

# **BY-LAWS**

NORTH YARMOUTH

CEMETERY COMMISSION

**Adopted March 14, 1910**

As Amended March 8, 1943

As Amended March 9, 1953

As Amended March 13, 1967

**As Amended May 19, 2014**

NORTH YARMOUTH, ME

1910 Commissioners: Charles R. Loring, Chairman  
J. L. Lowe  
James F. Mountfort  
James Lawrence, Clerk  
E. W. Ross

# BY-LAWS

## North Yarmouth Cemetery Commission

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Section 1. Name. This Commission shall be known as North Yarmouth Cemetery Commission.

Section 2. Purpose. The Commission hereby-established shall carry on its work under these By-Laws.

Section 3. Members and Duties. Per the Town Charter the Cemetery Commission will consist of five (5) members elected to staggered five (5) year terms. The Cemetery Commission shall have responsibility for approving expenditure of trust funds for the care and maintenance of the cemeteries and set such other policies necessary for the respectful care and maintenance of Town Cemeteries. Vacancies will be address as stated in the Town Charter under Article II, Section 4 G.

Section 4. Principal Office. The location and principal office of the Commission shall be held within the Town Office, of the Town of North Yarmouth, State of Maine.

Section 5. Meetings. The regular meetings of the Commission shall be held twice annually. Additional meetings may be held as necessary. The Annual Meeting and Walk of Cemeteries shall be held after April 15<sup>th</sup> and before May 31<sup>st</sup> of each year. The Organizational meeting – Bi Annual Meeting (Election of the Chairperson and for possible recommendations or request, such as additional funding as it deems advisable for the action of the Town thereon.) shall be held after October 1<sup>st</sup> and before November 30<sup>th</sup> of each year. Special meetings of the commission may be called by the Chairperson. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given each member of the Commission, the Selectmen Liaison, and the Town Clerk. The chairperson shall call a Special Meeting within ten (10) days of receipt of a written request from any three (3) members of the Commission, which request shall specify the matters to be considered at such Special Meeting. The order of business at regular meetings of the Commission shall be as follows: (a) roll call; (b) reading and approval of the minutes of the preceding meeting; 9c) specific cemetery issues; (d) financial review; (e) other business; (f) adjournment. All meetings of the Commission shall be open to the public, except executive sessions. No votes may be taken by the Commission except in public meeting. The commission shall not hold executive sessions except as permitted by State Law MRSA Title 1, Chapter 13, Sub-section 405.

Section 6. Voting. A quorum shall consist of three (3) members of the Commission. No hearing or meeting of the Commission shall be held, nor any action taken, in the absence of a quorum; however, members present shall be entitled to request the Chairperson to call a Special Meeting for a subsequent date. All matters shall be decided by a show of hands vote. Decisions on any matter before the Commission shall require the affirmative vote of a majority of the total number of regular members of the Commission. A tie vote or favorable vote by a less number than the required majority shall be considered a rejection of the application under consideration. If a member of the Commission has a conflict of interest, that member shall not be counted by the Commission in establishing the quorum for the matter in which he or she has a conflict.

Section 7. Reconsideration. The Commission may reconsider any decision. The Commission must decide to reconsider any decision, notify all parties and make any change in its original decision within 30 days of its prior decision. The Commission may conduct additional meetings and receive additional evidence and testimony. Reconsideration should be for one of the following reasons: The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or the Commission misinterpreted the by-laws and/or ordinance, followed improper procedures, or acted beyond its jurisdiction.

Section 8. Treasurer. The Town Treasurer of the Town of North Yarmouth in his said capacity shall be the Custodian of all funds or property donated to, or in any way coming to his hands for the care, improvement and management of said Cemetery. He shall deposit such funds in the name of the Commission in such depositories or investment accounts as may be designated by the Commission He shall disburse the fund of the Commission as directed by the Commission and shall keep records of account showing accurately at all times the financial condition of the Commission. He shall furnish the Commission, whenever requested, a statement of financial condition of the Commission, and shall perform such other duties as these By-laws may require or prescribe. His account(s) shall be audited by the Town Auditor.

Section 9. Clerk. The Town Clerk of the Town of North Yarmouth shall be the Clerk of Cemetery Commission. The Clerk of the Commission shall attend all meetings of the Commission and keep records of all its meetings and of all its acts in a book kept for that purpose. The Clerk shall maintain all existing and future records of burials, sale of burial rights and perpetual care deeds.

Section 10. Care and Maintenance. Said Commission shall have the care and charge of said Cemeteries and may employ such help and do such work as it may deem necessary from time to time in the management and care of said Cemeteries, and as provided by these By-Laws. All bills for moneys expended and labor done shall be presented to the Chairman of the Commission in duplicate and shall be approved at least by said Chairman and two other members of the Commission, and thereupon payment thereof may be made by the Treasurer. One of said receipted bills shall be retained by the Commission and the other by the Town Treasurer.

Section 11. Certificates. Any individual or individuals taking a lot in said Cemeteries for burial purposes after the adoption of these By-Laws by the Town, or any individual or individuals who have a lot or lots in said Cemeteries at the time of the adoption from the Town Treasurer, on behalf of the Town, a certificate of their respective lot or lots, giving the number of each lot or lots and otherwise properly describing them.

In case the Town has not had said Cemeteries properly lotted and numbered, it shall proceed by proper authority to have such Cemeteries, as it may vote, properly lotted and numbered so as to enable it to give proper certificates of description to the owners of the lots therein.

Section 12. Plan of Cemeteries. Said Commission shall make or cause to be made and maintain a plan of the Cemeteries and of the lots therein corresponding with that of the Town, showing the number of each lot and the name or names of the owners thereof and the burials in said lot or lots so far as may be practicable. Said plan shall be retained by the Commission for its purposes and for public reference.

Section 13. The expenses of printing circulars, necessary stationery, postage and other expenses connected with said Commission, shall be paid from the income of the general fund when said income shall be sufficient for that purpose. All moneys appropriated by the Town for Cemetery purposes shall be held by the Town Treasurer and be expended under the direction of this Commission.

Section 14. Report to Town. The Commission, through its Chairman or Clerk, shall make a report annually to the Town of its doings and acts during the prior year, including an annual financial statement of accounts.

Section 15. Indemnification. To the extent permitted by the laws of the State of Maine as they may now or hereafter exist, the Commission shall indemnify any officer or Agent of the Commission who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, by reason of the fact that he or she is or was an officer or the Commission, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding; provided that no indemnification shall be provided with respect to any matter as to which he or she shall have been finally adjudicated in any civil proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Commission or in any unlawful. The Commission may indemnify any employee or agent of the Commission for liabilities incurred while working on behalf of the Commission, provided the Commission approves such indemnification in each instance.

Section 16. Amendments. These By-laws may be amended, altered or repealed and new By-laws adopted by the Commission at any annual or special meeting, provided at least five (5) days' written notice of the meeting is given and the proposed amendment or alteration or adoption of new By-laws is contained in the notice of such meeting.