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***If you require additional guidance, you are welcome to call
the Veterans Service Agency:***

(845) 638-5244

Introduced by:

Hon. Jay Hood, Jr., Sponsor
Hon. Toney L. Earl, Sponsor
Hon. Michael M. Grant, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Aron B. Wieder, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Vincent D. Tyler, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Alden H. Wolfe, Sponsor
Hon. Lon M. Hofstein, Sponsor

Referral No. 0236
August 3, 2021

**RESOLUTION NO. 384 OF 2021
REPEALING AND REPLACING RESOLUTION NO. 90 OF 2010
WITH REGARD TO THE OPERATION AND MAINTENANCE OF
ROCKLAND COUNTY VETERANS CEMETERIES
[VETERANS SERVICE AGENCY]**

GRANT/SANTULLI: UNAN.

WHEREAS, The County Executive and the Director of the Veterans Service Agency recommend that the rules and policies of the County of Rockland ("County") concerning the operation and maintenance of Rockland County Veterans Cemeteries require clarification and updates; and

WHEREAS, Presently, the County's rules and policies for the operation and maintenance of the Rockland County Veterans Cemeteries are only partially codified in Resolution No. 90 of 2010; and

WHEREAS, The proposed amendment codifies longstanding practices that have not been reduced to writing; and

WHEREAS, The Government Operations and Budget and Finance Committees of the Legislature have met, considered and approved this resolution; now, therefore, be it

RESOLVED, That Resolution No. 90 of 2010 is hereby repealed in its entirety, and replaced by the rules and policies set forth herein; and be it further

RESOLVED, That the policies and rules set forth herein shall take effect immediately upon the approval of this resolution; and be it further

RESOLVED, That the present Laws of Rockland County Chapter 225, *Cemeteries*, is hereby repealed, and shall be marked as such in that codification; and be it further

RESOLVED, That the rules and policies for the operation and maintenance of Rockland County Veterans Cemeteries are to be codified in the Laws of Rockland County, as a newly created Chapter 24, *Cemeteries*, Article I, *County Veterans Cemeteries*, as follows:

§ 24-1 Legislative Intent.

In order to set the expectations of the public with regard to the entitlement to Burial at the Rockland County Veterans Cemeteries, and to provide for the respectful and orderly presentation of the Rockland County Veterans Cemeteries, the Legislature of the County of Rockland hereby provides these policies and rules for its operations and maintenance.

§ 24-2 Definitions

For the purpose of these rules and policies, the following definitions shall apply to the following terms:

Acceptable Residence Documents: acceptable documentation sufficient to show that the Requirement of Rockland County Residency has been met, which may include tax bills, income tax statements, utility bills or bank statements issued within ninety (90) days prior to the burial grave or plot request

Burial: burial in a Rockland County Veterans Cemetery

Burial Contract: contract between the County of Rockland and the persons or companies that conduct Burials

Burial Designee: person responsible for collecting required documentation, assigning the burial graves and plots, and conducting the Burial

Child: legally recognized child of a Veteran who is under the age of eighteen (18), or has a mental or physical disability that was medically documented prior to age eighteen (18)

County of Rockland: municipal corporation that forms the county-level government of Rockland County, New York

Decedent: person who dies for whom Burial is being requested

Director of Facilities Management: employee of the County of Rockland holding the civil service title "Director, Facilities Management"

Documentation Requirements: documentation that must be shown as proof that someone is a Veteran, Spouse, Child or Gold Star Parent eligible for Burial

Expedited Burial: Burial that takes place with urgency due to religious reasons

Facilities Management Division: a division of the Department of General Services at the County of Rockland led by the Director of Facilities Management that maintains, operates and improves the Rockland County Veterans Cemeteries

Fee Schedule: list of the fees charged for burial services under the Burial Contract, subject to change

Funeral Requestor: director of the Decedent's funeral home or the person requesting the Burial

Gold Star Parent: parent of a Veteran who died in a situation listed in 10 United States Code § 1126(a), and who had a relationship with the deceased Veteran as provided in 38 United States Code § 101(5)

Government Action: action taken by the County of Rockland, State of New York or United States federal government, or a government official, body or agency that affects Rockland County Veterans Cemeteries

Marker Policy: Veterans Service Agency policy that sets forth the policies and procedures for obtaining grave markers for a Spouse, Child or Gold Star Parent

Requirement of Military Service: required military service for a Veteran to qualify for Burial

