

NOTICE: The Bethlehem Cemetery is regulated by the New York State Cemetery Board. For questions, concerns or complaints regarding this cemetery, you may contact the Division of Cemeteries of the New York State Department of State at 518-474-6226.

RULES AND REGULATIONS OF THE BETHLEHEM CEMETERY ASSOCIATION

Incorporated November 27, 1865

Located at 286 Kenwood Avenue, Delmar, New York

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Section 1 - General Information

The Bethlehem Cemetery Association (hereafter "BCA") conducts all activities in accordance with the Laws of the State of New York. These rules and regulations supersede all prior versions and families are expected to abide by the rules that are in effect, not those in effect at the time of their burial right purchase. We seek to provide a setting of privacy and dignity to all lot holders and their families. The following rules and regulations are formulated and enforced to maintain an atmosphere of professionalism and the propriety due the nature of the Cemetery. Questions regarding our policies and procedures can be addressed to the office and formal complaints made as noted above to the Division of Cemeteries.

Conduct

All persons having business in the Cemetery or those visiting a grave-site, shall be allowed access to the Cemetery only during daylight hours, observing the rules which are in effect, and the propriety due the Cemetery; said rules are posted conspicuously on the Cemetery property. The Cemetery assumes no responsibility for damage or theft of memorials, plantings, trees, shrubs, nor to any items placed with or without consent of the Cemetery due to any reason, including but not limited to vandalism, accident, theft or weather-related damages including Acts of God. Any memorial mementos placed by anyone may be removed by the lot owner at any time for any reason, or by Cemetery personnel for appearance or safety reasons.

At no time will dogs be allowed on the premises. Activities such as loitering, loud or boisterous talking parking for purposes outside of grave visitation, all dumping and littering, recreation-type activities (including but not limited to jogging, bicycle riding, skateboarding, or interfering with a burial or family/staff meeting) or general behavior which is unbecoming to a cemetery is strictly prohibited. Activities or actions which constitute disregard or harassment of cemetery agents or cemetery families are strictly prohibited. Persons engaging in such behavior will be prohibited from entering the Cemetery or engaging in business thereon. The Cemetery Association reserves the right to refuse a sale of a lot, plot or part thereof if such sale is felt by a majority of the Board of Directors not to be in the best interest of the Cemetery and the interests of other lot-owners. The Cemetery Association reserves the right to require contractual conditions be met for the purchase of rights to insure clear understanding of all obligations and terms of use. Such situations will be brought to the attention of the Division of Cemeteries and State Cemetery Board where necessary.

Right of Interment Information

All rights of interment in the Bethlehem Cemetery are conveyed in accordance with the provisions of the laws of the State of New York, and shall not be used for any other purposes than as a burial place for deceased human beings. Specifically, rights of interment, designation of interment rights, and conveyance of interment rights on lots in the Cemetery are conducted in strict adherence to Sections 1512 and 1513 of the Not-For-Profit Corporation Law. Transfer of rights will require appropriate documentation and the issuance of a new deed. The BCA will not repurchase unused burial rights on lots where interments already exist and/or where improvements have been made to the lot, and will only do so in accordance with Section 1515 (c). After the death and interment of the lot owner(s), no interments or use of lot may be made until an Affidavit of Heirship is duly filed with the Association. Authorization in writing is required from the lot owner or legal representative whenever a grave is to be opened and all fees are required to be received no later than 24 hours prior to interment.

The full purchase price of the right of interment on a lot or space must be received before a title will be given, a burial allowed on the lot, foundation allowed to be placed or marker/monument delivered or further inscribed. In instances where there is a balance due on the rights to inter, it must be paid in full prior to the next interment or an original deed with original signatures must be presented which notes that payment was made. In cases where financial hardship exists, the Cemetery Association will allow purchases of the right of interment on a lot or space with a fifty-percent down payment and the balance paid within 90 days. If this is a preneed purchase, no interment or improvement will be made until the balance is paid in full. All lot owners are required to notify the BCA of any change of address. It should be noted that pertinent notices shall be sent to the last recorded address of a lot holder, and such notice shall be deemed adequate.

