

Cemetery Board

May 7, 2003 - **Minutes**

View Agenda

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Present - Judith M. Downey, Chairman

Jesse V. Santos Jr., Secretary

James E. Barton

Robert J. Verville

Absent - William E. Santos

Meeting of April 24, 2003 was postponed due to a lack of a quorum.

Meeting called to order at 5:07 P.M. by Judith M. Downey, Chairperson

Steve Furtado and Atty. Mathew Thomas would like to address the Board in executive session under order #3, to discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body; to conduct strategy sessions in Preparation for negotiations with non-union Personnel; and to conduct collective bargaining sessions or contact negotiations with non-union personnel.

VOTED:

Motion by James E. Barton and seconded by Jesse V. Santos, Jr. to go into executive session, under order #3. Role call vote: James E. Barton - yes, Judith M. Downey - yes, Jesse V. Santos, Jr. - yes, Robert J. Verville - yes. Motion passed, all in favor.

VOTED:

Motion by Jesse V. Santos, Jr. and seconded by James E. Barton to come out of executive session, at 6:01 P.M. Role call vote: James E. Barton - yes, Judith M. Downey - yes, Jesse V. Santos, Jr. - yes, Robert J. Verville - yes. Motion passed, all in favor.

VOTED:

Motion by James E. Barton and seconded by Jesse V. Santos, Jr. to take out of order 8b from the agenda. Motion passed, all in favor.

Friend's Cemetery:

Atty. Martin Lipman addressed the Board stating that the Friends do not have a lot of money coming in for cutting of the grass. The Chairman explained to Atty. Thomas, and Atty. Lipman that we offered a couple of years ago to have Friends Cemetery pay the Cemetery Board one thousand five hundred (\$1,500) and 00/100 dollars a year and also, relinquish the income from the Perpetual Care accounts, of three hundred seventy-five (\$375) and 95/100 and the Cemetery Department will cut the grass at Friends Cemetery. The Board feels that when Friend's pay an outside contractor to cut the grass they must be paying at least that amount.

Atty. Mathew Thomas suggested that if Friends Cemetery pay the Cemetery Board what they are paying a private contractor, (depending on what it is) and in addition to that the Board keeps the Perpetual Care interest funds, we may be able to take care of this issue.

Atty. Lipman is going to send a letter to the Board on the amount Friend's Cemetery receives in interest from the investments for cutting the Cemetery grass.

Mathew Thomas stated that after the Board receives the letter, the city could draft a contract between Friends Cemetery and the City Cemetery Department where the Cemetery Department would take care of the perpetual care grass cutting at Friends Cemetery and in return of the funds we are holding plus the Friends annual contribution, Friends would indemnify us from any liability from the stones or anything from our cutting and we would also indemnify Friends from any damage that the Cemetery does, but Friends would still be the owner of the land.

Mr. Barton asked about available graves and the possibility of the Cemetery doing the burials. Mr. Lipman stated that he does not think that there will be many burials there, because Friend's does not have records on where people are already buried.

Atty. Thomas suggested that we that care of the matter of issue at this time and leave burial for a later date, there is more legal matters regarding burials in a private cemetery.

Atty. Lipman & Atty. Thomas left the meeting at this time.

VOTED:

To dispense reading the minutes of the last meeting of March 26, 2003, and approve as amended.

VOTED:

To dispense with reading the warrants for the Accounts Payable since the last meeting and approve them as submitted.

VOTED:

That Certificates be issued for lots/graves sold with perpetual care to:

Marta Almodovar of Grave 623 Sec. 202, Rural Cemetery for \$500.

Estate of Lewis J. Edwards of Grave 297 Sec. 202, Rural Cemetery for \$500.

Albert Gelinas of Grave 769 Sec. 209 Veterans, Rural Cemetery for \$500.

Caroline Offley of Lot 618 Sec. 202, Rural Cemetery for \$500.

Beatriz Duarte of Lot 519 Sec. 24 Premium, Pine Grove Cemetery for \$1,500.

Lourdes Bryan of Lot 518 Sec. 24 Premium, Pine Grove Cemetery for \$1,500.

Evelyn Francis of Lot 541 Sec. 24 Premium, Pine Grove Cemetery for \$2,250.

Karen M. Reeves of Grave 2626 Sec. 21, Pine Grove Cemetery for \$500.

George Sarados of Grave 2628 Sec. 21, Pine Grove Cemetery for \$500.

Florabell Sylvia of Lot 526 Sec. 24 Premium, Pine Grove Cemetery for \$1,500.

