

Freetown Cemetery Commission
Minutes of the Monday, June 18, 2012 Meeting
Town Hall, 3 North Main Street, Assonet, Mass.

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

Call to order: Chairman Mike McCue called the meeting to order at 6:37p.

Approval of Minutes

The minutes of April 30th were received and read. A motion was made by Mr. Desmarais, seconded by Mrs. Levesque, to approve the minutes. The motion carried unanimously.

Reorganization

A motion was made by Mr. Desmarais, seconded by Mrs. Levesque, that Mr. McCue continue as chairman. The motion carried unanimously.

A motion was made by Mr. Desmarais, seconded by Mrs. Levesque, that Mr. McCue continue as superintendent. The motion carried unanimously, and the appointment sheet was signed.

Assonet Burying Ground

Mr. McCue had looked into flag poles and provided a copy of one advertised by a company in Cohasset for \$165.00 plus shipping. The pole was a twenty-foot aluminum sectional pole, available in white or aluminum finish. Discussion was held whether to buy two flag poles – one for each gate at the entrance – or one flag pole to place within the cemetery proper. Mr. Desmarais expressed a preference for placing it within the cemetery. Mrs. Levesque recalled a prior conversation where it was suggested to place it near to an area for veterans' memorials or reflections. Thereafter, a motion was made by Mr. Desmarais, seconded by Mrs. Levesque, to purchase one flag pole and flag to place at the east end of the newly-cleared area (Sections 35 and 36). The motion carried unanimously.

Discussion was held on the veterans' area. Mr. McCue explained that through the mapping process, Tom Daley had determined that the length of Section 35 exceeds the numbering scheme. The numbering scheme allows for 40 graves along the road and 40 in the rear (numbered 1-40 in the front, 41A/41B-79 in the rear), where the actual length of the section allows for considerably more than this. Mr. McCue suggested that to avoid renumbering Section 35, the new graves in that section that exceed the numbering scheme be numbered separately and reserved as an area for veterans only. The same pattern could then be repeated in Section 36. Both Mr. Desmarais and Mrs. Levesque liked this idea, with Mr. Desmarais noting that in another 30 years, this could serve the age group that participated in the 1990 Gulf War. It is also an option for veterans that avoids the distant travel of a VA cemetery, but is still segregated to recognize their service. On consensus, it was agreed that the areas of Sections 35 and 36 that exceed the existing numbering scheme will be created as special veterans' sections.

Mr. Desmarais asked if there would be an effort to make the veterans' sections uniform in appearance. Mr. McCue noted that Mt. Hope Cemetery in Mattapan has a section of World War veterans with uniform military headstones, and that it's a striking sight. Mrs. Levesque and Mr. Desmarais both expressed a preference for the uniform appearance. It was agreed on consensus that the lots in this section will be sold with the understanding that only upright military stones will be permitted. *(Example shown in the image at right, taken from VA form 40-1330.)*

An update was provided on the shed. Mr. Desmarais consulted with Paul Bourgeois, the Building Inspector. Mr. Bourgeois did not believe the shed was condemnable, and offered to have the shed

UPRIGHT HEADSTONE
WHITE MARBLE OR
LIGHT GRAY GRANITE



painted if the Cemetery Commission purchased the materials. Mr. McCue stated he had purchased the materials from Foster's Hardware, and had provided the same to the Building Department.

Discussion was held on seasonal removal of decorations. It was agreed that decorations were acceptable in the winter, but that in the mowing season only planted, growing flowers and decorations should be in place. It was further agreed that in the spring of 2013, signs would be posted saying decorations left during the mowing season were subject to removal.

Braley's Cemetery (East) & (West)

Review was made of the fencing options for Braley's (East). After receiving quotes, it was determined the budget would not support a commercial fence. Mr. Desmarais had suggested a post and rail fence, it was felt the necessary materials could be purchased for \$500.00 or less. Consensus was to purchase the post and rail fence materials. Mr. McCue stated he had asked Heath Chace for an estimate on installing the fence. Mr. Chace had replied that he would do the work, but was not sure what the proper charge was. Mr. McCue had suggested charging an amount per post as it was a measurable amount. An initial suggestion of \$10.00 per post worked out to approximately \$180.00. Mr. Desmarais felt this amount was too low and suggested a flat \$200.00. Consensus was to offer Mr. Chace \$200.00 to install the fence.

Mr. McCue reported meeting with Mr. Chace on Thursday at the cemeteries to review the work needed in both cemeteries for the coming year. Mr. Chace was asked to come up with a price, either per visit or per year, to maintain the cemeteries now that they are clean. When meeting, both agreed that the growth from February to June made it difficult to make a fair assessment. Mr. Chace felt he could do a spring cleaning for between \$200.00 and \$225.00 to make the properties clear, and then make a proper estimate. Mr. McCue felt this was a fair price, as other contractors would charge about the same to mow a similar-sized area. All agreed that this was an acceptable route.

