

# **BYLAWS**

## **ST. BASIL'S RUSSIAN ORTHODOX CHURCH**

WATERVLIET (MAPLEWOOD), NEW YORK 12189



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## **PREAMBLE**

St. Basil's Russian Orthodox Greek Catholic Church of (Maplewood) Watervliet, New York was organized in 1901 and became a parish corporation on November 26, 1924, under the Religious Corporation Law of the State of New York, per Certificate of Incorporation on file in the Albany County Clerk's Office as of December 1, 1924.

St. Basil's Russian Orthodox Greek Catholic Church is legally and canonically a parish of the Diocese of New York and New Jersey of the Orthodox Church in America which received its autocephaly from the Russian Orthodox Church on April 10, 1970.

St. Basil's Russian Orthodox Greek Catholic Church was re-incorporated as St. Basil's Russian Orthodox Church on October 10, 2001.

## **ARTICLE 1: CHURCH & ALL AMERICAN COUNCIL**

### **Section 1.1: The Parish**

The parish is a local community of the Church having at its head a priest duly appointed by and subordinate to the diocesan hierarch.

### **Section 1.2: Governing Statute**

The organization and administration of a parish are subject to the diocesan bishop and the Statute of the Orthodox Church in America as adopted October 19-21, 1971, by the Second All-American Council and approved by the Holy Synod.

### **Section 1.3: Diocesan Authority**

The term "diocesan authority" as used anywhere in these bylaws means the bishop or archbishop to whose jurisdiction the parish has been assigned.

## **ARTICLE 2: CLERGY & CHOIR DIRECTOR**

### **Section 2.1: Number of Clergy**

The number of members of the clergy for a parish is determined by the diocesan authority according to the material resources as the number of members and in accordance with the wishes of the parishioners.

### **Section 2.2 Appointment and Transfer of Clergy**

Members of the clergy are appointed to parish churches by the diocesan authority. A clergyman may be transferred by the diocesan authority from one parish to another but only:

- 1) in case the clergyman requests such transfer for valid reasons;
- 2) in case the diocesan authority decides that such transfer will serve the best interest of the Church;
- 3) upon the request of the majority of the parishioners at a duly constituted parish meeting or special meeting and in which case the diocesan authority decided that such transfer serve the best interest of the Church.

### **Section 2.3: The Parish Priest**

A parish priest is appointed by the diocesan Hierarch and he cannot leave it and transfer to another without the permission of the diocesan authority, nor can he, except in case of mortal need, without the consent of the rector of another parish, or an order of the diocesan authority, celebrate rites within the boundaries of such other parish or for other parishioners, nor, in general, interfere in the life of another parish.

### **Section 2.4: Compensation of the Clergy**

The amount to be paid to clergy for a starting salary and their use of residence and utilities by agreement with the clergy shall be recommended by the parish council, subject to approval by the parishioners of St. Basil's Church at a parish meeting. All donations to the clergy for the celebration of private rites are to be retained between the clergy and the choir director or participants upon mutual agreement without accountability to the parish. All salary and fringe benefit increases to be paid to the priest shall be subject to approval by the parishioners at a parish meeting.

### **Section 2.5: Compensation of the Choir Director**

The amount to be paid the choir director for starting salary, fringe benefits, use of residence and utilities by agreement with choir director shall be recommended by the parish council, subject to approval by the parishioners of St. Basil's Church at a parish meeting. All salary and fringe benefit increases to be paid to the choir director shall be subject to approval by the parishioners at a parish meeting.

### **Section 2.6: Rights and Duties of the Clergy**

The rights and duties of the parish clergy are as follows:

- a) The head of the parish clergy is the Rector. The other members of the clergy are his chief assistants in all his work;
- b) The Rector is the pastor of the parishioners; he is entrusted by the diocesan authority with the duties of teaching the parishioners the rules of the Orthodox faith and of Christian life, of celebrating public divine services and rites according to ecclesiastical order, of administering the Holy Sacraments and of guidance in Christian life. He is responsible before God and the diocesan authority for the whole life and activities of his parish, its spiritual growth and enlightenment, its orthodoxy and moral progress;
- c) Besides his pastoral and liturgical duties, in the execution of which he is guided by his priestly oath and conscience and is controlled through the district dean and the diocesan authority, it is the duty of the rector and the other members of the parish clergy to look after the decorum in the church and the beauty of the edifice, the establishment of the parish library, the organization of the church school and to take an active part in the work of the parish council;
- d) Encourage the parishioners to bring their children to church school;
- e) It is the duty of the clergy to keep exact metrical records and other such records as may be required by the civil authorities and to report to the diocesan authority with respect to these matters at the times and on the forms indicated to the clergy by the district dean;
- f) The Rector serves as intermediary in dealings of the diocesan authority with the parish and vice versa on all parish matters except in matters concerning the parish priest or Rector.

