

# TOWN OF MILTON, VERMONT

## CEMETERY RULES AND REGULATIONS

The Select board of the Town of Milton hereby ordain that the following Rules and Regulations have been established for the benefit and protection of all who have burial interests in Town Cemeteries. All former rules are hereby repealed.

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### VISION STATEMENT OF THE MILTON CEMETERY ADVISORY COMMITTEE:

The Town of Milton Cemetery Advisory Committee will provide guidance for a well-maintained setting for the interment and commemoration of the deceased and for the comfort and inspiration of the bereaved and the general public. The Committee will strive to accommodate the desires of families and individuals within the Town's and Committee's Cemetery rules adopted for the operation of Milton's Cemeteries. The Cemetery Advisory Committee pledges to provide compassionate and efficient service in a manner that respects human dignity.

### SECTION I: DEFINITIONS

1. **ARTIFICIAL COLOR:** The coloring, painting, enameling, lacquering, bronzing or similar application to any part of a memorial.
2. **BASE:** The above ground structure that is erected or placed upon the foundation and upon which the upper part of the monument or the die stone is placed.
3. **CEMETERY:** A burial park for the disposition of human remains of the deceased.
4. **CEMETERY ADVISORY COMMITTEE-MILTON:** The Committee is responsible for advising the Selectboard concerning future changes to rules and fees that may be proposed from time to time and for other responsibilities specifically delineated within these rules.
5. **CEMETERY SUPERINTENDENT:** A Town of Milton employee responsible for the operation of Milton Cemeteries.
6. **CERTIFICATE OF BURIAL RIGHTS (FORMERLY "DEED"):** A contract between the Town of Milton and the holder of a Certificate of Burial Rights. The Certificate grants the right to interment in a specified Milton Cemetery lot(s) and is contingent upon adherence to current Town of Milton Cemetery rules and regulations. (Note: The term "deed" has been used in the past in reference to Certificates of Burial Rights. A "deed" vs. Certificate of Burial Rights in no way implies ownership to land in the Milton Cemeteries. Land in the Milton Cemeteries is not sold.)
7. **CREMATED REMAINS:** The remains of a deceased person after incineration in a crematory.
8. **DEEDS-CEMETERY:** Refer to Certificate of Burial Rights.
9. **FLAG HOLDER/MEMORIAL MARKER:** A stick-type device used to mark graves.
10. **FOUNDATION:** The underground concrete structure that supports the above ground monument.
11. **GRAVE:** A space to accommodate interment.
12. **INTERMENT:** The act of burying the remains of the deceased in the earth.
13. **INURNMENT:** The burial of the cremated remains of the deceased in an urn.
14. **LOT:** A numbered division within the Milton Cemeteries as shown on the official Milton Cemeteries Records measuring Three and one half feet by ten feet or Four feet by ten feet in the village cemetery may contain up to one full casket and/or four cremated remains.

ADOPTED BY RESOLUTION OF THE SELECTBOARD - 11/21/2016

Revised 01/31/2019

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15. **CORNER MARKER:** Granite or objects used by the Town to locate or mark the corners of a lot or group of lots.
16. **MARKER:** A memorial, which is flush with the ground.
17. **MEMORIAL:** A monument, headstone, tablet and/or marker, including its below ground foundation.
18. **MONUMENT:** That portion of a memorial that extends above the surface of the ground including the base.
19. **CASKET - VAULT:** A one-piece unit with cover, usually made of concrete, and sized to receive a single casket in a grave.
20. **WINTER STORAGE VAULT:** A structure within the Milton Cemeteries, which is used for the temporary storage of remains in a casket or urn usually during the winter months or on other occasions when immediate interment is not possible.
21. **URN-VAULT:** A container made of durable non-biodegradable material with the maximum size of 12" by 15" by 11" and used for the storage of cremated remains. The urn vault may be used with or without an urn.

