

Freetown Cemetery Commission
Minutes of the Tuesday, November 27, 2012 Meeting
Town Hall, 3 North Main Street, Assonet, Mass.

Present: Keven Desmarais, Adrienne Levesque, and Mike McCue.

Absent: None.

Guests: Dan LeBlanc (Graves Officer).

Call to order: Chairman Mike McCue called the meeting to order at 6:10p.

Approval of Minutes

The minutes of September 25th were received. A motion was made by Mr. Desmarais, seconded by Mr. McCue, to approve the minutes as received. The motion carried unanimously. (Mrs. Levesque arrived immediately following this vote.)

Superintendent's Report

The October report was received. (A copy is appended to these minutes.)

Assonet Burying Ground

Mr. LeBlanc was in to continue discussing the Veterans Section. Some questions had arisen relative to who was qualified and not qualified to purchase lots in this section; particularly, some people who were members of a reserve component or the National Guard and who were not called into federal service do not meet the definition of "veteran" under most state and federal laws, with some exceptions. He provided information about the definition of a veteran under Massachusetts law (a copy of which is appended hereto), which is slightly more lenient than federal law. He stated all public cemeteries in Massachusetts with similar sections of which he was aware adhere to the Massachusetts definitions.

Mr. Desmarais expressed concern about turning away persons who were in a reserve component or the National Guard. Mr. LeBlanc suggested the possibility of having an area where reservists and guardsmen could be buried who, while not meeting the criteria for veteran status, had still stood ready to serve if needed. Mr. McCue suggested that a bloc of graves in Section 36 could serve this purpose. This was seen as agreeable. All present wanted to recognize the contribution of reservists and guardsmen, even those who are not veterans by legal standards.

Consensus was to use the definition of a veteran under Massachusetts law to determine eligibility for the Veterans Section, and to designate a separate area for reservists and guardsmen who would not otherwise qualify for the Veterans Section. "Dishonorable" and "Unclassified" discharges would not be eligible in either area.

With regard to the application for the Veterans Section, Mr. LeBlanc suggested some alterations to the application to make it easier for him to formulate a response.

For the planting and reflection area, Mr. McCue recommended that those interested in submitting a design be asked to use an area 50' x 25' with the understanding that there would be some leeway on the 25' side. Consensus was to use these dimensions.

A sign posted at Colt State Park in Rhode Island was reviewed as a template for posting a sign regarding the removal of seasonal decorations. Discussion on trash barrels and composting materials was passed over until the next meeting.

Mr. McCue presented a suggestion from John Bernardo, foreman of the Highway Department, for a different type of trimmer to be used in the cemetery. The highway crew currently uses Stihl trimmers with straight

poles in the cemetery. Mr. Bernardo suggested an Echo trimmer with a curved pole, similar to what Richard Brown has used in his volunteer work. The Echo trimmer was believed to be lighter and easier to maneuver. Mr. McCue stated Echo gives an MSRP of \$199.99 for a GT-225i trimmer with a curved pole. It was agreed to purchase one Echo trimmer, with an eye toward purchasing a second one in the spring if the first proved satisfactory. Echo provided a list of dealers in the area, including Home Depot in Taunton and Hillside Lawn & Farm Repair in Berkley. Mr. Desmarais requested that Hillside be contacted first to try and support a local small business.

Braley's Cemetery (East) & (West)

Although Heath Chace had estimated a charge of \$150.00 to finish off this cemetery for the year, he had not submitted an invoice. Mr. McCue believed the cemetery probably did not need additional work for 2012.

Plummer Burial Ground

Discussion was held on the proper name of the Plummer Burial Ground. Mr. Desmarais reported receiving a phone call from Mary Brown, chairman of the Historical Commission, expressing her belief that the cemetery was named Hatheway Cemetery. He subsequently relayed to her that the name as given in the *History of Freetown* is Plummer Burial Ground. Mr. McCue reported being asked about the name, also, and that in addition to the *History of Freetown* he had reviewed USGS topographic maps which refer to the cemetery as Lawton Cemetery.