Requirement of Rockland County Residency: required residency in Rockland County for a Veteran to qualify for Burial

Rockland County Veterans Cemeteries: Gary Onderdonk Veterans Memorial Cemetery and Frederick W. Loescher Veterans Memorial Cemetery, which are located within Rockland County, and are owned and operated by the County of Rockland for the Burial of eligible persons

Spouse: legally recognized spouse of a Veteran

Status: existence of a documented relationship to a Veteran as required under this code

Veteran: a person who served in the active military, naval or air service, was discharged or released therefrom under conditions other than dishonorable or its equivalent, and meets the Requirement of Military Service and Requirement of Rockland County Residency

Veteran Burial Coordinator: employee of the Veterans Service Agency who determines whether the Documentation Requirements have been met, and authorizes Burials

Veterans Service Agency: department of the County of Rockland that provides services to veterans

§ 24-3 Eligibility for Burial at Rockland County Veterans Cemeteries.

- A. Rockland County Veterans Cemeteries shall be available for the Burial of eligible Rockland County Veterans, and their Spouse, Child or Gold Star Parent, where the following Documentation Requirements are met:
1. The Veteran shall be eligible for Burial upon meeting the Requirement of Military Service and Requirement of Rockland County Residency in accordance with §§ 24-4 and 24-5, below.
 2. The Spouse shall be eligible for Burial with acceptable documentation verifying Status and proof of legal marriage at the time of death of the Veteran or Spouse, whichever occurs sooner, as required in 38 United States Code § 101(3) relating to surviving spouses. The Spouse need not be of the opposite gender to qualify as a Spouse herein. A Spouse's eligibility for Burial shall be contingent on the associated Veteran's eligibility for Burial, but the Veteran need not pre-decease the Spouse.
 3. The Child shall be eligible for Burial with acceptable documentation verifying Status. A Child's eligibility for Burial shall be contingent on the associated Veteran's eligibility for Burial, but the Veteran need not pre-decease the Child.
 4. A Gold Star Parent shall be eligible for Burial with acceptable documentation verifying Status. A Gold Star Parent's eligibility for Burial shall be contingent on the associated Veteran's eligibility for Burial.

- B. Each eligible Veteran shall be entitled to one (1) plot with two (2) burial graves on top of each other, unless at least one of the following exceptions applies:
1. A Veteran shall be entitled to separate plots, each with one (1) burial grave, for religious reasons. Proof of the necessity for separate plots for religious reasons, or, if adjacent plots are requested, proof of the necessity for separate adjacent plots for religious reasons, shall be provided to the Veteran Burial Coordinator before any such request may be processed or approved.
 2. A Veteran shall be entitled to two (2) plots with a total of three (3) burial graves if one of the burial graves is for a Child.
 3. If the Spouse is also a Veteran, each Veteran shall be separately entitled to the permissible number of plots and burial graves.

§ 24-4 Requirement of Military Service.

- A. For a Veteran to be eligible for Burial, the Veteran shall have met the following Requirement of Military Service:
1. Death during active duty or active duty for training, as defined in 38 United States Code § 101(21)-(22); or
 2. Full-time active duty, as defined in 38 United States Code § 101(21), other than active duty for training; or
 3. If enlisted after September 7, 1980 or entered active duty after October 16, 1981, at least twenty-four (24) months of full-time continuous active duty or full-time period for which the Veteran was called to active duty.
- B. The following documentation shall be required as proof that the Requirement of Military Service has been met:
1. A DD-1300 Casualty Report; or
 2. A DD-214 or DD-215 certificate demonstrating a discharge other than dishonorable, or its equivalent; or
 3. A War Department Form 53, 53-55 or 53-98 (used by the Army), or NAVPERS Form 553 (used by the Navy), or NAVMC Form 553 (used by the Marines in the 1940s); or
 4. A certified letter issued by the National Archives verifying the existence of the documentation listed in numbers (1) through (3) of this section.

§ 24-5 Requirement of Rockland County Residency.

- A. For a Veteran to be eligible for Burial, the Veteran must have met the Requirement of Rockland County Residency by:
1. Being a resident of Rockland County at the time of death; or
 2. Pre-qualifying for Burial prior to death.
- B. For a non-Veteran Spouse or Child who predeceases a Veteran to be eligible for Burial in a Rockland County Veterans Cemetery, the Veteran must be:
1. A verified resident of Rockland County at the time of the non-Veteran's death; or
 2. Pre-qualified for Burial at the time of the non-Veteran's death.
- C. The following documentation shall be required as proof that the Requirement of Rockland County Residency has been met:
1. A Rockland County address on the Veteran's death certificate; or
 2. Acceptable Residence Documents.

