

# *Cemetery Board*

January 19, 2000 - **Minutes**

**SPECIAL MEETING**

Present -

William E. Santos, Chairman Pro-Tem

Jesse V. Santos, Jr., Secretary

Timothy J. Lopes

John J. O'Malley III

Mayor Frederick M. Kalisz, Jr.

Denis Lawrence, Jr., Councillor-at-Large

Brian K. Gomes, Councillor-at-Large

Dennis Farias, Councillor, Ward 1

Judith Downing, New Bedford Preservation

Society

Arthur J. Kelly, III, Police Chief

Arthur J. Tetreault, Superintendent of

Cemeteries

Absent -

Donald J. Chausse

Mayor Kalisz started by outlining the intent of what took place. After the most recent vandalism that occurred at Rural Cemetery, there was an outcry not only from neighbors and cemetery members and staff, also from the city councilors as to the need to look at these issues. When I visited the cemetery the next morning, as I talked with Arthur in the past and also Mr. Lopes, the fact of the matter exists, there is a lack of policy under certain situations when vandalism occurs. As we move further into the period of times that many of these cemetery plots are in place and natural deterioration takes place, it almost seems encumbered upon us that for those predated sections that predate perpetual care, we need to address them especially when such heinous action is taking place. We know there has been the interest on the part of the board and now with the city council and with my own voice joining in, it is our hopes with a special meeting of the Cemetery Board to convene here at my office, that the support and the concern raised by the mayor and the city council would be heard and possibly a strategy developed. The call of the meeting was intended to be one of which there would be public input. The board would consider raised questions talk about significant impact, and if necessary to go into executive session for the purpose of developing a legal strategy, which under the open meeting law is an acceptable form of meeting behind closed doors. Once that strategy, if one is developed the board would then return to public session to reference that meeting either take an action to initiate a plan that was established during executive session or to continue to fact find, whichever would be necessary.

The Mayor then welcomed and thanked everyone for coming and turned the meeting over to the Chairman of the Cemetery Board.

Meeting called to order at 6:08 P.M. by William E. Santos, Chairman Pro-Tem.

Mr. Santos stated that the problem at hand that we've all seen, and too often, in the past seven years that he has been with the commission is that as we cry out to the police for participation and monitoring of who is in the cemeteries in the evening. This sort of thing has fallen on deaf ears and has been a real problem for all of us over all these years. People who have been on much longer than I have spoken how this has always been a problem. We put up these signs restricting bicycling and all of these sort of things. I think one of the biggest things we have and which not too long ago came up where a young girl was hurt in the cemetery and broke her leg because the stone fell. The father came to us and was distraught over the fact that the stones were not more stable. Well, over the years like anything else anything could happen. The unfortunate did happen. Number one the mother was not monitoring the child, number two the child should not have been near the stone and climbing on it. When the father came and approached us about what we were going to do about it, I said number one is I think what we have forgotten here is this is hallow ground. This is not a place where anyone should be playing, putting balls, playing football or walking their dog any of these things, this is not a park, If you want to go to a park and do these thing then fine but this is hallowed ground, it's a holy place, it is a resting place, and the last thing we need is people just feeling that they should have the right to just come in and abuse these things which are like museum pieces. For us to start monitoring, I don't know how we can begin. We can't lock the gates because of the fact if there is a fire or someone got hurt inside the gate where they don't belong at night, now becomes another legal action on what could happen to us, and all of these thing have been addressed. If there is a problem at the greenhouse in the middle of the night they are going to have to unlock these gates to get to the greenhouse or like the fire that happened in the shed at Rural Cemetery. Any one of these things and all of these reasons for not locking the gates have arisen. So we find ourselves in the quandary as to what we can do. We have looked at the facts of the stones being broken, that are museum pieces that are art forms that can never be replaced. I understand that the superintendent has spoken to Mr. Rex and said that they would be more than willing in the spring, with his men, to come in and to re-set some of these stones for us. Which I think is a marvelous and a wonderful thing he will do for us, but we do need to have some sort of a situation that the public is brought to realization that this is unforgivable and if we in any way can find out who has done this they should be brought down to their knees, for what they have done, it is just disastrous. It's a shame to the city, it's just the largest sin I can think of when anybody would do what they have done to these beautiful monuments, to desecrate a grave that is just something that is unconscionable. I couldn't believe how many times we have come to a meeting and they have said another five stones have been knocked over, another fifty stones have been knocked over. Who and how can anybody find joy in desecrating a grave, Several states are coming up now and are coming back with bringing character classes to the school systems. I think this is marvelous, children have to be brought back into the main steam of realizing the respect of one another, particularly private property.

This property unfortunately, we are caretakers of the ground but the actual stones according to law, are owned by the people who set them there. And for us to start manipulating or doing anything with them, without gong back to the families, it really becomes a very grave and hard process to go back and even find if anyone is alive any

survivors to even start touching these stones. There are all of these elements we have discussed and tried to figure how to solve them.

Mr. O'Malley stated he heard that the City Council was trying to propose a five to ten thousand dollar reward. Mr. O'Malley asked the Mayor where that money was suppose to come from.