## SECTION II: GENERAL RULES AND REGULATIONS

### PURPOSE & AUTHORIZATION OF USE

1. The purpose of the public cemeteries shall be a burial place for the remains of the deceased and those that want to pay their respects. Other types of low impact secondary uses such as walking and jogging are permissible provided they do not interfere with the primary use. Any uses other than those stated must receive advance written permission of the Milton Cemetery Superintendent.
2. **General Conduct:** The public visiting the Milton Cemeteries shall be mindful of proper decorum. The following must be observed:
  - a. Hours of operation will be from May 1st – Dec 1st from dawn to dusk, or at the discretion of the Town, weather dependent.
  - b. Refrain from loud, boisterous or obscene talking or language. Interruptive conversations or noise is not permitted within hearing distance of funeral services or interments.
  - c. Drugs and Alcoholic beverages are not permitted in Milton Cemeteries.
  - d. Peddling or soliciting of any commodities or services is not allowed within the Milton Cemeteries.
  - e. The placement of signs, notices or advertisements of any kind within the Milton Cemeteries is not permitted without the expressed written permission of the Town of Milton. Permission must be sought from the Cemetery Superintendent.
  - f. Visitors to the Milton Cemeteries are prohibited from gathering, picking, cutting or injuring in any manner the fauna or flora. The defacing, damaging or destroying of any plants, lawn, fence, structures, trees, bushes or memorials in the Milton Cemeteries is prohibited.

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- g. Discharging firearms or facsimiles of such or weapons of any kind within the Milton Cemeteries, except by a military escort accompanying a veteran's funeral or attending a memorial service is prohibited.
  - h. Caskets or urns outside of a winter storage vault shall not be left unattended in any Milton Cemetery.
3. Vehicles:
- a. Vehicles delivering vaults or other items will park out of sight or in an inconspicuous location during funerals.
  - b. No vehicle will be operated at a speed in excess of 10 miles per hour within the Milton Cemeteries.
  - c. No vehicle or animal will be driven or parked across or upon any grave, lot, or lawn except by permission of the Town. Vault and monument dollies are permitted. Permission will be sought from the Cemetery Superintendent.
  - d. Public use of snowmobiles, ATVs or similar vehicles are prohibited within Milton Cemeteries
4. The Town recognizes the beauty of the cemeteries, and the desire of individuals to walk through them; In order to respect others, all pets are to be leashed while in the cemetery and owners are required to properly dispose their waste.
5. Littering of any type in Milton Cemeteries or the dumping of litter over the cemeteries' boundaries is prohibited.
6. The Town of Milton with the approval of the Select board sets the hours of Operations and Fees for the Milton Cemeteries. The hours of operations and fees are available from the Milton Town Clerk's Office.
7. The Town of Milton or its employees will not be responsible for any order or arrangement made over the telephone nor will they be responsible for any mistakes occurring from the want of precise and proper instructions as to the particular space, size or location of any grave, lot or memorial.
8. These Milton Cemetery Rules and Regulations and any amendments thereto, shall be the sole agreement between the Town of Milton and the holder of a Certificate of Burial Rights. The statement of any employee or agent, shall in no way bind the Town of Milton.
9. Donations and contributions may be made to the Town of Milton Cemeteries or to the Friends of the Milton Vermont Cemeteries.
- The Town cannot accept individual trust accounts.

### SECTION III: BURIAL RIGHTS

- 1. Burial rights refer to the right to interment in a particular or specified lot within the Milton Cemeteries.
- 2. Burial rights will not be issued for the purpose of spaciousness.
- 3. The purchase of burial rights in Milton Cemeteries is limited to Milton residents, former residents, their spouses, and civil union partners and children, or their Executors or Trustees.