A letter was received on this subject from Elizabeth (Betty) Elsner. Dr. Elsner stated she is a descendent of the Hatheway [sic] family. She recounted a history of the property's former inclusion in the Hatheway estate and of how Rev. Frederick Plummer came to be buried in the cemetery, noted the preponderance of Hatheways buried in the cemetery, and provided other information of general interest. Mr. McCue stated that his earlier research into the property matched all of Dr. Elsner's statements with regard to its history and prior ownership. Dr. Elsner concluded her letter by requesting that the Plummer Burial Ground sign be removed and that the cemetery be referred to as Hatheway Cemetery.

Mr. Desmarais asked what should be done. Mr. McCue stated that he could find no reference to the cemetery as Hathaway Cemetery or Hatheway Cemetery in published records; only as Plummer Burial Ground or Lawton Cemetery. He noted that editions of the *History of Freetown* published subsequent to 1902 included page of corrections, but that the name of this cemetery was not among the corrections. He felt that had the name been used in error, someone would have corrected it sooner than 2012.

Mr. Desmarais stated that while many people have come to know the cemetery as Hathaway Cemetery, that did not necessarily make the name correct. Mrs. Levesque agreed, asking if the sign were changed what would prevent someone else from coming forward and asking for a different name. Mr. McCue stated he believed there was nothing incorrect about the name Plummer Burial Ground. All agreed there was nothing necessarily incorrect about the name Hatheway Cemetery, either.

Mr. McCue stated he was not in favor of removing the sign, but would not object to placing a second sign stating something to the effect of "This cemetery is also known as the Hatheway Cemetery." Mrs. Levesque and Mr. Desmarais agreed that this would be a reasonable compromise. It was agreed on consensus to follow this course of action the next time signs are ordered.

It was acknowledged that N-Star removed the two dead spruce trees in early October, eliminating the need for funding to remove the trees. Also acknowledged was an interest by the Boy Scouts in burning some of the brush in barrels over the winter, which would lessen the amount needing to be chipped. Consensus was to let some be burned and then see what was left to chip.

FY14 Budget

The budget for the year beginning July 1, 2013, was discussed in a preliminary way in the event the budget came due between meetings. Mr. McCue recommended a level request of \$10,000.00 at this time, and a

capital request for repaving the main driveway and loop in the cemetery. Some parts of the main loop are badly deteriorated and are better paved than replaced with grindings since the main loop is plowed. He stated this would need to be put out to bid in the spring unless combined with the Highway Department asphalt bid. There were no objections to any of the above. (Mr. Desmarais removed to the Planning Board meeting before this item was taken up.)

Next Meeting

No further meetings were scheduled.

Meeting Adjourned

A motion was made by Mrs. Levesque, seconded by Mr. McCue, to adjourn at 7:21p. The motion was carried unanimously.

This is a True Record by me.

Attest: _____
Michael T. McCue, Chairman

**Freetown Cemetery Commission
Superintendent's Report
October 2012**

Receipts:

- \$800.00 for Section 35, Lot 10.
- \$200.00 for Section 35, Lot 11 (balance owed: \$600.00).
- \$ 50.00 for donation account from fundraiser at Grandpa's Place.

Bills Paid from Appropriations:

- Plummer Burial Ground – \$250.00 (\$15.00 from Veterans Graves article) to T. E. C. Landscaping, Inc., to clean up an additional 15-20 feet across the front.
- Mileage – \$12.31 mileage for visiting cemeteries in East Freetown.

Bills Paid from Perpetual Care:

- Assonet Burying Ground – \$14.99 to Benny's for grass seed/fertilizer mix.
- Evans Cemetery – \$225.00 to T. E. C. Landscaping, Inc. for routine maintenance.
- Evans Cemetery – \$225.00 to T. E. C. Landscaping, Inc. for routine maintenance.
- Morton Cemetery – \$225.00 to T. E. C. Landscaping, Inc. for routine maintenance.

Updates from Previous Meeting:

- Plummer Burial Ground – N-Star removed the two spruce trees the morning of October 5th.

Burials:

- None.

