

**EAGLE VALLEY CEMETERY  
TOWN OF HIGHLANDS  
254 Main Street  
Highland Falls, NY 10928**

**PREFACE**

On June 9, 1987 at a regular meeting of the Town Board, Town of Highlands, a resolution was passed and is excerpted as follows:

“WHEREAS there has been established in the TOWN OF HIGHLANDS a cemetery known as the PEACEDALE CEMETERY ASSOCIATION which association maintains a public cemetery in the Village of Highland Falls, Town of Highlands, Orange County, New York, and owns real property therein ...

NOW, THEREFORE, BE IT RESOLVED that the TOWN OF HIGHLANDS accept the conveyance of the cemetery premises and the transfer of the assets from the PEACEDALE CEMETERY ASSOCIATION and to hold the same subject to and in accordance with all arrangements as to lots sold and all trusts, restrictions and conditions upon the title or use of the real property or assets ...

“WHEREAS there has been established in the TOWN OF HIGHLANDS a cemetery known as the HIGHLAND UNION CEMETERY ASSOCIATION which association maintains a public cemetery in the TOWN OF HIGHLANDS, Orange County, New York, and owns real property therein ...

NOW, THEREFORE, BE IT RESOLVED that the TOWN OF HIGHLANDS accept the conveyance of the premises and the transfer of the assets from the HIGHLAND UNION CEMETERY ASSOCIATION and to hold the same subject to and in accordance with all agreements as to lots sold and all trusts, restrictions and conditions upon the title or use of the real property or assets ...

In 1989, at a regular meeting of the Town Board, Town of Highlands, the Town Board voted to establish a cemetery on a plot of ground acquired from the Village of Highland Falls, approximately 7.9 acres in size, as recorded on a deed filed in Goshen, NY under Liber 2526 Page 296. The property is located on the northerly side of US Highway 9W approximately ¼ mile from the north westerly exit from the Village of Highland Falls designated as New York State Route 218. It was further determined at a meeting held on December 12, 1989, that the cemetery shall be known as the EAGLE VALLEY CEMETERY, hereinafter referred to as the cemetery.

**EAGLE VALLEY CEMETERY**

The following Rules and Regulations are in effect throughout EAGLE VALLEY CEMETERY and the additional cemeteries now under the control of the Town of Highlands where prior and/or additional regulations may have been in effect, and cancels and voids all previous rules and regulations as of the date of acquisition by the Town of Highlands.

These rules and regulations shall be posted near the entrance to the Cemetery and/or will be available at the Town Hall, Town of Highlands, 254 Main Street, Highland Falls, NY 10928, on request during regular office hours. Anything done in violation of these rules will be immediately correctable by cemetery personnel without further notice.

### **GENERAL REGULATIONS**

The cemetery is directed to establish rules and regulations covering the day to day operation of the cemeteries, standards covering selling price of plots or graves, the size of plots or graves, the type and construction of monuments and the planting and landscaping allowed. It may amend these standards, and alter or change the layout of the cemetery, as deemed necessary or desirable, without notice.

A cemetery is liable for damages to monuments and other installations caused by the negligent acts of its employees. Many people will visit the cemetery each year. Because the cemetery is open to the public, it is impossible to control the activity of every visitor. We regret we cannot be responsible or guarantee decorations, flag holders, or other items placed on graves or left at the cemetery, from damage or disappearance. A cemetery is not an insurer of the monuments on its grounds, and no liability exists unless the damage is the result of some negligent act by the cemetery or the result of its failure to perform some duty.

### **SALE OF GRAVES AND PLOTS**

Single Grave Plot – 4' X 10' - \$650

Double Grave Plot – 8' X 10' - \$1300.00

Interment, Disinterment and Monument services to be arranged by and at the expense of person or persons responsible for the disposition of the deceased in accordance with the rules and regulations of this cemetery.