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- a. For the purposes of this section, a "resident" is defined as a person who has either been a property taxpayer in Milton or has declared the Town of Milton his/her legal residence on personal state and federal income tax forms-
  - b. A former residents would be an individual who has previously qualified as a resident in the past. Former residents and the spouses and adult children of former residents may also purchase burial rights.
4. A resident or former resident, as defined in number 3 above, may purchase up to two (2) burial lots, or in the case of a legally joined couple, four(4) in total. Additional plots may be purchased with the approval of the Select board.
  5. Burial Rights conveyed by the Town of Milton shall be the sole and separate rights of the person or persons named in the Certificate of Burial Rights. Burial rights may be conveyed or assigned only to the owner's spouse and/or the biological or adopted descendants of their union.
  6. The husband or wife/civil union partner shall have a vested right of interment of his or her body in any burial lot conveyed to the other. This right shall continue as long as he or she shall remain spouse or legal partner of the owner of the burial rights or shall be his or her spouse or legal partner at the time of the death of the owner of the burial rights.
  7. On the death of the owner of burial rights to a lot, when the burial rights are not specifically mentioned in his/her will, an affidavit must be filed at the office of the Town Clerk signed by one of the heirs at law or, in the case of a minor, by their guardian. This affidavit must include a list of the names of all the known heirs and a person designated as a Power of Attorney who shall be authorized to sign orders for interments in the lot and to give all needful directions regarding the lot and burial rights.
  8. The reversion (escheat) of a Certificate of Burial Rights to the Town of Milton shall be done in the manner provided in Vermont Statute, Title 18, Section's 5532 to 5537.
  9. The owner of a Certificate of Burial Rights may designate space within his/her cemetery lot for interment of persons not mentioned in Rule 3 above.

### SECTION IV: PROCEDURES AND FORMS

1. Full payment to the Town of Milton is required before any contract is executed between a party and the Committee.
2. The Town of Milton will issue, at the set fee, a Certificate of Burial Rights to those persons who qualify under Section III of these Rules and Regulations. Fees will be determined by the Milton Select board (a fee schedule is attached to these regulations).
3. Burial lots will be assigned in numerical sequence. They will not be assigned out of sequence unless, in the opinion of the Town of Milton, it would be in the best interest of the Milton Cemeteries to do so.
4. Certificates of Burial Rights that will not be used may be sold or donated back to the Town of Milton. In a sale back to the Town, where the original purchase price is not known, the sale back amount shall be determined by the prevailing price in the fee schedule. Privately held Town of Milton

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Cemetery Certificates of Burial Rights may only be sold back to the Town of Milton. They may not be transferred or sold in any other manner.

5. A completed Interment Form (available from the Milton Town Clerk's Office) must be filled out and paid for with the Town Clerk before any grave can be opened.
6. No cremated remains will be accepted for burial in Milton Cemeteries unless the Cremation Certificate is filed with the Milton Town Clerk.
7. All work to be performed in Milton Cemeteries, including the inscription or placement of memorials, requires an approved Work Order Permit from the Town of Milton. Work Order Permit forms are available from the Milton Town Clerk's Office.
8. Prior to placement of any remains, caskets or urns in a winter storage vault of the Milton Cemeteries, a Vault Storage Form must be filed with the Milton Town Clerk's Office. These forms are available from the Town Clerk's Office, when available.
9. Holders of Town of Milton Certificates of Burial Rights are responsible for notifying in writing the Milton Town Clerk of any change in the legal mailing address. Notices sent to the Certificate holder at the last address on file in the Town Clerk's Office will be considered sufficient and proper legal notification.

### SECTION V: CEMETERY LOTS

1. The Town of Milton will provide perpetual care as defined herein.
2. The perpetual care assumed by the Town of Milton shall in no case involve the maintenance, repair, or replacement of any memorial, foundation, corner marker or monument placed or erected upon any lot. By the purchase of a Certificate of Burial Right, the owner agrees that all monuments, gravestones, markers, plaques and memorial structures of any kind shall be set and maintained at the owner's expense and risk in accordance with the rules and regulations set forth in Sections VIII, IX, and X of this document.
3. The Town of Milton, and its employees, collectively and individually, shall be held harmless from any liability due to damage, destruction or injury caused by the elements, an act of God, pollution, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, outside workers, invasions, insurrections, riots, or by the order of the military or civil authority, whether the damage be direct or collateral.
4. Cut flowers, and funeral arrangements may be placed on graves but will be removed when they become unsightly, or at the desecration of the superintendent. It is recommended that all cut flowers be placed in invertible, in-ground vases. No other plantings are allowed on any cemetery lot unless placed there by or at the direction of the Town or approval of the Superintendent. Town of Milton employees, under the direction of the Town, shall have the authority, with no liability, to remove all floral decorations, flags, shrubs, plants or herbage of any kind and their receptacles which in the judgment of the Town or the Superintendent have become unsightly, dangerous, diseased, detrimental or which do not conform to the regulations outlined herein.