Chace Cemetery

Extensive discussion was held on the financial situation of the Chace Cemetery. Until 2012, the Chace and Rounsevell cemeteries operated on a reimbursement system. The Rounsevell Cemetery trustee, first Robert Rounsevell and later Cheryl Kuechler, would pay a contractor to maintain the cemetery and then seek reimbursement from the Town semi-annually. The Chace Cemetery Association would pay a contractor to maintain the cemetery and then bill the Town. In the case of the Rounsevell Cemetery, the reimbursement requests were submitted to the Cemetery Commission to approve. In the case of the Chace Cemetery, the reimbursement requests were submitted directly to the Town Accountant and paid without the Cemetery Commission's approval.

In March of 2012, it was agreed between the Cemetery Commission and Town Accountant that neither cemetery should continue in this manner. In the case of the Chace Cemetery, the reimbursement process was determined to be in contravention of state law, which requires the approval of the Cemetery Commission to pay any perpetual care funds, as seen in General Laws Chapter 114, Section 25:

Section 25. A town in which cemetery commissioners are chosen may receive gifts or bequests for maintaining cemeteries or cemetery lots, which shall be paid into the town treasury and, with the accounts thereof, shall be kept separate from the other money and accounts of said town. The town treasurer shall invest all such funds in accordance with the stipulations, if any, accompanying them; otherwise he shall invest them as ordered by said commissioners and pay the income therefrom upon their order or with their approval. The proceeds of sales of lots or rights of burial in such cemeteries shall be paid into the town treasury and be appropriated to reimburse the town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery.

Letters to this effect were sent by the Town Administrator to both cemeteries on March 30th, with the letter for the Chace Cemetery Association reading as follows:

It has come to my attention that in the past we have paid the Chace Cemetery Association a lump sum payment for the annual maintenance of the Chace Cemetery. The Chace Cemetery Association would then pay the vendor performing the maintenance directly.

Because the Cemetery funds are in the possession of the Town of Freetown, the Town should be paying all related vendor invoices directly to the vendor through our normal payment process.

Therefore, effective immediately, all invoices paid for the maintenance of the Chace Cemetery must be submitted to the Freetown Cemetery Commission for their approval and submission to the Town Accountant's office for payment.

Thank you for your cooperation in this matter.

Sincerely,

*Richard Brown
Town Administrator*

Subsequent to this, the Town Accountant and Treasurer completed balancing trust fund accounts. On May 29th, Mr. McCue had a conversation with the Town Accountant regarding the balance in the Chace Cemetery fund, which showed a deficit of \$3,164.25. He agreed that the Cemetery Commission would discuss the matter at its June meeting. This resulted in the following letter being sent to the Cemetery Commission for recordkeeping purposes:

After balancing the trust funds with the Treasurer, it has been determined that the Chace Cemetery Expendable Trust Fund has a deficit of -\$3,164.25.

It appears as though the balance as of 7/1/2009 was \$6,551.22. The maintenance payment for the 2008 season was \$3,730.00, 2009 was \$3,400.00, and 2010 was \$3,200.00. Interest earned for the three years was a total of \$614.53, leaving the deficit balance of -\$3,164.25.

As of this date, I cannot allow any bills to be paid from this account until the deficit balance is covered.

Also, the Department of Revenue will deduct this amount from our certified free cash amount annually until the account is no longer a deficit.

I am enclosing copies of the ledger printouts and the invoices that were paid for your convenience.

Please feel free to contact me if you have any questions.

Sincerely,

*Janice Boucher
Town Accountant*

*cc: Board of Selectmen
Chace Cemetery Association*

After reviewing the letters, discussion progressed. Mr. McCue explained the background, and how the Cemetery Commission did not oversee Chace Cemetery's funds. He guessed that because a majority of the town's Cemetery Commission was also involved with the Chace Cemetery, there may have been methods in the past for signing bills that no longer would apply. Mr. Desmarais questioned how long that composition had persisted. Mr. McCue felt it could have begun when Robert Parker joined the town Cemetery Commission around 1972, and would have continued until Harris Chace, Sr., passed away in 2008. All acknowledged there are significant differences between the way the town's business is conducted in 2012 versus how it would have been conducted in 1972.

Brief discussion was held on the involvement of the selectmen in the process of trying to correct the deficit. It was felt that the actions of their office to date have been well-intentioned but misinformed. Some comments were received through channels regarding the role of the Cemetery Commission in managing perpetual care that showed a lack of familiarity with state law. Commissioners felt concerned that there was no communication from the selectmen's office on different avenues they have begun pursuing. Steps will be taken to get both departments on the same page.