Section 2 - Interments and Disinterments

Lot owners are prohibited from allowing interments to be made on their lots for compensation. Interments in a lot are restricted to those entitled to burial therein, according to the terms of Section 1512 of the Not-for-Profit Corporation Law. Permission for burial of those not entitled to burial according to Section 1512 must be filed with the BCA by the lot owner(s). Specific reference is made to Section 1512 (f). During interments, disinterments and burial preparations, distance requirements will be set by cemetery staff and must be observed for safety purposes. Appropriate behavior of all persons on cemetery grounds is expected and required at all times and will be enforced by cemetery staff as appropriate.

No interment will be allowed on a lot until the lot is paid for in full, and all opening and other charges are received. Interments/inurnment scheduling requires at least two business days' notice, i.e., for a Wednesday burial, notice to the office is required by Monday at 12 noon and payment received by Tuesday at 12 noon. The Association requires that all charges are received at least one business day prior to an interment at the Cemetery Association post office box or by special appointment with cemetery staff. On all purchases of interment rights made prior to January 1, 2006, there will be allowed in each standard-size grave one full casket interment and one inurnment of cremated human remains, or the inurnment of two cremated human remains. The interment of **all** remains will be permitted only in appropriate rigid receptacles such as wood, metal, plastic or concrete. The scattering of cremated remains on Cemetery property is strictly prohibited. The Association reserves the right to require payment of a cremation opening fee when instances of scattering or unauthorized burial are discovered; and reserves the right to require memorialization without interment fees when no documentation exists that burials were performed and memorialization has or is requested to occur.

Concrete vaults or concrete grave liners are required for full interments in graves purchased on or after January 1, 1985 in accordance with New York State Cemetery Board Directive 201.6, and are recommended for all full casket interments. The outer container must be marked with the name of the decedent. The BCA respects the right of a lot holder to refuse the use of a liner or vault based on religious belief. However, appropriate and reasonable fees for the additional maintenance of such a lot will be applied in accordance with the above-referenced directive. Please refer to the Approved Charge Sheet for current information.

Unless special arrangements have been made with the office, all funerals must be at the Cemetery by 2 p.m. Mondays through Fridays, and before 10 a.m. on Saturdays to insure that staff have sufficient time to properly close the grave and remove all equipment in a timely manner. All funerals, processions and vehicles will be under the control of a representative of the BCA while in the Cemetery. There will be no interments on Sundays and legal holidays. Interments are conducted on Saturdays at additional charge. Exceptions to the arrival/departure time for Saturday interments may be requested, but the BCA reserves the right to deny such requests, and to assess additional charges based upon those incurred to the BCA for payment of independent contractors and BCA employees.

No interment shall be allowed without permission being first obtained from the BCA. Persons requesting a grave be opened must either be the lot owner or have filed an Affidavit of Heirship with the Cemetery Association. If no deed is available which reflects payment and ownership of burial rights, and the Cemetery cannot document payment being received in full for the purchase, no interment will be allowed until the rights are paid for in full. Completion by the family or person arranging interment of all cemetery forms, including but not limited to a lot layout showing placement of interment, affidavit of heirship/authorization to inter, and collection of fees or payments due must be received at least 24 hours prior to any interment. At the time of applying for permission, in accordance with Section 1510 (C), the following information must be furnished: (1) Name of the person to be interred, the date and place of death and military service

information, further, if not an adult, the names of parent(s) or legal guardian(s) of the deceased and their address; (2) The name, current address and telephone number of the lot owner and in instances where the original owner(s) are deceased, an affidavit of heirship and/or authorization to inter with location will be required; and (3) Time and date of burial, together with religious service and veterans information where applicable.

Disinterments may be made by the consent of the Association, and the written consent of the owner or owners of the lot, and of the surviving wife, husband and children, if of full age, and parent (s) of the deceased. If the consent of any such person cannot be obtained, or if the Association refuses its consent, the consent of the Supreme Court of Albany County, shall be sufficient. All costs, including but not limited to legal fees and court charges, related to obtaining said court order will be the sole responsibility of the family requesting the disinterment. No disinterment shall be made except by BCA employees/agents. The BCA reserves the right to perform any removal or disinterment at its convenience or as directed by Court Order. During the disinterment procedure, a licensed funeral director and/or a member of clergy and cemetery staff are allowed to be present grave-side. Families, while not encouraged to attend, are allowed but will need to remain in the area designated by cemetery staff and are required to execute the cemetery's hold-harmless agreements and release forms. All affidavits, costs, hold-harmless and release forms must be received prior to the disinterment being scheduled and conducted.