### **Section 2.7: Rights and Duties of the Choir Director**

The rights and duties of the choir director are as follows:

- a) The choir director is in charge of fulfilling the responses at all church services under the supervision of the parish priest or Rector;
- b) Shall be responsible for the education and teaching of the choir toward the fulfillment of these duties in the field of church music;
- c) Shall be responsible to work with the youth of the parish to develop a junior choir, readers, and assist in the development of the annual parish Yolka;
- d) Shall be responsible for conducting other cultural and religious interests;
- e) Shall be responsible to assist the rector in performing private rites such as funerals, weddings, baptisms, and panikhidas, etc.

## **ARTICLE 3: PARISHIONERS**

### **Section 3.1: Parishioners**

All persons of the Orthodox faith inscribed in the parish book are considered parishioners.

### **Section 3.2: Parish Book**

In the parish book are entered the baptismal name, patronymic family name, calling and family situation of the parishioner, the dates of birth and baptism, marriage, attendance of Confession and Holy Communion, the dates of entry into the parish and leaving it, as well as information as to his and payment of the established parish offerings and the date of death.

The form of the book is approved by the Metropolitan, and copies may be obtained from the Metropolitan Council at a set price established by it. Completed parish books are kept in the parish archives.

### **Section 3.3: Transfers**

Upon transfer from one parish to another, the parishioner to be transferred shall present to the rector of the new parish a certificate of transfer indicating that the applicant was a parishioner in good standing at a previous Orthodox Church, signed by the rector of the old parish, including all information contained in the parish book of the old parish, which is to be entered in the parish book of the new parish.

The form of the certificate is approved by the Diocesan Hierarchy, and copies may be obtained from the Diocesan Council by the parishes at a price set by the Diocesan Administration.

### **Section 3.4: Duties, Obligations and Rights of Parishioners**

- A) The religious, moral and social duties of the parishioners are:
  - 1) Complying in their life and activities with the Orthodox faith;
  - 2) Attending the Divine Liturgy and other services on Sundays and Holy Days;
  - 3) Keeping the rules and fasts of the Orthodox Church;

- 4) At least once (1) a year making private Confession and receiving Holy Communion at their home parish;
  - 5) Bringing up and teaching their children according to the Orthodox faith and in the spirit of the church;
  - 6) Respecting the clergy, the diocesan authority and all of the other hierarchy and governing bodies of the church;
  - 7) Obeying in matters of faith and ecclesiastical order;
  - 8) Cooperating in every way toward the welfare and prosperity of the parish;
- B) The financial obligations of the parishioners are to:
- 1) Pay the established offering and additional assessments as may be voted by a parish meeting;
  - 2) Pay such contributions to the central funds of the church as may be determined by the All-American Council or Diocesan Authority.
- C) The rights of the parishioners are:
- 1) To attend regular and special parish meetings, and if at the time in good standing (See Section 3.7), to take part in the discussions and to vote;
  - 2) To be elected as members of the parish council, and in these positions, to take part in the administration of the parish and in the direction of its life and activity.

### **Section 3.5: Parish Meetings: Annual & Special**

Annual parish meetings shall be called by the parish council not less than once (1) a year and be held the first Sunday of February.

Special parish meetings may be called by the Rector and shall be called by him if requested by the parish council, the diocesan authority, or at least twenty-five (25) parishioners in good standing (See Section 3.7), who shall submit their request in writing, signed by each petitioning member.

All annual and special parish meetings must be announced by the parish priest from the ambo on three (3) consecutive Sundays, prior to the date of the meeting, and published in the church bulletin.

### **Section 3.6: Attendance and Voting at Parish Meetings**

Only parishioners in good standing (See Section 3.7) shall have the right to participate in the discussions and vote. The Rector and all other members of the parish clergy shall have the right to attend participate in discussions and vote at all parish meetings.