§ 24-6 Procedure for Obtaining Burial Authorization.

- A. The Veteran Burial Coordinator shall only process and approve a Burial request for a Decedent after:
 - 1. The Funeral Requestor submits to the Burial Designee complete documentation sufficient to satisfy the Documentation Requirements; and
 - 2. The Burial Designee submits a written request for Burial, together with documentation sufficient to satisfy the Documentation Requirements, to the Veteran Burial Coordinator.
- B. Acceptable originals or copies of documentation sufficient to meet the Documentation Requirements shall be required. The Veterans Service Agency may certify acceptable documentation.
- C. All documentation submitted by the Funeral Requestor to the Burial Designee shall be subject to the approval of the Veteran Burial Coordinator. No Burial may be scheduled or occur without satisfaction of the Documentation Requirements and prior authorization from the Veteran Burial Coordinator.
- D. The burden of proof and responsibility to meet the Documentation Requirements shall rest upon the individuals requesting the Burial. The Veteran Burial Coordinator and the Burial Designee shall be available for reasonable assistance with the process.
- E. The Veteran Burial Coordinator shall utilize discretion to approve acceptable documentation.
- F. Any request for an exception to the Documentation Requirements shall be made in writing to the Veteran Burial Coordinator. Such requests shall not be considered until the death of the individual for whom such an exception is requested, and shall only be granted in extremely limited and extenuating circumstances.
- G. The Veteran Burial Coordinator shall issue a decision as to eligibility for Burial within two (2) business days of receipt of a complete documentation package. Any deviation from the time frames set forth herein shall be made at the discretion of the Veteran Burial Coordinator. The Veteran Burial Coordinator shall provide notice to the Funeral Requestor if such deviation occurs.
- H. The Veteran Burial Coordinator may pre-qualify Veterans for Burial in a Rockland County Veterans Cemetery during their lifetimes. Pre-qualification shall only be issued if the Veteran meets the Documentation Requirements, and shall be subject to the discretion of the Veteran Burial Coordinator. Pre-qualification shall not guarantee the availability of burial plots to Veterans.
- I. Burial grave and plot reservations made prior to December 31, 2020 shall be honored.

§ 24-7 Expedited Burials.

- A. The Veteran Burial Coordinator shall review requests for Expedited Burial for religious reasons. Any such requests shall be brought to the Veteran Burial Coordinator's attention as soon as possible.
- B. Proof of the necessity for Expedited Burial for religious reasons and documentation showing that the Documentation Requirements had been met shall be provided to the Veteran Burial Coordinator before any such request may be processed or approved.

- C. Decisions relating to Expedited Burials shall be made at the discretion of the Veteran Burial Coordinator.

§ 24-8 Burial Costs.

- A. All fees associated with Burials shall be set forth in the Fee Schedule. Fees shall be subject to change by the Veterans Service Agency.
- B. Fees shall be non-refundable unless extraordinary circumstances arise.
- C. A fee shall be paid for each plot. Where a second person is buried in the same plot, the only charge for the second Decedent's Burial shall be for opening and closing the grave.
- D. In accordance with County Law § 222, any member of the armed forces of the United States who was a resident of Rockland County at the time of induction into the armed forces of the United States, and who was killed in action, may be buried at a Rockland County Veterans Cemetery at the expense of the County of Rockland, at the option of the next of kin.

§ 24-9 Burial Performance.

- A. All Burials shall be conducted in accordance with the provisions of New York County Law § 222, New York General Municipal Law § 148, and the Burial Contract in place at the time of Burial.
- B. The Director of Facilities Management shall assign Burial graves and plots in conjunction with the Burial Designee.
- C. The Veteran Burial Coordinator shall authorize the Burial Designee to arrange for the opening and closing of grave(s) upon request from the Funeral Requestor.
- D. Burials shall take place during daylight hours only, from Monday to Saturday, excluding holidays.

§ 24-10 Grave Appearance and Adornments.