### **EAGLE VALLEY CEMETERY**

Cemeteries are permitted to use their own discretion in fixing lot prices. The conveyance of each plot or grave must be signed by the Supervisor or legally appointed Deputy and Town Clerk or legally appointed Deputy, of the Town of Highlands. The document of sale of description showing the dimensions of the property, the section, column, row, plot or grave numbers, as they appear on the cemetery map. Should it be determined upon attempt to complete a burial, that a plot or grave is not suitable for use because of underground rock ledge which would cause undue hardship and expense to the plot or grave owner, as determined by the Town Supervisor, Deputy Supervisor, or the Town Board Member appointed as liaison to the Cemetery, the Cemetery will be liable only for a substitution of the Plot or Grave determined to be useable and reimbursement for the reasonable and usual cost of excavation expended to that point at the replaced Plot or Grave. Should it be determined upon attempt to complete a burial, that rock conditions in a plot or grave require the use of heavy equipment to remove the rock and complete the excavation of the grave, as determined and certified in writing on the attached form by the Town Supervisor, Deputy Supervisor or Town Board member appointed as liaison to the Cemetery Committee, then the Town officer making such determination may authorize the use of Town heavy equipment to remove the rock in order for the excavation of the plot or grave to be completed in writing on the Form set forth at the end of this Section, a copy of which shall be filed with and maintained by the Town Clerk.

Since the sale of a cemetery plot or grave does not convey title to the land but, rather, conveys only burial rights, it is not practical to record the deed of sale. However, the rights of the low owner(s) are defined and protected by law and the cemetery.

The State of New York has determined that it is contrary to public interest for cemetery property to be used for profit-making purposes, and the resale of lots by the purchaser is, therefore, prohibited. Lot owners may dispose of their burial rights under certain conditions:

If the lot has not been used for burials, the lot must first be offered to the cemetery at the original price, plus simple interest of four percent per year. If the cemetery refuses, in writing, to repurchase it, the lot may be offered to an outside buyer. However, cemetery property may not be sold to funeral directors or brokers for the purpose of resale. Cemetery approval is required after the owner has obtained a buyer. Forms for the resale of lots will be provided by the cemetery upon request. Lot owners cannot permit interments in their lots for remuneration.

Burial rights obtained through inheritance should be recorded with the cemetery by the heir filing an affidavit of inheritance with the Town. Section 1512(b) of the Not-for-Profit Corporation Law, regarding ownership of lots, states that unless specifically devised (i.e., the lot is specifically mentioned in a will and left to a specific person or persons) the cemetery lot goes

**EAGLE VALLEY CEMETERY**

to the descendants of the lot owner. A transfer of burial rights by gift also requires that satisfactory evidence be submitted to the Cemetery, in affidavit form, to establish that a bona fide gift has, in fact, been made.

In the above cases, as well as in other matters of administration, the Town may rely on the affidavit of anyone who, in its judgment, is or should be acquainted with the necessary facts. No liability of any sort shall attach to or be imposed upon the Town because of any action taken or not taken in reliance on such affidavits.

It is important that the current address of the plot and single grave owner be on file with the Eagle Valley Cemetery c/o Town Clerk, Town of Highlands at all times. Any notice sent to a lot owner by the Cemetery shall be sent to the last address on file and shall be considered to be sufficient and proper legal notification.

Permanent Maintenance will be provided by the Town of Highlands as part of the purchase price of the plot or grave. Trust Funds or Endowment Funds for the care and maintenance of specific plots or graves will not be accepted.

**FORM**

**Approval of Use of Town Heavy Equipment  
For Cemetery Grave/Plot Excavation**

Date: \_\_\_\_\_, 20\_\_\_\_

I hereby certify that I have examined and/or inspected the rock conditions for the cemetery plot or grave identified as \_\_\_\_\_.  
The use of Town of Highlands' excavation equipment to complete the removal of rock for the excavation is warranted and hereby authorized.