### **Section 3.7: Parishioners in Good Standing**



The term "in good standing" as used anywhere in this Article refers to parishioners who are:

- a) not less than twenty-one (21) years of age;
- b) at least annually fulfill the duties of private Confession and Holy Communion at their home parish;
- c) regularly pay the offerings established by the parish and by the All-American Council or Diocesan Authority;

The list of parishioners in good standing is to be established by the parish council at least once (1) a year upon presentation by the rector of items 3.7.b and 3.7.c as listed above;

Upon receipt of written request, special consideration will be given by the Parish Council for parishioners with little or no financial assets with regard to membership dues, church services, sacraments, burial services and purchase of cemetery plots.

If the parish council finds that the non-observance of duties of Confession and Holy Communion took place because of pardonable circumstances, verified by the rector of the parish, or in accordance with the application of the parishioners, remits payment of unpaid offerings on an individual basis for each year, these persons may be retained on the list of parishioners in good standing.

By special decision of the Rector, concurred by the parish council, the following person may be temporarily deprived of their rights to participate in the discussions or to vote at parish meetings, or to be elected to the parish council or as parish officers:

- a) Those who rudely disturb peace and order in the church edifice or at parish meetings;
- b) Those who disobey the resolutions of the parish bodies;
- c) Those who by their words or deeds bring disgrace on the Orthodox faith, the Church, or the parish;
- d) Those who secretly or openly injure the life of the parish;
- e) Those who belong to anti-Church organizations;
- f) Those who live in the condition of cohabitation without being married;
- g) Those who defame the good name or undermine the authority of the rector, diocesan authority, or the superior governing bodies of the Church or other members of the clergy.

After the expiration of a period of time, determined by the Rector and concurred by the parish council, these persons may be restored to their rights if they repent and show improvement by their behavior. Appeals may be taken by any of the persons concerned to the diocesan authority of the Diocesan Court.

### **Section 3.8: Quorum**

Those parishioners in attendance at an annual meeting or a special meeting shall be considered a quorum following proper announcements by the parish priest from the Ambo on three (3) consecutive Sundays and published in the church bulletin.

### **Section 3.9: Presiding Officer**

The Rector of the parish or by designation of the Rector, the Starosta of the Parish Council presides at the annual parish meeting. In matters of material welfare of the parish, the Rector may at his discretion designate the Starosta of the Parish Council to be the presiding officer at any parish meeting.

### **Section 3.10: Competence of Parish Meetings**

Subjects for consideration at parish meetings are:

- a) Submitting petitions to the diocesan authority as to the desirable candidates for vacant posts in the parish clergy;
- b) Electing the members of the parish council and the parish officers other than the clergy and adopting rules and regulations (in consonance with this statute) for the discharge of their duties;
- c) Electing the auditing committee;
- d) Hearing the annual reports of the treasurer or financial secretary as to the receipt and expenditure of parish funds;
- e) Approving the annual budget of the parish;
- f) Hearing the report of the auditing committee;
- g) Determining the financial obligations of parishioners;
- h) Searching for means necessary for satisfaction of the needs of the parish through assessments, voluntary contributions, or the like;
- li Considering and authorizing the purchase and sale of real property;
- j) Considering the construction of and capital repairs to the church edifice, parish house, rectory, cemetery property and other parish buildings;
- k) Maintaining the sacristy, the sacred vessels and the parish library;
- l) Considering questions as to the purchase and good order of the parish cemetery, its administration and upkeep, and the payments to be made for lots in it;
- m) Establishing and maintaining the church school;
- n) Considering and acting on any other matter affecting the general welfare of the parish and not within the exclusive competence of the rector, the district dean, the diocesan authority, or the higher governing bodies of the Church.

### **Section 3.11: Minutes of Parish Meetings**

The minutes of a parish meeting, signed by the secretary, and approved by the Rector as to their correctness as a record, are entered as promptly as possible in a minute book kept in the parish archives. A copy of the minutes, verified by the Rector, are sent within two months to the district Dean, who then submits his report within two months to the diocesan authority for approval.

The Rector is intermediary between the parish and the diocesan authority, on all matters except when there is a problem between the Rector and the Parish Council. In case of a disagreement between the Rector and the Parish Council, the Rector's comments must be recorded in the minutes and the Parish Council will contact the Dean for resolution of the problem.

### **Section 3.12: Resolutions of Parish Meetings**

a) Resolutions of parish meetings take effect upon confirmation by the diocesan authority;

b) The district Dean has the right within a week after receipt of a copy of the minutes to protest against any resolution contained in them, in which case he communicates his protest immediately to the diocesan authority;

c) Parishioners to a number equal to ten percent (10%) of the parishioners in good standing dissenting from a resolution of a parish meeting may appeal there from to the district dean within fifteen (15) days from the date when it was adopted. The district dean considers and decides the appeal within a period not longer than fifteen (15) days and there upon immediately reports to the diocesan authority.