Other Items of Interest:

- Received six firefighter flag holders, five donated by the Freetown Firefighters Association and one donated privately. These were to mark graves for Clarkie, Lynny French, Roy Macomber, Franny Walsh, and Al Whitcomb in Assonet Burying Ground and Bob Rounsevell at Rounsevell Cemetery.
- Replacement headstones for Civil War veterans were delivered on October 29th, to be installed by the Highway Department in early November.¹

Hurricane Damage:

- Checked the following cemeteries on October 30th:
 - Assonet Burying Ground – One limb down in old pauper's section.
 - East Freetown Cemetery – No damage.
 - Evans Cemetery – Small branches scattered about.
 - Plummer Burial Ground – Three large trees down, to be removed by the Highway Department in early November.²
 - Richmond Cemetery – No damage.
 - Winslow Cemetery – No damage.
- Checked the following cemeteries on October 31st:
 - Mother's Brook Graveyard – Two large trees broken and suspended. Several large branches. No removal plan as of yet.³
- Checked the following cemeteries on November 1st:
 - Tisdale Burying Ground – Trees down across the new path to the cemetery and on the outskirts of the cemetery, but nothing within the cemetery itself.

¹ Updated 11/21/12: These stones were placed November 21st.

² Updated 11/19/12: Roger Guimond took on this project rather than the Highway Department.

³ Updated 11/06/12: Maurice DeMoranville, Tree Warden, removed these trees this past weekend.

Definitions of Massachusetts Veterans

M.G.L. ch.4, s.7, cl. 43 (Massachusetts General Law Chapter 4, Section 7, Clause 43)

To be a “veteran” under Massachusetts law a person is required to have either:

- **180 days** of regular active duty service and a last discharge or release under honorable conditions –OR–
- **90 days** of active duty service, one day of which is during “wartime” per the chart which follows, and a last discharge or release under honorable conditions, except for Vietnam I, which requires 180 days of active duty service (see chart on page 2).

Guard members

For Guard Members to qualify they must have either:

- **180 days** and have been activated under Title 10 of the U.S. Code and a last discharge or release under honorable conditions –OR–
- Members who were activated under Title 10 or Title 32 of the U.S. Code of Massachusetts General Laws, Chapter 33, sections 38, 40, and 41 must have 90 days, at least one of which was during “wartime,” per the chart on page 3. The members’ last discharge or release must be under honorable conditions.

Reservists

For Reservists to qualify, they must have been called to regular active duty, at which point their eligibility can be determined by the chart on page 3.

Minimum service exception (for death or disability)

It is not necessary that an applicant have completed the minimum service for wartime or peacetime campaign if s/he served some time in the campaign and was awarded the Purple Heart, or suffered a service-connected disability per the Discharge Certificate, or died in the service under honorable conditions (see chart on page 3).

Training duty exception

Active service in the armed forces, as used in this clause shall not include active duty for training in the Army or Air National Guard or active duty for training as a Reservist in the armed forces of the United States (see chart on page 3).

Merchant Marine

Any Merchant Marine who served for a period of 90 days in armed conflict between December 7, 1941 and December 31, 1946, and who received an honorable discharge from the Army, Navy, or Coast Guard of the United States.

Eligible dependents

The following categories of persons may qualify as dependents eligible to receive veterans’ benefits:

- Spouse of the veteran;
- Widow or widower of the veteran;
- Dependent parent of the veteran;
- Any person who acted as a parent to the veteran for five years immediately preceding the commencement of the veteran’s wartime service;
- Child of the veteran until his/her 19th birthday;
- Child of the veteran between 19 years and 24 years of age while the child is attending high school, an institution of higher learning or some other accredited educational institution;
- Child of the veteran 19 years of age or older who is mentally or physically unable to support him/herself and was affected by the disability prior to his/her 18th birthday;
- Legally adopted children of the veteran.

Who is not eligible?

None of the following shall be deemed to be a veteran:

- Any person, who at the time of entering into the armed forces of the United States, had as his/her intention to become a subject or citizen of the United States and withdrew his/her intention under the provisions of the Act of Congress approved July 9, 1918;
- Any person who was discharged from the said armed forces on his/her own application or solicitation by reason of his/her being an enemy alien;
- Any person who has been proved guilty of willful desertion;
- Any person whose only service in the armed forces of the United States consists of his/her service as a member of the Coast Guard Auxiliary or as a temporary member of the Coast Guard Reserve, or both;
- Any person whose last discharge or release from the armed forces is dishonorable or other than honorable.