Signature: \_\_\_\_\_

\_\_\_\_\_ Supervisor

\_\_\_\_\_ Deputy Supervisor

\_\_\_\_\_ Council Member – Cemetery Liaison

**EAGLE VALLEY CEMETERY**

## **GROUNDS REGULATIONS**

The owner(s) of lots and their families and friends shall be allowed access to the grounds, observing the rules which are or may be adopted for the regulation of visitors.

The grounds are open daily. Vehicles must be driven carefully, for the protection of pedestrians and equipment, and only on roadways. The speed limit of 10 miles/06 kilometers per hour will be enforced. Vehicles shall not be left unattended on any roadway, except during the term of an interment ceremony, but shall be parked in designated parking spaces. Pedestrians shall limit themselves to walking on roadways or walkways designated for that purpose.

Basket and picnic parties are prohibited on any part of these grounds. Visitors are reminded that these grounds are appropriated for the interment of the dead. It is, therefore, indispensable that there should be strict observance to the privacy of all properties.

No signs of any nature will be permitted in the cemetery unless authorized by the Town in writing. Advertising or soliciting business in any form will not be permitted. A person actually doing such advertising or soliciting, as well as his employer, may be prohibited from entering the Cemetery for any purpose whatsoever.

No animals of any kind, including pets, shall be led or taken onto the cemetery unless continually confined to an enclosed vehicle.

All persons are prohibited from picking any flower, leaf or plant, either wild or cultivated, or mutilating any tree, shrub or plant within the boundaries of the cemetery.

All persons are prohibited from writing upon, scratching, defacing or injuring any monument, corner stone or other structure in or belonging to the cemetery.

All types of removal of sod and digging of holes is prohibited unless otherwise herein provided. Digging for the purpose of interment, corner stones and/or monument erection shall be by permission obtained from the Town Clerk of the Town of Highlands or any employee of the Town authorized to grant such permission, and any other work that authorized persons may wish to do is under the control and direction of the Town of Highlands Superintendent of Highways.

## **EAGLE VALLEY CEMETERY**

## **INTERMENT REGULATIONS**

All plots must be paid for before any permission for interment or monument erection will be approved.

Requests for interment must be acceptable to the Cemetery, and requested by the lot owner(s) or acknowledged duly authorized representative. Initial information for interments will be taken by telephone and preparation started. Permits, affidavits or other acceptable forms may be required at the option of the town or duly authorized employee responsible for approving such a request and must be duly completed and signed before interment can take place.

When a request is made to open a grave for any person other than an owner, or spouse, parent or child of an owner, or someone who has been given the right of interment by designation, all of the owners may be requested to sign the interment order or the designation. In the case of a designee, the original designation will be left with the Town of Highlands copy of the interment order.

All graves shall be excavated to a depth of approximately six (6) feet to allow for at least two (2) feet of earth cover over the vault and casket interred.

All interments must be made in concrete grave liners or concrete vaults.

All graves are prohibited from being mounded; earth cover shall be level with the surrounding landscape upon completion of burial and thereafter. All excess soil and other spoils will be removed.

No second interment in a grave in any plot is permitted except under usual circumstances and as allowed by the Superintendent of Highways, Town of Highlands or other authorized Town employee. However, two interments of cremated remains are allowed in a single grave. Scattering of cremated remains on a lot or grave is prohibited.

A body interred in a lot in a cemetery may be removed with the consent of all of the following survivors of the deceased: spouse, children over age 21, and parents. If the consent of any surviving person or of the cemetery cannot be obtained, permission from the County Court or from the State Supreme Court in the Judicial District where the cemetery is situated shall be sufficient. Orders for disinterments must be in writing.

## **EAGLE VALLEY CEMETERY**

### **MONUMENT REGULATIONS**

All plots must be paid for before any permit for monument work will be approved.

Only one monument will be allowed per plot and must be located at the head and center of the plot. A plot shall consist of two burial sites. Only one monument will be allowed per grave and must be located at the head and center of the grave. A grave shall consist of one burial site.