### **Section 3.13: Participation by District Dean**

The district Dean may take part in a parish meeting upon commission of the diocesan authority, at the request of the rector, or upon request of the parish council.

## **ARTICLE 4: PARISH COUNCIL**

### **Section 4.1: Officers**

The officers of the parish council shall consist of the following:

Parish Rector

Starosta (Senior Warden)

1st Jr. Warden

2nd Jr. Warden

3rd Jr. Warden

Secretary

Treasurer

Financial Secretary

Assistant Financial Secretary

Cemetery Committee Chairperson

Center Manager

The above stated officers shall be the ones that conduct the monthly parish council meetings, annual meeting, and any special meetings that may be called during the course of a year. These officers are the only ones allowed to vote in said monthly parish council and special council meetings.

Candidates for parish officers must be parishioners in good standing (See Section 3.7).

The rights and duties of the parish officers and any such additional officers, if any, shall be elected by the parish meeting, may be more specifically determined by special rules and instructions adopted in each parish in conformance with the Statute of the Orthodox Church in America.

The duties of the above stated council officers shall be the following:

Rector and/or Starosta (Senior Warden)

a) The Rector and/or Starosta (Senior Warden) shall preside over the parish council. The Starosta (Senior Warden) shall convene meetings of the parish council, guide its discussions, see the carrying out of its decisions, and receive incoming and sign outgoing papers. Papers involving financial obligations of the parish shall be signed by the treasurer, Starosta (Senior Warden) or Financial Secretary and the Rector.

In case of a disagreement between the Rector and a resolution of the council, the case is referred to the consideration of the diocesan authority.

The Starosta (Senior Warden) of the council shall have the authority to make expenditures not to exceed five hundred (\$500) dollar, for any given project, without parish council approval.

The Starosta (Senior Warden) of the parish council shall have the authority to call a closed executive session of the parish council, at any time, with the voting council members only and with concurrence of the Rector.

The Rector shall keep metrical records and data in the parish book.

b) 1st Jr. Warden

The 1st Jr. Warden shall be responsible for taking the place of the Starosta (Senior Warden) of the parish council for the remainder of the term of the elected office, if the Starosta (Senior Warden) vacates the office. In addition, the 1st Junior Warden shall be responsible for all duties assigned to them by the Starosta (Senior Warden).

c) 2nd Jr. Warden

The 2nd Jr. Warden shall be responsible for all duties assigned to them by the Starosta (Senior Warden) of the parish council.

d) 3rd Jr. Warden

The 3rd Jr. Warden shall be responsible for all duties assigned to them by the Starosta (Senior Warden) of the parish council.

The typical duties that can be assigned to the 1st, 2nd and/or 3rd Jr. Warden include, but are not limited to, the following:

Coordinating the maintenance and operations of the church, rectory, and 24 Archibald Street;  
Responsible for any special projects which might occur.

e) Secretary

The secretary keeps the minutes of the parish annual meeting, all special meetings, and of the monthly council meetings. In addition, the secretary carries on the correspondence of the parish.

f) Treasurer

The treasurer keeps detailed records of all monies received or disbursed by the parish and makes monthly financial reports to the parish council and an annual report at the parish meeting. Also, the treasurer disburses monies upon orders approved by appropriate officers and signed by the Starosta (Senior Warden) and/or designee.

g) Financial Secretary

The financial secretary shall receive all funds of the parish, deposit the funds in the name of the parish or Parish Corporation in an approved depository or depositories and maintain the financial books of the parish.

h) Assistant Financial Secretary

The assistant financial secretary is responsible to check the work of the financial secretary (i.e., counting monies received, etc.) and to enter all data into the church computer (i.e., monthly donations).

#### **Section 4.1.1 Terms of Parish Council Membership**

The normal term of service for each position on the parish council is three (3) years. A council member may serve a second three (3) year term, if elected.

When a member's second term expires, that individual is ineligible for Council membership for a period of one (1) year.

It is understood that circumstances may cause a Council member to resign after serving for a period of less than three (3) years. Such resignations must be conveyed by a written notice to the parish rector and the Council.

Any Council vacancy shall be filled in accordance with the provisions of Section 4.7. A member so elected at the next annual parish meeting will start serving his/her own three (3) year term.

### **Section 4.2: Auditing Committee**

An auditing committee composed of three (3) members, who are not officers of the parish council, shall be elected at the annual parish meeting to hold office for three (3) years.