Graves may not be opened when weather conditions warrant such refusal. Bodies received for interment during this time may be placed in the vault, if available, or need to be kept with the funeral home. There may be costs applied for either of the storage facilities and the BCA is not liable for those costs. Vault storage for caskets is offered only for those persons being interred at the Bethlehem Cemetery. When and if vault storage at the Cemetery is available, it should be noted that all bodies left in the vault during the winter must be removed no later than June 1st. Any deviation from this date must be approved by the BCA no less than seven business days before June 1st. The BCA reserves the right to have removed and interred in a single grave space, all bodies left in the vault after June 1st. If not entitled to burial in a family plot at Bethlehem Cemetery, they will be interred in a single grave. All expenses incurred by the BCA for such a situation will be the responsibility of the funeral home who caused the body to be placed in the vault. At the time of arrangements for vault storage, all funeral homes will be notified of this policy.

Approved charges are noted in the Approved Charge Sheet, which is provided to all funeral homes, vendors and lot holders. Additionally, it is posted conspicuously in the Cemetery. These charges are subject to change from time to time and after approval by the New York State Department of State.

With reference to municipality (Town of Bethlehem) owned burial rights, burial on these spaces is requested by the township to the BCA, and the BCA assigns the grave designation. Only flush memorials will be allowed on these spaces, with appropriate foundation expenses. On these single grave spaces, only one interment right exists, and secondary interment rights are subject to the approval of both the Town of Bethlehem and the BCA. All approved interment/inurnment fees apply, as do decoration regulations.

Section 3 - The Right of Memorialization

The right of memorialization belongs to the lot owner as described in Section 1512. The BCA reserves the right to require an affidavit setting forth a designation of one person entitled to possession and control of a lot or grave space. This document will hold harmless the BCA from liability arising from disagreements regarding memorialization. Only one raised monument shall be allowed on a lot with 10x10 or larger layout, and it shall be set in accordance with the general plan of the Cemetery, and shall conform to said plan in size and material. Single grave lots in certain sections will only have flush memorials allowed, and no more than two will be allowed per single grave space. The size of flush memorials will be at the discretion of the BCA and in accordance with cemetery memorial plans. In certain instances exceptions to the above may apply at the discretion of the BCA. There are some older sections of the Cemetery where certain markers/monuments are grand fathered-in and information regarding these areas can be obtained through the office. Foundations are required for all monuments and markers on installation at the Bethlehem Cemetery. All foundations are constructed by Cemetery agents. Please refer to the approved charge sheet for current charges related to the construction and installation of the foundation. No monument or marker will be allowed to be delivered in the Cemetery until the foundation is installed and ready to receive the monument and all charges related to same are received. This includes bronze and/or granite veteran markers and flush grass markers. Vendors installing monuments must have a

certificate of insurance noting the Bethlehem Cemetery Association as a certificate holder, and have scheduled through the office the date and time they will be on-site for installation or delivery and other business.

Vase units are allowed on both upright memorial lots and flush only single graves, but not on in-ground niche spaces. The only approved vase units for single graves are a US Metalcraft paragon (4x10), which will be placed centered at the bottom of the stone, within one inch of the stone. On these graves, two colors are allowed: Sunset Rose and Metalcraft Gray. Vendors must send a request with a fee of \$25 payable to the BCA via US Mail. As is always the case, vendors need to schedule the time for their installation of the vase, at least one full day before installation. On upright monumented lots, color and style is at the discretion of the family. Vases that are permanently affixed to a memorial stone base do not require approval or a fee, but scheduling to perform this work must be done as above.

Sketches or designs of monuments, letter inscription and type of material must be approved by the BCA. All monuments or markers must be constructed of first grade granite or bronze. No vault or mausoleum shall be built above-ground. The bases of all monuments shall be finished true and level so as to fit on foundations without wedging or sprawls. All foundations must be paid for in full prior to the monument being set/delivered. All inscriptions including final dates to existing memorials require approval prior to a vendor placing the inscription and the lettering permit fee must be received before vendor work is scheduled. Vendors are reminded that they are responsible for scheduling the date and time of any cemetery visitation, including these inscriptions. There will be a charge for any memorialization where no burial has occurred (memorialization without interment). This charge must be received before any inscription will be allowed.