- A. Graves shall not be altered in appearance in any manner by anyone other than persons designated by the Director of Facilities Management.
- B. No landscaping materials including, but not limited to, trees, shrubs and plantings (including annuals and perennials) shall be permitted on or near any grave.
- C. The Facilities Management Division, at its own expense, shall install one (1) ground-level vase behind grave markers for the placement of all live or cut flowers. Only one (1) ground-level vase shall be allowed per grave.
- D. Grave wreaths shall be permitted for religious holidays, up to two (2) weeks prior to a religious holiday.
- E. Cut flowers, floral arrangements, wreaths, and any other items left by the funeral party or visitors shall be removed at the discretion of the Director of Facilities Management.

- F. Any veterans, patriotic or fraternal flag holders shall be placed immediately behind the headstone, no higher than 12 inches above ground level.
- G. With the exception of flag holders, grave markers or any fixtures caused to be installed by the Director of Facilities Management, no above-ground fixtures such as, but not limited to, urns, tubs or hanging baskets shall be placed.
- H. All graves shall be kept flat with the surrounding area.

§ 24-11 Grave Marker Requirements.

- A. Only flat, granite U.S. government markers for Veterans or approved Spouse, Child or Gold Star Parent markers shall be permitted at the head of a grave.
- B. All Veteran grave markers shall be provided by the United States Department of Veterans Affairs at no charge pursuant to 38 Code of Federal Regulations § 38.630(c)(3)(i). Veteran grave markers shall be ordered by the Veteran Burial Coordinator upon completion of the VA Form 40-1330 following the procedures set forth in 38 Code of Federal Regulations § 38.632.
- C. Any grave marker for a Spouse, Child or Gold Star Parent buried in the same plot as the associated Veteran shall be made of the same stone type, in the same size and style as that permitted for a Veteran in accordance with the Marker Policy. The Marker Policy shall be subject to change by the Veterans Service Agency.
- D. The County of Rockland, State of New York and the United States federal government do not provide grave markers for a Spouse, Child or Gold Star Parent. Such grave markers shall be purchased privately under 38 Code of Federal Regulations § 38.630(c)(3)(ii).
- E. All grave markers shall be installed in coordination between the Director of Facilities Management and the Veterans Service Agency.
- F. Grave markers shall be flat and even with the ground. The top of a grave marker foundation shall be covered to grade with soil.
- G. Only one (1) marker shall be permitted for each Decedent.

§ 24-12 Cemetery Maintenance by the Director of Facilities Management.

- A. The Director of Facilities Management shall be responsible for maintaining and taking corrective action at Rockland County Veterans Cemeteries.
- B. The Director of Facilities Management shall be responsible for coordinating the reseeding and filling of graves upon discretion based on factors including, but not limited to weather, growing conditions and season of the year.
- C. The Director of Facilities Management may engage in or arrange for cemetery landscaping and planting for general beautification.
- D. The Director of Facilities Management shall maintain the ground-level vases behind grave markers.
- E. The Director of Facilities Management shall not order grave sites to be mounded.

§ 24-13 Visitation.

Visitation of graves shall be permitted during daylight hours only, seven (7) days a week, including holidays.

§ 24-14 Interpretation and Implementation of Rules.

The interpretation and implementation of these rules, and anything not specifically addressed herein, shall be left to the discretion and approval of the Veterans Service Agency.

§ 24-15 Changes in Response to Governmental Actions.

Where a Government Action affects Rockland County Veterans Cemeteries for health, safety, or any other reason, and the Government Action interferes with the Veterans Cemeteries Policy herein, any provisions of the Veterans Cemeteries Policy that conflict with the Government Action shall be suspended until such Government Action is no longer in effect.

§ 24-16 Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

KF:nr
2020-04403
6/11/21
ASE rev. 7/12/21
7/29/21 ds
7/29/2021, 8/4/2021/dmg

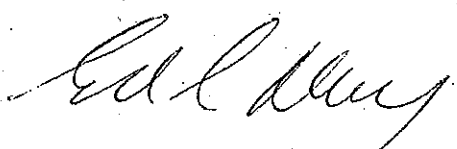
STATE OF NEW YORK)
) ss.
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original resolution of such Legislature, duly adopted on the 3rd day of August 2021 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

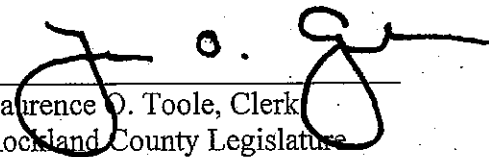
I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 4th day of August 2021.

Date sent to the County Executive:
August 4, 2021



Edwin J. Day, County Executive
County of Rockland



Laurence O. Toole, Clerk
Rockland County Legislature

8/10/21

Date

RESOLUTION NO. 384 OF 2021