The duties of the auditing committee shall be to:

- a) Audit the accounts of the financial secretary, treasurer, cemetery committee, church center; church school and needy box
- b) Inspect the vouchers for disbursements and verify bank balances and securities;
- c) Investigate and report on the financial administration of the parish.

The auditing committee will perform audits quarterly and provide reports to the parish council every three (3) months or at more frequent intervals if requested by the council, and to the parishioners at the annual meeting.

Unexpired terms shall be filled by a member of the parish appointed by the parish council.

### **Section 4.3: Cemetery Committee**

A cemetery committee composed of at least three (3) members shall be elected at the annual parish meeting to hold office for three (3) years. A committee member may serve a second term, if elected.

The chairman of the cemetery committee shall be an officer of the parish council.

The duties of the cemetery committee shall be to manage and operate the St. Basil's Russian Orthodox Cemetery according to the Cemetery Bylaws adopted January 27, 1957, revised January 29, 1985 or under the most current revision provisions.

Any expenditures exceeding one-thousand dollars (\$1000) must be pre-approved by the parish council.

Unexpired terms shall be filled by a member of the parish appointed by the parish council.

### **Section 4.4: Church Center Committee**

A church center committee may be composed of seven (7) members.  
The church center committee may include:

Center Manager  
Assistant Center Manager  
Kitchen Manager  
Waitress Manager  
Bar Manager  
Maintenance Manager  
Center Treasurer

The Center manager shall be elected at the annual parish meeting and hold office for a term of three (3) years. The manager may serve a second term, if elected.

Center committee chairs are positions appointed by the Center Manager. The Center Manager may not appoint him or herself as the Treasurer.

The duties of the center committee shall be to operate, manage and maintain St. Basil's Church Center.

The center manager shall be an officer of the parish council.

The center committee shall have meetings on an interval as established by the center manager to discuss the operations, maintenance, and costs associated with the center.

A monthly report shall be provided at the parish council meeting by the center manager as to the operations, maintenance, and associated costs involved in managing the church center.

Any expenditures exceeding one-thousand dollars (\$1000) must be pre-approved by the parish council.

#### **Section 4.5: Administration of Parish Affairs**

The administration of parish affairs is carried on under the supreme control and guidance of the diocesan authority, by the Rector, with the aid of other members of the clergy, the parish meetings, and the parish council.

#### **Section 4.6: Election Confirmation**

The officers of the parish council, other than the clergy, shall be elected at the annual parish meeting for a term of three (3) years, not to exceed two (2) consecutive elected terms, and they shall hold office until the election, confirmation by the diocesan authority and installation by the rector of their respective successors.

If an office is not filled during an election, the vacancy will be filled by following Section 4.7. The individual who held the position previously no longer holds the position upon the installation of the new council.

These officers shall be confirmed in their duties by the diocesan authority before their installation.

#### **Section 4.7: Removal or Vacancies of a Member of the Parish Council**

If any elected members of the parish council are not confirmed by the diocesan authority, with reasons for non-confirmation submitted by the diocesan authority to the parish, new candidates shall be elected at a special parish meeting for each non-confirmed member.

Subsequent to confirmation and installation, if there is a vacancy in the parish council, said vacancy shall be filled by the parish council until the next annual meeting.

#### **Section 4.8: Invited Participants in Meetings of the Parish Council**

The heads of the various parish organizations, establishments, and committees may be invited to take part in the meetings of the parish council.

Any parishioner in "good standing" (See Section 3.7) or invited guest (non-parishioners) may attend the monthly parish council meeting as an observer or to present a report or petition to the parish council. The parishioner or invited guest will be allowed to voice their concerns at the start of the monthly council meetings. Any parishioner "in good standing" may attend a parish council meeting but may not participate in speaking or voting after their concerns have been presented. The parish council reserves the right to call a closed executive session.