For information purposes only, below are general guidelines utilized for sizes for monuments and markers in the Cemetery: for a lot sized 10x10, a maximum of a four foot width; for a 10x20 sized lot, a maximum of a six foot width; for a 20x20 sized lot, a maximum of a six foot width; in certain areas of the Cemetery, and at the discretion of the BCA, markers must be flush grass markers only. No upright monument will exceed the height of four feet without written approval of the Cemetery Association. All inscriptions on columbarium niche fronts are done in a uniform manner, by the contractor chosen by the BCA, and no variation at any time is allowed. The cost for this right is collected at the time of the burial right purchase and all arrangements are coordinated through the BCA office. Cenotaph inscriptions are done in a uniform manner, by a contractor chosen by the BCA, and no variation at any time is allowed.

The BCA reserves the right to remove, after due notice to the lot owner, any embellishment, effigy or inscription on the monument or marker, which, in the opinion of the majority of the Trustees or Directors, is unsightly, dangerous, or is against BCA cemetery rules as in the case of decorations which are affixed to the granite marker. From the effective date of these regulations, there will be a charge for any memorialization where no burial has occurred. Cemetery officials shall have the authority to reject any plan or design for a memorial, including inscription, type of material, color, size or design, which they feel is unsuited to a lot on which it is to be placed, or is offensive in the opinion of the majority of the Trustees or Directors. Duplication of the design or inscription of any memorial shall not be permitted in a location sufficiently near to the original that the duplication is readily noticeable, unless approved by the BCA board and/or administrator. Vendors/dealers, to secure the approval of the cemetery, must agree to use only first grade granite and must guarantee the memorial to be executed in first grade workmanship, with the agreement that should faults develop within five years, due to the setting, treatment or handling of same by the memorial dealer, such memorial will be replaced by such dealer without cost to the cemetery or lot owner. All memorials are to be constructed of first grade, natural granite. No artificial stone or manmade material (excluding bronze) of any description or type will be permitted. No foreign or manmade material of any kind is to be added to a memorial under any circumstance, including but not limited to portraits, photographs and color lithography or embellishments.

Memorialization without Interment/Inurnment: It is the policy of the BCA to allow memorializations without interment. However, the use of such privilege will require approval by the BCA via the vendor providing the memorial or providing engraving services on an existing memorial. Such memorialization involves payment of charges for same. The BCA notes that when such memorialization will be placed on a space with remaining burial rights, that a burial right will be removed for each memorialization. The family will assume all responsibility for charges related to interring on said grave, including but not limited to removal of the memorial(s) and foundation(s) and replacement of same after the interment, costs for putting the lot back in good order after same as assessed by the BCA on a case-by-case basis. There may be additional time required to prepare the site for interment as well pre-burial, which will be at the discretion of the

BCA. When memorialization without interment occurs without approval by the BCA, the BCA reserves the right to remove one burial right from the lot at their discretion.

Benches are considered memorials, must be made of granite, are never allowed on a lot, are located at the discretion of the BCA, and require a foundation. Benches placed without approval and that do not conform to cemetery guidelines will be removed. As standards and placement require individual attention, those interested in a bench near a lot should contact the BCA for specifics and approval prior to purchasing any bench.