All memorial work must be of natural stone of approved quality, standard bronze or some equally strong non-corrosive and durable material approved by the Town of Highlands, and must be provided with concrete foundations. The foundation for upright monuments shall be dug to a depth of 48". The foundation must be at least the full size of the super-structure, and be finished off at such level as will permit the cut stone work to be set at least two inches below the surface of the sod at all times. All bases must be at least 8" rough pointed. No monument can have a die of less than 6" thick or a base of more than 14" or a length of more than 60 inches on a two grave plot nor more than 30 inches on a single grave plot. The height of the base and monument may not exceed a total of 42" from the original ground level of the plot or grave. When a monument is placed on the plot or grave, corner posts may also be placed on the plot or grave, if not already installed. All corner stones are to be flush with the natural ground. Corner stones must be 6" square, straight on all sides with a recessed letter indicating the family name of plot owner. If installed, one corner stone must include the Cemetery row and column numbers appropriate to the plot.

All government markers for veterans must be flush to the ground and must meet the same quality requirements as set forth for monuments.

No painting, coloring (including lithochrome lettering) or bronzing of letters on monuments or markers will be permitted.

### **GARDENING/LANDSCAPING REGULATIONS**

No "blanket" plantings of ivy, myrtle or any other vegetation or material such as stones, imitation stones, gravel or concrete will be allowed as a grave corner, partial cover or curbing. Only grass grown from and propagated by seed will be allowed.

One sunken flower vase of non-corrosive metal or plastic will be permitted for each grave for the containment of cut flowers, providing the top of such vessel is flush with the

### **EAGLE VALLEY CEMETERY**

current ground level. Metal, glass or wood covers and wire arbors, glass vases, vigil lights, flower receptacles and other embellishments or decorations are forbidden and will be removed. Artificial flowers are prohibited at all times, and will be removed as soon as discovered.

All types of urns or flower stands are prohibited unless they are part of the monument and made of non-corrosive metal or natural stone.

Statuary is prohibited unless part of a monument.

The marking of graves with iron, wood, wire enclosures, cement markers and toys as well as trellises, tripods, standing vases, etc. is prohibited.

Fall and winter decorations will be removed on March 1, and spring and summer decorations on November 1, of each year including those fastened to monuments or markers. Flower forms, plants, cut flowers and flags may be removed from lots and disposed of as soon as they have begun to fade, during the course of regular Permanent Maintenance operations or, in the opinion of authorized Cemetery personnel, have become objectionable. It will be the sole responsibility of the plot owner and their families wishing to retain such decorations to remove them in a timely manner if they are to be saved.

Anyone ordering flowers is to direct the florist to the Row, Column and Grave as well as the name of the plot owner and deceased so that the flowers are delivered to the correct grave.

Trees, plantings or flowers located throughout the cemetery, other than the grave site(s) you are authorized to attend, must not be removed without the specific permission of the Superintendent of Highways.

Gardening tools, water cans and the like must not be left on graves, roadways or walkways; if found, authorized personnel may remove them.

All refuse material must be removed immediately from plots and graves and placed in containers or areas which may be provided for this purpose. Refuse material must not be deposited, even temporarily, upon graves or open spaces. Any planting which, in the opinion of the Town of Highlands Superintendent of Highways, becomes unsightly, overgrown or dangerous through neglect, or add unduly to the expense of maintaining the Cemetery may be removed after 15 days notice, by certified mail, to the last known address of the lot owner.

## **EAGLE VALLEY CEMETERY**

Maintaining a cemetery is difficult and expensive. The Gardening/Landscaping and Monument Regulations are designed to achieve the economy of periodic mowing operations in as straight a line as possible throughout the cemetery. We, therefore, ask you help in eliminating obstacles to straight-line mowing to control costs while maintaining a good appearance.

**BY ORDER OF THE TOWN BOARD  
TOWN OF HIGHLANDS  
DECEMBER 1989**

Revised 3/90  
Revised 2/91  
Revised 2/92  
Revised 6/93  
Revised 2/09