#### **Section 4.9: Duties of the Parish Council**

The parish council, in concurrence with the rector, is charged with the following:

- a) the supervision of external order of services;
- b) the care for the cleanliness and decoration of the church edifice;
- c) the collection of money in the church plate and the sale of candles at services;
- d) the purchase of everything necessary for the church edifice and the parish house, rental property and cemetery property;
- e) the hire of a custodian and his assistants with approval of the rector;
- f) the care of cemeteries;
- g) the care of church schools, all educational and charitable activities;
- h) the preparatory examination of matters to be brought up at parish meetings, regular, special or closed executive session; the organization generally of such meetings; and the carrying out of the decisions of such meetings;
- i) the keeping of a list of parishioners;



- j) attending to the increase of the funds;
- k) managing, either directly or through the trustees of the parish corporation, the real property, securities and other temporalities of the parish;
- l) collecting funds according to the decision of parish meetings, the Metropolitan council, or the All- American Council;
- m) verifying monthly the securities, bank balances, and other funds of the parish;
- n) considering the degree of need of those appealing for help and making grants in accordance with the proven need of the applicants and the means of the parish;
- o) appearing, either directly or through the parish corporation, in civil courts in respect of matters affecting the legal rights or obligations of the parish;
- p) representing the parish in contracts with the civil authorities and local organizations designed to promote social and civil welfare of the local community;
- q) fostering the establishment and maintenance of parish organizations;
- r) communicating with the diocesan authority through the Rector;
- s) preparing and presenting to the annual parish meeting a report as to the disposition of parish funds for the past year and an operating plan/ budget for the future;
- t) all other matters affecting the temporal, moral and social interest of the parish which are not within the peculiar competency of the parish meetings, the parish clergy, or the higher ecclesiastical authorities;
- u) reviewing salaries and benefits of all personnel on payroll and making recommendations regarding these matters at the annual parish meeting;
- v) work in office on assigned Sunday or get a replacement;
- w) attend no less than eight (8) of the ten (10) monthly meetings, as well as, special parish meetings and the annual meeting; unless excused by the council Starosta.

#### **Section 4.10: Meetings of the Parish Council**

Regular meetings of the parish council shall be held every month, except for the months of July and August, on a day and time to be fixed and announced by the Rector. Special meetings of the council may be called by the Rector or Starosta and shall be called by either of them if requested by not less than one third (1/3) of the members of the council. Special council meetings must be represented by six (6) voting members of the parish council to represent a quorum.

#### **Section 4.11: Expenditures of the Parish Council**

The parish council is allowed to make expenditures not to exceed ten thousand dollars (\$10,000) on any item, renovation, or improvement of church properties. Expenditures greater than ten thousand dollars (\$10,000) shall need the approval of the parishioners. Exceptions include any emergency situations.

## **ARTICLE 5: PARISH CHURCH**

### **Section 5.1: Parish Church**

The parish church is the holy place of the parish, and therefore, the care of the good order of the church and all its appurtenances is the first and chief duty of the clergy as well as of the parish members and parish council.

### **Section 5.2: Establishment of Chapels**

The plans and estimates for the construction of a chapel for St. Basil's shall be confirmed by the diocesan authority.

### **Section 5.3: Affiliated, Cemetery Churches, Houses of Prayer**

In populous parishes, several churches may be built; one is the parish church and others are affiliated or at cemeteries.

In those parishes which cover large territories or where the parishioners cannot regularly attend the parish church, the diocesan authority may permit construction in separate localities of chapels or houses of prayer.

The construction of chapels or houses of prayer is also permitted at cemeteries for the bringing there of the dead and the singing of the funeral services, or in case of the destruction of the parish church by fire until the erection of a new one, if the church to which the parish is assigned temporarily is at a great distance.

### **Section 5.4: Services in the House of Prayer**

In houses of prayer, services of the day and te-deums may be celebrated in the usual form, but in cases worthy of special consideration, with permission of the diocesan authority, the Divine Liturgy may also be celebrated on an antimins.

### **Section 5.5: Abolition and Partition of Parishes**

In case of the abolition of a parish and the assignment of its parishioners to another parish, the parish church and other church property become the property of the parish to which the parishioners are assigned. In case only part of the parishioners are separated from a parish and assigned to another parish or establish a new self-supporting parish, they take with them only that part of the parish property to which the parish meeting of the former parish consents.

### **Section 5.6: Property of Abolished Parish**

In case all the parishioners desert the Orthodox faith, any affiliated churches, chapels, or houses of prayer and all the parish property, real and personal, shall become subject to the disposal of the parish meeting in accordance with existing state statutes concerning incorporated bodies of the Orthodox Church per Certificate of Incorporation of St. Basil's Russian Orthodox Greek Catholic Church, as filed with the Albany County Clerk, State of New York, on December 2, 1924 and re-incorporated as St. Basil's Russian Orthodox Church on October 10, 2001.

At all events, the sacred and untouchable items will be surrendered to the diocesan authority.

## **ARTICLE 6: PARISH INSTITUTIONS**

### **Section 6.1: Church Schools**

Care for opening and material support of its church school is the duty of the parish.