The Mayor stated he did not know and he read the motion: Requesting of the Mayor, Cemetery Department and the City of New Bedford offer five to ten thousand dollar reward for information leading to the arrest and conviction. And to have the Police Chief and his department investigate this case and treat it as a hate crime. It is very broad, in the Mayors personal opinion, to attempt to categorize, it is not antisemitic It is a city cemetery and there seems to be no specific rhyme or reason of why these stones have been overturned. A hate crime is rather a harsh term in this day and age to incorporate with it. To desecrate sacred ground, I concur with the chairman, yes that is a very serious concern but there has been no set aside. What my comment to the president of the City Council was If it was presented and if I signed upon it, I would be happy to meet with the council president to try to ascertain where the five to ten thousand dollars would come from for that purpose. I must tell you that my own opinion I am very conscious about looking to put a bounty out after the fact on an event that took place three to four weeks ago. It would be a sad commentary if someone came in for a ten thousand dollar amount to turn in someone who has been recognized as someone so vicious or heinous or group I would intend to believe there is, and have not come in before. I would be just putting out money to getting someone to pay off, buy into I would say, our response that we can prosecute.

Mayor Kalisz continued stating, one of the things that we are obviously curious about is that within the industry itself, what other standards may be maintained? The chairman has already stated how the cemeteries are maintained. I suggested to Mr. Tetreault, that we may need in the future, depending on how this happens, to look into an appropriate level of artisan, being employed within the department, for the in-house security, making safe of stones that over period of time naturally decay and deteriorate as opposed to just those that are subject to vandalism. This last case that happened three of four weeks ago, approximately 150 stones were involved, there was a fire in one of the utility buildings, I don't believe coincidentally, but there was a fire set on a house adjacent to the cemetery and a break that was being investigated in a medical office building, all at the same time. So it seems that this was a possible rampant act of a number of individuals that were out to raise hell that night. My concern is how frequently in our cemeteries are we experiencing acts of vandalism that may be one or two or unfortunately as we have seen now as many as 150 stones being turned. Is there a degree of frequency that raises the concern as well or is it a random act.

Mr. Tetreault stated that over the years it has been steady, it comes in rashes, I think that as each group matures, another young group comes along. It lasts for a period and it will reoccur weekly than it dies down and you may not have any for a few months, but it has been steady. It is usually just a path that they cut through the cemetery and they think it is

a good idea to knock a few stones down on their way through. However in this case it wasn't someone just cutting through, it was wide spread throughout the cemetery and it was a vicious act this time. Unfortunately we do have quite a few acts of vandalism normally in the ten to twelve stones range. On a yearly basis we have three to five acts of vandalism. It could be anywhere from two to one hundred and fifty, it is usually around twelve. We did have the incidence before Halloween where we had 67 stones down and we patrolled four nights straight. We had quite a few people patrolling the cemeteries all night long, right thru the weekend. The Asst. Supt. Lawrence went home for about 20 minutes, to grab a sandwich, and in that time 30 more stones were knocked over. There are tens of thousands of stones in the Rural Cemetery.

The Mayor stated that on an average every year you are losing 200-250 stones just very conservatively. That would take a significant amount of money to replace or make safe. If you can't make safe, what do you do with the stone.

The Chairman stated that what the workers have been doing is to stand them up if possible, but if they will not stand properly, they dig in front and lay the stone on the ground.

Mr. Tetreault stated that he spoke to Bud Hanson from Forest Hills in Boston, he is also the president of New England Cemetery Association, he said that the stones are not our property, they belong to the lot owner. But when you can not contact then they just lay them flat. If they are thin it is alright, but when they are thick they get in the way of grass cutting. He also stated that if you are a historic cemetery like we are, that is when you have to rely on your historic society and try to work with them. He has known where Historic Societies through fund raising, come up with the money to replicate the stone or to hire someone to repair it.

The Mayor stated the that the Preservation Society is very much interested in supporting efforts to bring this type of action to an end. Even through a possible reward process or by investigating what ever avenue.

Judith Downing, New Bedford Preservation Society stated that there is a Conservation Committee in Concord, MA and a Historic Grave Association are other avenues to begin to look at. Mr. Tetreault came to the Preservation Society the day after and asked if there was anything we could do. We will give \$1,000 toward reward. If the money is not used maybe later we can put it into a restoration fund. If we continue to do Cemetery tours, maybe we can take a percentage of the profit and turn it back to the Cemetery.

The Mayor asked if the Preservation Society was to have the stones fixed, wouldn't there be a legal issue relative to what right would a third party have touching someone else's stone. It has been the interpretation that the stone belongs to the lot owner. And it is assumed that in 1898 early 1900's and before the stone most likely have no direct descendants associated with its place within the cemetery. Would it then be possible as a Municipality to establish the practice and precedent dictated to the board relative to the restoration and repair of those markers prior to second or third generation turnaround?

Mr. Santos stated our biggest concern would be if we fixed a stone then someone else would state that you fixed his stone I want you to fix my stone. We need to find an avenue in which we can take care of stones that have no owners to be found. Then the Mayor stated that the legal ability be sufficed by a legal notice in the paper.

**VOTED:** to table further discussion until the next regular meeting of the Cemetery Board that is scheduled for Tuesday, January 25, 2000 at 12:00 P.M.

**VOTED:** to adjourn at 6:25 P.M.

Secretary