Robert J. Sylvia of Grave 2627 Sec. 21, Pine Grove Cemetery for \$500.

that Elizabeth R. Ryder having surrendered the interest in Lot 128 Sec Q, Rural Cemetery to the City of New Bedford. In consideration of said surrender, a surrender certificate be issued to Dorothy J. Canastra of said lot, in accordance with this action.

that Oliver M. Cabral having surrendered the interest in Lot 206 Sec 24 Premium, Rural Cemetery to the City of New Bedford. In consideration of said surrender, a surrender certificate be issued to Sandra Knowles of said lot, in accordance with this action.

FY 2003 BUDGET APPROPRIATIONS / FINANCE REPORT thru March 31, 2003

<u>ACCOUNT</u>	<u>APPROP.& TRANS</u>	<u>EXPENDITURES</u>	<u>BALANC E</u>
100 Salaries & Wages	\$ 664,436.00		\$ 220,576.84
200 Charges & Services	\$ 107,647.00		443,859.16
400		\$ 63,014.94	\$ 44,632.06
Supplies & Materials	\$ 32,105.00		\$ 19,216.08
TOTALS	\$ 804,188.00	\$ 526,090.18	\$ 278,097.82

REVENUE ACCOUNTS	FY'02 RECEIPTS: 7/1/01-6/30/02		FY'03 RECEIPTS : 7/1/02- 3/31/03	
	\$ 80,310.00	Sales of Lots	\$ 33,445.00	
				\$
			\$ 51,470.00	Sales of Crypts 44,790.00
	\$ 195,229.55	Care of Lots*		\$
				129,097.36
\$ 86,560.00			Perpetual Care Deposits	\$ 56,055.00
	\$ 262,193.97	Perpetual Care Income		\$ 189,437.19
				\$ 2,911.53
		Sale of Land Income	Sale of Lots Income	\$ 2,892.81

--Includes \$17,200.00 for (43) Sat. Burials Overtime expense.. \$11,744.27 *Includes \$10,800.00 for (27) Sat. Burials Overtime expense.. \$ 7,094.07

FINANCE REPORT: Clerk of the Board

VOTED: to approve weekly payrolls from W.E.3/22/03 thru W.E. 5/03/03.....\$71,902.08

VOTED: to approve the payment of the following bills that have been submitted to the City Auditor, since the last meeting of March 26, 2003.

\$ 825.28 - 200 Charges & Services a/c -- (Warrant 3/31/03)

122.34 - 200 Charges & Services a/c -- (Warrant 4/1/03)

602.95 - 200 Charges & Services a/c -- (Warrant 4/1/03)

34,712.37 - 200 Charges & Services a/c -- (Warrant 4/1/03)

4,555.13 - 200 Charges & Services a/c -- (Warrant 4/9/03)

406.00 - 200 Charges & Services a/c -- (Warrant 4/17/03)

2,505.08 - 200 Charges & Services a/c -- (Warrant 4/28/03)

455.74 - 200 Charges & Services a/c -- (Warrant 5/5/03)

254.85 - 400 Supplies & Materials a/c -- (Warrant 3/20/03)
168.73 - 400 Supplies & Materials a/c -- (Warrant 3/20/03)
184.72 - 400 Supplies & Materials a/c -- (Warrant 3/29/03)
10.50 - 400 Supplies & Materials a/c -- (Purchasing 3/31/03)
9.00 - 400 Supplies & Materials a/c -- (Purchasing 3/31/03)
1,680.00 - 400 Supplies & Materials a/c -- (Warrant 4/9/03)
310.38 - 400 Supplies & Materials a/c -- (Warrant 4/28/03)
1,200.00 - 400 Supplies & Materials a/c -- (Warrant 5/5/03)
2,573.32 - 8252 Perpetual Care a/c -- (Warrant 5/5/03)
106.01 - 3546 Sale of Lots a/c -- (Warrant 3/17/03)
42.53 - 3546 Sale of Lots a/c -- (Warrant 4/17/03)
919.75 - 3546 Sale of Lots a/c -- (Warrant 4/17/03)
263.40 - 3546 Sale of Lots a/c -- (Warrant 4/28/03)
\$51,908.08 TOTAL

CEMETERY PERPETUAL CARE FUND

Account Balance (investments & income) per 3/31/2003 statement- \$ 4,801,512.32

Redemption Of Called Security

Traveler AET CAP 8080 - Qty 7,000, Price \$25. Interest \$353.30 Net Amount \$ 175,383.50

Redemption of Called Bond

GECMS 1998-200 A3 6500 *28OCRG, Price \$1.00 Net Amount \$200,000.00

CEMETERY SALE OF LAND FUND

Account balance (investments and income) per 3/31/2003 statement- \$ 212,187.94

CEMETERY SALE OF LOTS FUND Account balance (investments and income) per 3/31/2003 statement- \$ 96,464.90

VOTED:

To accept the Finance Report.