The religious instruction in the church school is under the supervision of the rector, assisted by the other members of the clergy and teachers. According to need, the clergy must open and conduct courses in religious education for the adult parishioners.

### **Section 6.2: Parish Library**

Every parish church may have a library. Besides books of divine service, the libraries must contain those books which the clergy need for the purpose of enlarging and deepening their theological knowledge as well as the official publications of the Church and local dioceses. The parish library is established and added to by any means of parish funds and contributions of parishioners and is the responsibility of the rector.

### **Section 6.3: Other Parish Institutions**

The parishioners, if they wish to do so and the diocesan authority considers it possible, establish with parish funds their own special libraries, reading rooms, poor houses, crèches, etc; the supervision and administration of which, under the guidance of the Rector is handled through persons selected by the parish meeting or council.

## **ARTICLE 7: PARISH PROPERTY**

### **Section 7.1: Parish Property**

The parish property consists of all property real or personal devised, bequeathed, or donated to the parish for general or special designated uses, or purchased, leased, constructed, or otherwise acquired by the parish.

### **Section 7.2: Parish Corporation**

The parish corporation was formed under the Religious Corporation Law, Chapter 53 of the laws of the State of New York, Article 5, Section 90, as amended by Chapter 159. The Certificate of

Incorporation was approved by the All American Sobor in Detroit in 1924 and the Statute of the Orthodox Church in America adopted October 19 – 21, 1971, by the second All-American Council.

St. Basil's Russian Orthodox Greek Catholic Church was re-incorporated as St. Basil's Russian Orthodox Church on October 10, 2001 as filed with the Albany County Clerk, State of New York.

### **Section 7.3: Title to Parish Property**

Title to all parish property, real or personal, shall be vested in the parish corporation.

### **Section 7.4: Action of the Parish Corporation**

All action taken at meetings of the parish corporation shall be in accordance with the decisions of the parish meetings or the parish council, as the case may be. (AND SHALL BE SUBJECT TO THE APPROVAL OF THE DIOCESAN HIERARCH)

### **Section 7.5: Administration and Disposition of Parish Property**

The parish property shall be administered and disposed of for the general benefit of the parish and its related organizations, as well as for the needs of the diocese and of the Church and their related organizations. Contributions may also be made for social welfare, charitable and other community causes as authorized by the parish meeting or parish council.

## **ARTICLE 8: AMENDMENTS**

### **Section 8.1: Amendments**

These bylaws may be amended by a parish meeting. Proposed amendments must be submitted in writing to the parish council or Starosta sixty (60) days prior to a parish meeting.

Notification of proposed amendments must be made by three (3) consecutive announcements from the Ambo and published in the church bulletin.

Amendments to the bylaws will become effective upon receipt of the written approval of the diocesan hierarch.

## **ARTICLE 9: CEMETERY**

- 1) The Cemetery of St. Basil's Russian Orthodox Church (hereinafter referred to as "the Church") is a privately owned cemetery of the Church and shall be called St. Basil's Russian Orthodox Church Cemetery (hereinafter referred to as "the Cemetery").
- 2) The Cemetery is subject to all Rules and Regulations of the Orthodox Church in America, The Diocese of New York and New Jersey, the Bylaws and regulations of the Church.
- 3) The Cemetery is maintained by the Cemetery Committee and the parishioners of the Church.
- 4) The Cemetery Chairperson will maintain records of all internments at the cemetery grounds and all parishioners who have chosen not to be interred at the Cemetery.
- 5) Only Orthodox Christians may request burial in the Cemetery.  
The only non-Orthodox Christians allowed burial at the Cemetery are the spouses and dependent children of Orthodox Christians who are buried or plan to be buried in the Cemetery.
- 6) As the Cemetery is part of the Church, the rules of the Orthodox Church in America must be observed. Only in an exceptional circumstance and when approved by the Cemetery Committee and the Rector, will a cremated body be allowed to be interred.
- 7) Prior to final internment of a deceased parishioner, said parishioner must be in good standing with the Parish having met all financial responsibilities to his or her Orthodox Church.
- 8) The determination of a parishioner in good standing is defined in Section 3.7 of the Parish Bylaws.
- 9) An Orthodox Christian in good standing affiliated with another Orthodox jurisdiction or Orthodox parish shall be recognized as a parishioner in good standing for purpose of burial rights at the Cemetery.