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5. Any, and all items left in memorial must be placed no more than 16" from the headstone and regularly maintained. Any fencing or edging materials or benches placed outside of the 16" area from the headstone will be removed at the owner's expense if any.
6. Small American flags in proper holders may be displayed at gravesites in the Milton Cemeteries.
7. The Town of Milton and its employees shall not be liable for any floral arrangements, plants or receptacles that are lost, misplaced, stolen or broken.
8. Glass items or loose stones are not permitted on any lot.
9. No scraped ground and/or mounded graves are permitted in the Milton Cemeteries.
10. Artificial flowers or simulation of flowers, floral displays, wreaths or similar devices may be displayed, but must be removed when deteriorating or unsightly.
11. The Town reserves to itself and to those lawfully entitled, a perpetual right of ingress and egress over graves and lots for the purpose of passage to and from other graves and lots.
12. All grading, landscaping, and improvements of any kind within the Town of Milton Cemeteries shall be made by its Superintendent with the knowledge of the Town of Milton. Work by private contractors shall be done under special written permit only. Alterations made on lots without special written permits from the Town may be removed or changed at the expense of the holder of the Certificate of Burial Rights responsible for initiating the changes.
13. No easement or right of interment is or will be granted to any Certificate of Burial Rights holder in any road, drive, alley or walk within the Milton Cemeteries.

### **SECTION VI: WINTER STORAGE VAULT USE (VAULT)**

1. The vault is for temporary use only. Under no circumstances will a body or remains be considered as interred or buried by reason of being placed therein.
2. All caskets and urns placed in the vault shall be tagged with the name of the deceased, name and address of the legal representative and the name, address and phone number of the attending funeral director as well as date in and anticipated date out. In addition, a Milton Cemeteries Vault Storage Form shall be filled out and filed with the Milton Town Clerk's Office.
3. Full payment of all Milton Cemetery fees and purchase of cemetery lots is required at the time the caskets or urns are placed in the vault. Information shall be submitted on the Vault Storage Form.
4. The Town of Milton, at its sole discretion and without notice, may remove a casket with its body from the vault and bury it in a single grave if suitable arrangements for the final disposition are not made within a reasonable time prior to June 1<sup>st</sup> or if the body is not in a good state of preservation.

### **SECTION VII: INTERMENT AND DISINTERMENT**

1. Interment, disinterment and removals are subject to the rules and regulations of the Town of Milton, Chittenden County, and the State of Vermont.
2. Once a casket containing a body is within the confines of the Milton Cemeteries, a funeral director, his employees or agents shall not be permitted to open the casket or to touch the body without the consent of the legal representatives of the deceased or duly executed court order.