Chart of definitions

M.G.L. ch. 4, sec.7, cl. 43 as amended by the Acts of 2005, ch. 130

Era of Service	Dates	Requirement for Veteran Status
PEACETIME	12-Nov-1918 15-Sep-1940	180 days of regular active duty service and a last discharge or release under honorable conditions.
WWII (Merchant Marine: 7-Dec-1941 through 31-Dec-1946)	16-Sep-1940 25-Jul-1947	90 days of active duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
PEACETIME	26-Jul-1947 24-Jun-1950	180 days of regular active duty service and a last discharge or release under honorable conditions.
KOREA	25-Jun-1950 31-Jan-1955	90 days of active duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
Korean Defense Service Medal	28-Jul-1954 (to be determined later)	90 days of active duty service, last discharge under honorable conditions and the Korean Defense Service Medal.
VIETNAM I	1-Feb-1955 4-Aug-1964	180 days of regular active duty service and a last discharge or release under honorable conditions.
VIETNAM II	5-Aug-1964 7-May-1975	90 days of active duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
PEACETIME	8-May-1975 1-Aug-1990	180 days of regular active duty service and a last discharge or release under honorable conditions.
Lebanon Campaign *	25-Aug-1982 (to be determined later)	90 days of active duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
Grenada Campaign *	25-Oct-1983 15-Dec-1983	90 days of active duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
Panama Campaign *	20-Dec-1989 31-Jan-1990	90 days of active duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.

PERSIAN GULF	2-Aug-1990 (to be determined later)	90 days of active duty service, one (1) day during "wartime" and a last discharge or release under honorable conditions.
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* Naval and Marine DD214 must indicate Expeditionary Medal. All DD214's must specify campaign: Lebanon, Granada, or Panama.

For **GUARD MEMBERS** to qualify they must have 180 days and have been activated under Title 10 of the U.S. Code -OR- Members who were activated under Title 10 or Title 32 of the U.S. Code or Massachusetts General Laws, chapter 33, sections 38, 40, and 41 must have 90 days, at least one of which was during "wartime," per the above chart.

For **RESERVISTS** to qualify, they must have been called to regular active duty, at which point their eligibility can be determined by the above chart.

Minimum Service Exception (for Death or Disability): It is not necessary that an applicant have completed the minimum service for wartime or peacetime campaign if s/he served some time in the campaign and was awarded the Purple Heart, or suffered a service-connected disability per the Discharge Certificate, or died in the service under honorable conditions.

Training Duty Exception: Active duty service in the armed forces shall not include active duty for training in the Army or Air National Guard or active duty for training as a Reservist in the Armed Forces of the United States.

Veterans' Bill of Rights

M.G.L. ch. 115 and 108 CMR (Code of Massachusetts Regulations)

You have a right to:

- File a written application for veterans' benefits at any time. You can insist upon this right, even if told that you are not eligible. [108 CMR 4:02 (1)];
- Receive assistance from your local Veterans' Service Officer (VSO) in completing your application (M.G.L. ch. 115, s. 3);
- Receive a full explanation of the services and benefits available under M.G.L. ch. 115, as well as other available benefits;
- Receive a written notice and explanation of the approval or denial of your application for benefits (108 CMR 8.02);
- Be treated with dignity and respect and to receive accurate, courteous, and timely service;
- Appeal and request a hearing if you disagree with any action taken in your case [108 CMR 8.07 (1)];
- Expect confidentiality: personal information will not be collected or used except for the purpose of determining your eligibility for benefits (M.G.L. ch. 40, s.51);
- Receive fair and equal treatment without regard to sex, race, religion, handicap, ethnicity, or national origin (M.G.L. ch. 151B, s.3);
- Preference in public employment (M.G.L. ch.31, s.12, 26, 28 and ch. 41, s.112).

For additional information on your rights, speak to your local city/town VSO, or call the Massachusetts Department of Veterans' Services (617-210-5480) or visit www.mass.gov/veterans.