- 10) Burial fees shall be established by the Parish Council and approved by a majority of members in good standing at a Special or Annual Parish Meeting. Parishioners not in good standing must pay all dues owed for the previous 10 year period, not to exceed the amount established by the Parish Council and approved by a majority of members in good standing at an Annual Parish Meeting. Prior to internment all financial obligations must be met.
- 11) The Rector of the Church may approve the funeral/burial service fees of any Orthodox Christian determined to be destitute and unable to afford the cost of internment
- 12) Prior to the internment of a deceased, permission from the Cemetery Chairperson and/or Rector of the Church must be obtained.
- 13) Internment rules must follow the guidelines of burial as established by the State of New York by the use of enclosure vaults and metal caskets. The use of pine boxes for internment is prohibited.
- 14) The use of an unlicensed funeral director or funeral home organization for the purpose of internment is not permitted.
- 15) The use of an unlicensed and/or non-approved caretaker to open or close a grave site, cross footing or monument footing is not permitted. All digging and ground work at the Cemetery must have prior approval by the Cemetery Committee and/or the Rector before the start of any work.
- 16) Single grave plots shall be sold in plot increments of four (4) feet by ten (10) feet only. The cost for each plot shall be established by the Cemetery Committee, approved by the Rector and the Parish Council with final approval by the Parishioners.
- 17) The cemetery shall be divided into single and multiple grave plots and shall be sold in sequence as designated by the Cemetery Committee. Every effort will be made to accommodate any special family internment request location where possible.
- 18) All grave plots shall be graded ground level.
- 19) Non-human remains may not be buried in any location on the Cemetery property.

- 20) No certificate of sale shall be issued for any plot in the cemetery, nor will any burial, monument or cross be permitted until the purchase of the plot is completed.
- 21) No Cemetery land, aside from a plot, (or plots) shall be sold without prior approval by members of the Church at a Parish meeting.
- 22) Only memorials acceptable as Orthodox Christian shall be installed at the Cemetery.
- 23) Upon the passing of the original owner, title to his or her lot shall pass to the said owner's heirs at law. Ownership of any burial plot or part thereof shall not be transferred to another private person in any manner whatsoever, except by a new deed granted under conditions stipulated by the Cemetery Committee of the Church.
- 24) Upon the passing of the original owner of a cemetery plot and his or her heirs at law, title to the unused portion of the lot may be reclaimed by the Cemetery Committee of the Church.
- 25) While the care of monuments and crosses is the responsibility of the owner, no lot owner shall contract for any work by a private contractor on his/her plot, for the erection or repair of any monument thereon without the prior written approval of the Cemetery Committee.
- 26) When cleaning in and around the burial plots of one's family, a family member shall remove all cutting debris from the cemetery property and dispose of this material in a safe and proper manner off the cemetery property.
- 27) The planting of trees and other large growing plants is not permitted. This includes shrubby plants.
- 28) If any trees, shrubs, flowers or plants become detrimental to an adjacent plot, path or roadway or become unsightly for any reason or interfere with an interment, the Cemetery committee may remove these items or such parts thereof as may be necessary.
- 29) The Cemetery Committee shall bring all actions taken for the upkeep and care of the cemetery property to the Rector and the Parish Council of the Church.

- 30) At the Annual Parish Meeting, the Cemetery Chairperson will give a report to the parish of all happenings for the past operating year.
- 31) The Cemetery shall maintain a specific general operating fund checking account which shall be maintained by the Treasurer of the Church. Approval for any withdrawal or payment from this account must be approved by the Cemetery Chairperson. Any payment made through this account must be co-signed by the Treasurer and President of the Church.
- 32) The Cemetery shall maintain a separate asset fund account for Perpetual Care which shall be maintained by the Treasurer of the Church. All donations designated to the future care and maintenance of the cemetery property shall be maintained in this account. Prior approval for any withdrawal or payment from this account must first be approved by the Cemetery Chairperson. Any payment made through this account must be co-signed by the Treasurer and President of the Church.
- 33) Any and all donations to the Cemetery care, unless specifically designated for the Perpetual Care Account, shall be assigned to the general operating fund account of the Cemetery.
- 34) The Cemetery Committee reserves the right to enact Rules and Regulations governing the operations of the cemetery property in relation to proper care and maintenance of the grounds.
- 35) Everyone should exercise proper care and safety while on the cemetery grounds.
- 36) The Cemetery, The Church, the Parish Council and the Rector of the Church assume no liability for damage to any items on purchased lots.
- 37) Communication of information regarding request for interment and/or request to excavate a grave site, cross marker or monument marker must be through the designated responsible outside party and the Cemetery Chairperson only or designee.

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