ADOPTED BY RESOLUTION OF THE SELECTBOARD - 11/21/2016

Revised 01/31/2019

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3. Town of Milton employees or their designees will not perform any grave openings and/or closings in the Milton Cemeteries and will monitor such under the conditions and fee structures established by the Town of Milton and its Cemetery Committee.
4. Interment Orders are required 24 hours in advance, in the absence of any religious strictures. Disinterment/removal orders are required five (5) business days in advance.
5. Every interment of a casket shall require a one-piece burial vault with cover both made of concrete or a material approved by the Town, except when that requirement restricts a person in the practice of his/her religious beliefs.
6. If inadequate instructions or circumstances will delay the opening of an interment space within a lot, the Town shall use its best judgment in locating a suitable opening. Neither the Town nor its employees shall be held liable for damages for any errors
7. The Town shall correct any errors with interment, disinterment, removals, transfers or conveyances of burial rights or inscriptions and shall do so using its sole discretion.
8. Neither the Town of Milton nor its employees shall be liable for misinformation provided to them in interment orders or for funeral delays resulting from disputes over burial rights.
9. Up to one burial and/or four (4) cremated remains may be buried in one 3.5' X 10' or 4' by 10' lot by 5' deep, as per the annual fee schedule. Cremated remains require an urn vault unless they are in a non-biodegradable urn.
10. Urns or Urn vaults must be at least 18 inches below the surface of the ground.

### SECTION VIII: MEMORIALS, MONUMENTS AND MARKERS

1. All memorials, monuments, markers or plaques and their foundations will be set and maintained in a safe condition at the owner's or the certificate of burial rights holder's expense.
2. The Superintendent, in their judgment, may correct or remove unsightly or dangerous items at the expense of the owner or heirs of the Certificate of Burial Rights.
3. A Town of Milton Cemetery Work Order/Permit must be approved by the Town of Milton and scheduled with the Superintendent before setting any items mentioned in this section.
4. Not more than one (1) aboveground memorial is permitted on any lot and must be located six (6) inches from the top border. Flush markers will be located six (6) inches from the bottom of the lot and/or, if used as a headstone, will be located six (6) inches from the top of the lot. Flush markers will be located above the urn vault for cremated remains.
5. All memorials will be constructed of granite, marble, fieldstone or bronze. Memorials set in designated Milton Historic Cemeteries must be in keeping with those of the period.
6. Non-flush footstones are allowed only in the case of matching stones previously set on the lot.
7. Monuments, markers and their foundations may be removed from Milton Cemeteries only by direction from the Town and only after the receipt by the Town Clerk of a written order from the Certificate of Burial Right holder or someone designated by State Statutes. After removal, the lot shall be restored to its original condition at the expense of the party requesting removal and shall be done so under the direction of the Superintendent of Cemeteries.

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### **SECTION IX: FOUNDATIONS**

1. Town approved foundations are required for all aboveground monuments.
2. The Committee reserves the right to excavate, build or approve all foundations and to set all markers and posts.
3. A Town of Milton Cemetery Work Order Permit must be approved by the Town of Milton before any work begins. All foundation work shall be scheduled at the direction of the Superintendent of Cemeteries.
4. The Town of Milton reserves the right to designate how and when excavation and foundation work will be accomplished and who will accomplish it.
5. The top surface dimensions of any foundation will be no less than the dimensions of the base or stone to be set upon it.
6. The top surface of the foundation will be level with the ground.
7. Foundations will be constructed with the use of frames at the top of the foundation. Frames will be at least two inches in depth from ground level down.
8. Foundations will be a minimum of four (4) feet deep.
9. Foundations must be in place and cured before their monuments will be permitted on the Cemetery grounds.

### **SECTION X: MEMORIALS**

1. All aboveground memorials except fieldstone must be set on a foundation.
2. All above ground memorials will comply with the following:
  - a. The overall width of the monument shall not exceed 75% of lot or group of lots width.
  - b. The monument may not encroach on areas above the vault.
3. Flush Markers:
  - a. Flush Markers shall be a minimum of 4 inches in thickness.
  - b. Flush markers larger than 12 x 24 shall be at least 6" in thickness. The superintendent must approve irregular sizes.
  - c. When bronze is used in a flush marker, it will be affixed to a granite bed 4" or 6" in thickness.
4. The bottom of every stone, (i.e., monument, base or marker) will be dressed to an even level bottom bed so that it will stand plumb and rest firmly and level. To achieve this standard, field stone flush markers may be set in a crushed stone bed 12" in depth.
5. The name, initial or inscription on each monument or marker must correspond with the name and record in the Office of the Town Clerk and no changes shall be made except upon written request of the proper parties and with the permission of the Cemetery Commission.