SUPERINTENDENT'S REPORT: by Arthur J. Tetreault, Superintendent

March 31, 2003, I called Hope Cemetery in Worcester to get information on their scattering area for fetal remains and I was told that they had no such thing. What they have is a section called "Baby Land" with 3'x 3' graves - flat markers only - up to one year old. Older than one-year must be buried in a regular grave. Fetal remains are called "product of conception" and must be buried like a stillborn - \$100 fee.

April 4, 2003, Laborer Michael Williams presented a Doctor's paper indicating he would be out of work at least two months following shoulder surgery. This was due to a job injury in which he claimed to have suffered when he slipped and fell on ice.

April 7, 2003, I received a call from Harry Proule, Backhoe Operator, informing me that he broke his ankle over the weekend and that he will probably be out for six weeks.

April 10, 2003, I attended the Longevity Service Award Ceremony today. Service pins were awarded to Arthur Phaneuf for 5 years, William Santos - 10 years, Sandra Manning and Julie Mulvey - 15 years, and Arthur Tetreault - 30 years.

April 16, 2003, I attended a meeting today dealing with the Liability - Free Public Sector Discipline process. Discussion was on how to deal with discrimination in the workplace.

April 16, 2003, the office received a call from Donaghy Funeral Home stating that a gentleman attending a funeral at Pine Grove Cemetery tripped over the grave box covers and fell. He gave the gentleman's name, Edward Dziejewski, and said that the man seemed to be O.K. I instructed Dennis Flood, Working Foreman, to see that the covers be placed in such a manner as not to present a hazard.

On April 28, 2003 the Temporary Employees form Norrell started. Also the water was turned on at Rural and Pine Grove Cemetery. There is a leak in a faucet in the older section of Pine Grove, unfortunately that whole section will have to be shut off until it is fixed, but they still have access to water in the newer section. We have the materials to fix the leak. Hopefully it will be fixed by Memorial Day. The same situation is at Rural, there are two faucets broken; hopefully they will be fixed by Memorial Day.

On April 29, 2003, our Working Foreman, Arthur Phaneuf was hit broadside by another vehicle, in Rural Cemetery. Thankfully, no one was hurt; there was extensive damage to both vehicles. Mr. Phaneuf was in the Cemetery vehicle #303; the city is seeking payment for the damage from the other drivers insurance. A police report was filed.

May 5, 2003, our medical Bills to date are:

Roger Morin. \$101,754.35

Jose Vega 63,574.39

Michael Williams 9,917.56

Victor Adorno 1,064.21

Henry Covey 1,911.66

\$260,222.17

The city has litigation with Henry Covey, a former seasonal employee, pending. They are asking for 12,000 for Mr. Covey and \$7,000 for his attorney. I would like to see the city fight this matter; I have spoken to Atty. John Markey about this. I have a witness that has seen him doing thing on the outside that are not consistent with someone that has that type of injury. They might be able to settle for less. This is a situation is where if he worked for Norell, we would not have any of these issues or bills.

Mr. Barton mentioned that there are leaves needed to be pickup at Peckham West Cemetery and that the sidewalks at Rural need attending. Mr. Tetreault explained that the men have been very busy; he will try to have the sidewalks attended to tomorrow.

VOTED: to accept the Superintendent's Report.

At 6:35 P.M. Robert Verville had to leave the meeting. .

CLERK'S REPORT:

Since our last meeting, 11 new lots/graves were sold and 2 lots transferred. This brings the total, for FY' 03, to 86 lots/graves sold and 5 lot transferred.

Burials, from July 1, 2002 thru March 31, 2003, were as follows:

Rural 137	Regular Burials 207
Oak Grove 15	Welfare Burials 16
Pine Grove 112	Cremation Burials 41
Peckham West 1	Children Burials 1
Stillborn Burials 0	Entombment 0
Removal 2	
Total 265	Total 266
Grave boxes used 132	Vaults used 91

Communications received:

Received a letter dated March 31, 2003, from Jane Medeiros Friedman, Associate Solicitor, regarding the Schwartz Center Paper Street and Cemetery Land. Ms. Friedman received a letter from Mark Estes and wanted the Board to understand that once the Board takes a vote that they no longer need certain property under their control, the control of said property reverts back to the City Property Committee. The Cemetery Board cannot declare the property surplus for a certain period of time. The Board may request that the City Property Committee not to convey the subject property and that they not lease the land for more than 20 years, so the needs of the cemetery can be re-evaluated at that time. Ms. Friedman suggested that the Board request that the Schwartz Center provide the City with a title exam, since ownership must be determined before any action could be taken with the respect to the private way.

