responsibility of the family, not the Association, to furnish any veteran or fraternal flag base and place it as close to the monument as possible to allow easy mowing.

The Cemetery management reserves the right to move flag bases and/or remove flags that have become faded, torn, soiled, or in generally poor condition.

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Association Non-liability

The Association, its officers, and its agents assume no liability for property removed while exercising its authority to maintain the grounds in conformance with its charge and obligation to perpetuate the Cemetery's time-honored serene and well-kempt condition.

For more information regarding the West Neck Cemetery Association, please contact:

*John R. Morgan, Treasurer and Secretary
Box 231, Waterford, CT 06385 (860) 447-1926
Website: www.WestNeckCemetery.com
Email: main@WestNeckCemetery.com*

Special Notes on Periodic Updates/Revisions since April 2008

Please note that these Rules and Regulations, though generally unchanged for many years, are subject to change without notice. To ensure that you have a current, accurate understanding of any detail, check on the Website for the most recent revisions of these Rules and Regulations. You can determine if your copy is the most current by matching the file-date in the footer to the one on the Site.

Also, the Website includes a cemetery map to help you locate "lost plots" and determine measurements.

This is the end of the document.