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### REQUIREMENTS FOR LARGE MONUMENTS

1. All designs must be submitted to the town for approval prior to any work commencing.
2. These requirements shall be applicable for monuments greater than six (6) feet in width or six (6) feet in height including mausoleums and columbarium.
3. A site visit by the Town will be required to determine if a proposed monument is appropriate for the location.
4. Prior to the design of the monument foundation, a soils evaluation will be conducted to determine the bearing capacity of the soils.
5. All monuments meeting the above size criteria shall be installed on reinforced concrete foundations.
6. Plans for steel reinforced concrete foundations shall be prepared and sealed by a qualified professional engineer.
7. The foundation shall not encroach on the space reserved for burials.
8. Contractors shall take all necessary precautions to protect existing roadways, lawn areas and gravesites from damage. All disturbed areas shall be repaired as necessary to restore them to their previous condition.
9. The Superintendent of Cemeteries shall observe all construction.
10. The costs for the services of the Town of Milton employees will be borne by the applicant in accordance with the most current fee schedules.
11. Contractors will be responsible for the safety of their employees and shall comply with all applicable safety regulations including Vermont Office of Safety and Health Agency.

### SECTION XI: WORK AND LABOR IN MILTON CEMETERIES

1. All work done in the Milton Cemeteries shall be scheduled through the Town of Milton. No work will be scheduled on weekends or holidays except by special permission of the Superintendent.
2. Any jobs conducted in the Milton Cemeteries by non-Milton employees must have the approval of the Town as evidenced by a signed Work Order/Permit. Such signed Work Order/Permit shall be presented to the Superintendent for scheduling and a copy shall be kept with the workers while performing the job. Evidence of job competency may be required of such workers before the Town issues Work Order/Permits.
3. Non-Milton employees performing work in the Milton Cemeteries for a firm or as independent contractors to the Town of Milton or to a private holder of a Milton Certificate of Burial Rights shall have certificates of insurance on file with the Town of Milton. Such non-Milton employees shall be held financially responsible for any damage done in the course of their work.
4. Non-Milton employees working in the Milton Cemeteries shall refrain from attaching ropes or cables to monuments, trees or shrubs. They shall not block road or pathways; scatter materials over adjoining lots. They shall promptly and properly remove any debris resulting from their work.
5. Vehicles and heavy equipment shall not be driven over the lawns of the Milton Cemeteries except as may be directed by the Town.

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6. Materials, machinery and other construction items needed to accomplish work in the cemeteries will not be brought into the Milton Cemeteries until required for immediate use.
7. Precautions shall be taken during excavation or construction work within the cemeteries to protect the lawns. All open excavations shall be marked and covered with 3/4" thick plywood when left unattended.
8. The Town of Milton may order completed work removed if the quality of workmanship or the materials used is unsatisfactory.

### **SECTION XII: APPEALS**

Decisions of the Town Employees may be appealed to the Milton Select board within thirty (30) days of the date of the ruling. The Milton Select board shall hold a warned hearing at a regular or special meeting to hear the appeal and shall issue a written decision on the appeal within 30 days of closing the hearing.

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**CEMETERY FEE SCHEDULE**

**Full Lot (3.5x10 or 4x10 Village):**

(Certificate of Burial Rights Worksheet)

Resident - \$750.00

Former Resident - \$1,250.00

**Cremated Remains (each) above full burial:**

Resident - \$250.00

Former Resident - \$350.00

**Vault Storage:** (Vault Storage Form)

Resident: \$35.00/month

Former Resident: \$40.00/month

**Corner Markers:** (Optional)

\$120.00 + \$30.00 Installation

**FORMS**

**The forms listed below must be filled out when:**

**Certificate of Burial Rights Worksheet** – At time of lot purchase

**Interment Order** – At time of interment

**Work Order Permit** – Whenever work is to be done in the cemetery

**Vault Storage Form** – When Deceased is placed in the vault

**Cremation Certificate** – When interment of cremains is to be done