On April 9, 2003, I received a letter from Mary Lucy Davignon, 46 Freedom Dr., Montpelier, VI; she is having lettering done on the stone on Lot 1 Section 15 at Pine Grove Cemetery. She stated that when Mabel Rezendes was interred on October 5, 2002, both her marker and Emma Rezendes' were in perfect condition. However, they were chipped when our work staff interred Emma. Since this was caused by negligence by our men, she feels that the Cemetery Board is responsible and should pay the cost to correct it. She in planning to come to New Bedford as soon as Hancock Monuments completes their work and she is requesting that we have both markers repaired by that time.

Mr. Pires from the Stone by Stone program is inviting the members of the Board to an Award Ceremony on Thursday, May 8, 2003, @ 7:00 P.M.

The New Bedford Preservation Society is presenting a Community Service award for the Stone by Stone program.

Legal Advertisement: The New Bedford Planning Board will hold an advertised public hearing on Wednesday, May 7, 2003, at 6:00 P.M., in Room 213, City Hall, 133 William Street, New Bedford, Massachusetts to conduct Site Plan Review for the following project:

Proposed Retail/Fast Food Building on (1) parcel of land off Hathaway Road, Plat 96, Lot 40.

Proponent: Panagakos Development, P.O. Box 51327, New Bedford, MA 02745.
VOTED: to accept the Clerk's Report.

OLD BUSINESS:

New Office Building progress. Mr. Tetreault showed a picture of a building near Pine Grove Cemetery that is for sale; he has called the owner to ask the price they are asking. The owner has not returned Mr. Tetreault's call. VOTED: Motion by James E. Barton and seconded by Jesse v. Santos, Jr. to have Mr. Tetreault pursue getting information on the

building and present it to the Board. Motion passed, all in favor. Mr. Tetreault is going to tell Greater New Bedford Vocational High School that at this time we will be unable to build a new office Building.

Scattering cremation garden and/or a section for burials for disposition of fetal remains.

See Superintendent's report.

Price Review Consensus of the Board:

To table until next month. Master Plan (a) BSC Group Proposal

Consensus of the Board:

To table until next month.

Receiving tomb: No Report.

Councilor Gomes will be attending the meeting regarding a reward for information leading to the arrest and conviction of the person or persons responsible for the damage committed at the Oak Grove Cemetery on November 1, 2002. Mr. Gomes is to be contacted, and if he is not attending the next meeting, this is to be taken off the agenda,

Barry de St. Croix and Mark Estes would like to speak to the Board regarding the Lease of Cemetery land to the Schwartz Center

Barry De St. Croix notified the Board that he would like to postpone this matter until he receives some answers from the Solicitors Office. He also thanked us for putting him on the agenda.

Annual Bills

A report was sent to each Board member on the lots that paid Annual care last year. The report had the number of total graves, available graves and what the annual payment was charged last year, for each lot. It also stated what the cost to put the lot into Perpetual Care. Also, the report showed how much has been paid by annual care; the clerk explained that she could not find out when some of the accounts started. She also explained it started when the cemetery would not cut the lots unless there was perpetual care, one of the lots was started in 1944. If the family has a burial on the lot, that grave must be put into perpetual care. The clerk also explained that the annual payment is deposited into the City General Fund and not the Perpetual Care account.

Consensus of the Board:

To table until next month.

NEW BUSINESS:

Budget

Consensus of the Board:

To remove this from the agenda at this time.

Boy Scout Troop 24 is asking permission for a Flag Burning at Pine Grove Cemetery on June 14, 2003. VOTED: Motion by James E. Barton and seconded by Jesse v. Santos, Jr. to allow the Boy Scout Troop 24 to have a Flag Burning at Pine Grove Cemetery on June 14, 2003. Motion passed, all in favor.

There was a discussion on Flag donations and possible ways to let people know that we accept donation of flags to be flown in memory at our Cemeteries.

VOTED:

that the next regular meeting of the Cemetery Board be scheduled for Wednesday, May 28, 2003 at 4:00 P.M., at the Cemetery Main Office, 149 Dartmouth St., New Bedford, MA.

Jesse V. Santos, Jr. had to leave the meeting; we no longer have a quorum.

Arthur R. Wood, President of the Bristol Chapter of Mass. Society of Genealogist's is going to present samples of the database of Pine Grove Cemetery he is doing. Mr. Wood is going to show us some pictures from his program that he is working on. He has taken almost 500 pictures of stones.

Meeting adjourned at 7:09 P.M.

Secretary