Mrs. Levesque asked what options were available. Mr. McCue felt the simplest option was to send the Chace Cemetery Association a follow-up letter stating that since the funds had been paid in error, they should be repaid to the town. Mr. Desmarais felt this was the only option, since any other option would cause the taxpayers to bear the burden.

Mrs. Levesque asked if there were veterans in the cemetery, which would trigger the town's responsibility under Chapter 115, Section 9. Mr. McCue stated that there are, and that if the Chace Cemetery Association lacked the means necessary to care for the cemetery, that was a discussion that could be held. He stated that past practice has been to reserve appropriations for the use of town-owned cemeteries and whatever abandoned private cemeteries could be maintained when there was no-one left to care for them. He felt that it was outside standard operating procedure for the town to maintain, at town expense, a cemetery with an active association, lots available for sale, and relatives available to provide assistance. Mr. Desmarais did not feel it would be appropriate to provide a private entity with taxpayer money to manage private property at private discretion.

Mr. McCue stated that unlike with the abandoned cemeteries, he felt it should be left to Town Meeting to decide whether to pick up the slack when an active private cemetery's fund dwindles. He provided the Morton Cemetery as an example, noting that the Morton Cemetery would be without funds by the end of 2014, and that in his opinion it should be left to Town Meeting whether to fund the Morton Cemetery since it is neither town-owned nor abandoned. It was noted that it is permissible for the town to appropriate funds this way under Chapter 114. This option, as it is unrelated to curing the deficit, was left to be discussed at a future time if and when the need arises or a request is received.

Mr. Desmarais reiterated that he felt the only option is to request repayment of the deficit amount from the Chace Cemetery Association. He then made a motion, which was seconded by Mrs. Levesque, to send a letter to the Chace Cemetery Association, with copies to the Town Accountant, Treasurer, and Selectmen, stating the Cemetery Commission's position and requesting repayment by July 31st. The motion carried unanimously. The letter will include an invitation for representatives from the Chace Cemetery to attend a meeting July 9th at 6:30 p.m. if they have any questions or concerns to express.

East Freetown Cemetery

Mr. Desmarais reported selecting a stone to use as a marker, which will likely be placed in July. Mr. McCue noted that it appears the cemetery is being used to raise hay again. Mr. Desmarais requested that an effort be made to prevent the cemetery from becoming a literal hayfield.

Edminster Cemetery

It was noted that in April, Bryant Hill Farms coordinated restoration and repair work in this cemetery with Joe Gouveia. An effort will be made to visit the cemetery soon to check on any progress.

Guilford Evans Burial Ground

Mr. McCue gave a brief history of this cemetery, which is located at the Crystal Springs School. It was noted that the cemetery does not appear to have been maintained since 2010, and that a letter sent in 2011 went unanswered. Mr. Desmarais volunteered to contact the school again.

Haskins/Prout Graves

Mr. McCue reported that John and Jeremy Bernardo completed work on this cemetery in May. Cape Cod Aggregates paid the cost of restoration (\$300.00) and offered to install a fence. Fencing options were still being reviewed as of this date.

Morton Cemetery

Mr. McCue reported meeting with Tom Copeland regarding this cemetery. A decision had previously been made to mow the cemetery four times in 2012, four times in 2013, and three times in 2014, which would exhaust the available funds. Mr. Copeland felt that the grass was growing at a rate that could require five mowings in 2012 simply to be manageable. This will be checked on throughout the summer, and will only mean fewer mowings in 2014.

Nichols Cemetery

Mr. McCue reported being in contact with Jack Conway. He and Mr. Conway discussed the right-of-way, and permission was received for volunteers to access the cemetery to clean it. Following any restoration, discussion will be held on limiting vehicle and pedestrian access. The Conways' primary concern is that the right-of-way not become a common access lane, and all agreed that the Commission's intent was not to open private property to public use.

Plummer Burial Ground

Arrangements have been made for Tom Copeland to clear the front portion of this cemetery prior to Independence Day, as it is a popular area for parade spectators.

Robinson Cemetery

An aerial photo dated April 2nd was reviewed, showing site work in proximity to the cemetery (attached).

Rounsevell Cemetery

It was acknowledged that Robert Rounsevell had passed away the previous week.

Tisdale Burying Ground, Winslow Cemetery, and Veterans' Cemetery Grant Program

No new information was available to report on these projects.

Next Meeting

No further meetings were scheduled.

Meeting Adjourned

The meeting adjourned without vote at 7:45p.

This is a True Record by me.

Attest: _____
Michael T. McCue, Chairman