Section 4 - Decorations, Flowers and/or Shrubs

It is the desire of the BCA to provide grounds which are safe, well-kept and have a standard of being conservative in decorations and embellishments. We further strive to be environmentally conscious and responsible stewards. We encourage fresh flowers and compostable materials. Planting and decoration of lots is a privilege granted, providing adequate provision is made for the care required to keep such lot in good order. Those decorating lots are encouraged to ask before placing items. The placement of personal effects, including, but not limited to photos, balloons, rocks, stuffed animals, lights, greeting cards, bird-feeders, wind-chimes, candles, statues, art objects, religious articles, and memorabilia and the like are not permitted, and if so placed, are done at that person's own risk and such items will be removed. Small non-breakable items may be left on the base or top of a stone only and cannot be excessive. Engraved pavers are only allowed in the planting area on an upright monument lot. They are not allowed to be placed as a foot marker at any time, or in lieu of a granite marker/monument. The cemetery takes no responsibility for the care and safety of anything placed on a lot. Items which are unsightly, present a grounds keeping issue, are dangerous or fall outside the allowable forms of decoration will be removed. Glass, china or candles will immediately be removed and discarded. At no time are trees and shrubs on cemetery property to be decorated or enclosed in any manner. No shrub or tree will be decorated in a holiday manner and placed on a lot at any time, including but not limited to Christmas. All lot and flowerbed enclosures of any kind and description are prohibited and will be removed. Materials which will not decompose will be removed and held for a period not to exceed 90 days. A general cleanup will be conducted in the Cemetery twice a year beginning on or about February 1 and November 1 with general inspections and cleanup as deemed necessary by the Cemetery Association. No trees, shrubs or plants shall be planted, pruned or removed without the consent of the BCA. Acting in the best interest of the cemetery, the BCA staff shall have the authority to prune, remove or transplant any tree, shrub, plant or anything upon a lot when the BCA considers such a course necessary. Funeral and memorial flowers or decorations are removed by Cemetery personnel when they become unsightly and/or approximately 14 days post-burial. Winter holiday (Christmas-type) decorations may be removed and discarded by cemetery agents beginning January 1 weather permitting. Lots and all plantings thereon, are to be maintained by lot owners and are their sole responsibility. Strictly prohibited is the disturbance of groundcover/topsoil exceeding raking and top seeding. At no time will re-sodding or extensive digging on cemetery grounds be performed except by Cemetery personnel. No coverage of lot/burial areas with netting or other protective covering is allowed. These will be immediately removed and discarded. Lots must adhere to standards set by the Cemetery Association. The Bethlehem Cemetery Association will assess charges for necessary maintenance activities on lots resulting from plantings/shrubbery or decorative materials that fall outside of allowable. Charges will be received prior to services (lettering, foundation approval and setting, affidavits for replacement deeds etc.) being performed by Cemetery Association staff.

Generally speaking, allowable on upright monument lots are two dwarf-type shrubs, one on either side of the upright monument, not to exceed 24 inches in height and not to grow beyond 24 inches to the side of the stone, and an annual-type planting at the front only of the monument not to extend further than 18 inches. No planting will be allowed to the back of any monument regardless of its placement on a lot. Lot landscaping including flowers, groundcover or bedding product placed that is detrimental to or encroaches upon adjacent lots, paths or avenues and impedes grounds keeping will be removed at the discretion of the Cemetery Association. This may be at the expense of the lot owner. Absolutely no encroachment or planting is allowed behind the memorial stone, regardless of ownership on western-sided burial lots. No raised flower or tree beds are allowed. Allowed on lots with upright memorials would be one: floral piece attached to a freestanding wire easel 30" to 36" placed tight to the monument; or a standard floral saddle placed on the monument; or one shepherd's hook not to exceed 3 feet in height. Fresh cut flowers and greens are encouraged for these arrangements. No Christmas grave blankets are permitted. An American Flag may be placed for Memorial Day, and a maximum of two bouquets of flowers in metal or plastic staked-vases are allowed. A maximum of two solar-type lanterns may be placed, one on either side tight to the memorial. Over-decoration or excessive decorations are discouraged.

It should be noted that on single and flush graves, no plantings or upright statuary or light of any kind is allowed. An American Flag may be placed for Memorial Day. At any time during the year, no more than two bouquets of flowers in metal or plastic vases, preferably staked are allowed as well. On graves where no memorial has been placed, after the funeral flowers have been removed by cemetery staff, no placement of decorative materials is allowed. This includes, but is not limited to statues, solar lights, flower boxes, Shepard's hooks, plaques or signs of any type.

The BCA reserves the right to restrict planting of all kinds, including the type and size of trees and shrubs. All professional landscaping to be done must have the approval of the Cemetery Association with required insurance certificates provided by the contractor. Any tree or shrub which impedes an impending burial can be trimmed or removed at the discretion of the Cemetery, and will not be replaced. Where trees or shrubs are planted which are not in compliance, or become overgrown, upon due notice to the lot owner and/or by public legal notice, the tree or shrub will be removed and a charge assessed for this action. The BCA will take no responsibility for damage done to monuments, markers, plantings or mementos.

Monument benches are placed at the pleasure of the Cemetery Association, are not permitted on lots, follow the same approval process as monuments, and require foundations. Monument benches placed on Cemetery property will adhere to the standards for type and size as set by the BCA and will be made of granite. Those falling outside those guidelines, as in portable benches, will be removed. Any bench, whether monument or portable, which is placed without written approval of BCA will be removed and kept for a period of 90 days before being disposed of.

In an effort to maintain the cleanliness and beauty of the cemetery, the BCA requires that all debris generated from lot holders' plantings and decorations not be discarded/dumped in hedgerows or bagged and left on roadways or paths. All such material must be removed by the lot holder in a carry-in/carry-out manner.

Section 5 - Vendor/Funeral Home Compliance

While on cemetery property and in conducting business with cemetery agents, all vendors (funeral homes, memorial dealers, private contractors etc.) are under the direction of cemetery agents and will respect the propriety due the cemetery. Funeral homes must provide two business days notice for burials, which allows time for the opening charges to be received by the Association at the post office box or via hand delivery. All charges must be received at least one business day prior to the interment date, and failure to meet this specification will result in no burial being allowed. At no time are caskets to be opened on cemetery property. The Association expects full compliance and cooperation as it relates to the above, including compliance with required forms and management practices as communicated to funeral homes and other vendors.

All vendors and contractors conducting operations of any or all nature for the BCA will be expected to provide certification of insurance coverage noting the BCA as a certificate holder, including but not restricted to liability and compensation insurance. All vendors are required to schedule through the office the dates and times they will be on-site and the nature of their work/visit. While a funeral or interment is being conducted, all work and activity of any description which is near enough to disturb, either by noise or otherwise, shall cease. All outstanding fees pertaining to a lot shall be paid in full prior to any vendor being given permission to perform work in relation to said lot, including but not limited to memorialization without interment charges, foundation fees or fees regarding interment rights. Any soliciting of memorial or other business within the cemetery, including unsolicited approaching of the bereaved for any purpose, is not permitted. No advertising of any description shall be permitted within the Cemetery, except as it pertains to BCA programs.

Section 6 - Columbarium Information

The Tribute Garden Columbarium, while under the general cemetery rules and regulations, does present some different needs. Memorialization on the cemetery-owned columbarium unit(s) is at the discretion of the BCA and will be arranged for with BCA chosen contractor only. Nothing will be allowed placed on top of the columbarium unit or affixed anyplace thereon, including on niche doors. Inscriptions will consist only of name (first, middle initial and last) date of birth (year only) and date of death (year only), and will be done in a uniform font. Burial rights and charges for memorialization will be collected before inurnment will be performed; disinterment and niche front replacement charges are to be received prior to remains being released. All required paperwork for disinterments will be completed before any disinterment of cremated remains will be done. Urn size must conform to BCA standards and will be confirmed prior to

inurnment arrangements being finalized. There is no scattering allowed of cremated remains in the Tribute Garden. Plants and shrubbery can be donated and a garden stone and/or a marker placed in honor of a deceased. A maximum of two sets of remains per niche space is allowed. No co-mingling of remains is allowed within an urn, and each inurnment is considered a separate burial. A cremation certificate will be provided to BCA for its records and filing with the Town Clerk, and a signed burial receipt form is also required (by either family or attending funeral director).

Section 7 - Miscellaneous

Heavy trucking or other vehicular traffic shall be refused entrance to the BCA when, in the opinion of the Association, injury to roads, driveways, cemetery grounds or fencing might result. All photography and/or videography in the cemetery is strictly prohibited unless prior authorization has been granted by the Cemetery Association. The Bethlehem Cemetery Association is a carry-in carry-out facility, and there is no dumping or piling of lot debris allowed in hedgerows, along roadways or elsewhere on Cemetery property. At no time will signs be allowed noting that a lot is "For Sale."

The Directors of said BCA may amend these rules and regulations, but no such amendments shall be effective until approved by the New York State Division of Cemeteries.