

Barrington Cemetery Commission (RevApproved Dec. 10, 2014)

The Barrington Cemetery Commission met on Wednesday, November 12, 2014 at 3:00 PM in the Meeting Room at the Barrington Public Library-Community Center.

Present Mr. John A. MacIntyre, Jr., Chair, Mr. Robert Black, Mrs. Sarah P. Small, Secretary of the Commission, Mr. Enzly Ramsay, Superintendent of Operations.

Mr. MacIntyre called the meeting to order at 3:20 PM.

Mr. MacIntyre moved acceptance of the minutes of the October 8, 2014 meeting as presented. Mr. Black seconded the motion. Motion carried.

Mr. MacIntyre will put a notice in the Barrington Times that 'Lettering' on doors of Prince's Hill Columbarium Niches and Cremation Garden Markers, currently included in the purchase price, will not be included in the purchase price after December 31, 2014. (See Minutes, Oct. 8, 2014)

Cemetery Brochure: 100 Cemetery Brochures designed by Mr. Black were ordered from East Bay Printers, Metacom Ave., Warren by Mr. MacIntyre at a cost of \$50.00. They are now available at the Town Hall. Mr. MacIntyre moved and Mr. Black seconded a motion that the brochure be placed on the Town Website, and some brochures be made available at the Barrington Library. Motion carried.

Superintendent's Report:

Tree limbs at PH, Watson and FC – Mr. Ramsay expects to remove tree limbs in Watson Yard by the end of the week. He will also do selective pruning at Prince's Hill and Forest Chapel.

PH Stump removal – Mr. Ramsay reported that the Stumps in Prince's Hill remaining from storm damage at various times over the past three years, including the double one behind the Bus Stop on County Road, have been ground out or removed.

Taylor marker, Prince's Hill, Section D, Lot 183 is leaning – Mr. Ramsay has removed the tablet from the foundation, will set a new foundation, and then reset the tablet.

Shutting Off Water at Cremation Garden – Mr. Ramsay has talked with Mr. Henry Pereira of Pereira Brothers, who will shut off the water in the PH Cremation Garden Irrigation system.

Light Timer on Prince's Hill flagpole – Mr. Ramsay will re-adjust the light at the Civil War Veterans' Monument Flagpole to compensate for the current early darkness of daylight saving time.

Survey at Forest Chapel – Mr. Ramsay is finished proofing the Forest Chapel maps supplied to him when Mr. Murgu finished his survey. Mr. Ramsay returned his proofed copies to Mr. Murgu for re-correcting and is now ready to pick them up.

Markers near Sousa Lot – Request from Mr. Raymond Sousa, owner of FC Lot 315, 8-graves, where his oversized, specially designed and approved, marker is centered in the middle of the lot. [**Note in BCC database-** Because base of Sousa marker measures 18 x 79 inches, and is not moveable, interment in Sousa Gr. 7 may extend into the walkway to the west toward Lot 334. (**See Minutes of Sept. 8, Oct. 13 & 27, 1999; Letter dated Nov. 1, 1999** from Commissioners to Mr. Sousa, and Memo to Nancy Georgi from Commission Secretary Sally Small re: Raymond

Sousa request for stone of special design dated **10 Nov.1999; Minutes of Dec. 8, 1999; Feb. 9, Apr. 12, 2000, May 17, 2000.** Invoice from Town of Barrington for Legal work re: Raymond Sousa, FC Lot 315, dated **Mar. 15 & Apr. 13, 2000.**) Mr. Sousa has spoken with Mr. Ramsay regarding moving the two smaller markers belonging to the *adjoining owners of Lot 334*, which also extend into the same walkway. The owners of Lot 334, Graves 1 & 2 have Gr. 1 in use (Apr. 1997), and a standard size marker. Owners of Lot 334, Graves 3 & 4 have Grave 3 in use (Apr. 2011) and a standard size marker. Graves 2 and 4 in Lot 334 are currently empty. Mr. Ramsay indicated that markers often need to be moved to allow for future burials in a lot. Placing markers partially in a walkway mitigates excessive moving same when opening graves.

Mr. Sousa's reason for requesting that the two markers of adjoining Lot owners be moved completely off the walkway and onto the graves is his opinion that Rules and Regulations #13 require that markers be placed **only** on the owner's lot. Mr. Sousa relayed his request via an e-mail to Mr. MacIntyre on Tuesday, Nov. 11, 2014 at 5:15 PM after meeting with Mr. MacIntyre and Mr. Ramsay at his Forest Chapel Lot #315 earlier in the day. (See attached.) He indicated to Mr. MacIntyre that he did not plan to attend the Commission meeting today. There was discussion. Mr. Black moved and Mr. MacIntyre seconded a motion to take Mr. Sousa's request under advisement. Motion carried. Mr. MacIntyre will advise Town Manager Peter DeAngelis of Mr. Sousa's inquiry. Mr. Sousa is the currently employed as Barrington Harbor Master.

Annual Report, July 1, 2013 - June 30, 2014:

Mr. Black presented a partial draft of the Annual Report, with meetings, grave sales, etc. He is working on the Accomplishments during the year and the Projects to be completed. Mr. MacIntyre suggested that the report is due to the town by the end of the calendar year.

Peck Endowment of Barrington Cemeteries:

In 1909 the RI General Assembly passed an Act pertaining to the establishment of a Barrington Cemetery Commission, which was to be funded by a gift of \$10,000 from the Peck family, only upon the Town's agreement to certain stipulations. That 1909 State Act became incorporated into the Town Charter under section 16-1-1.

At 10-year intervals over the past 30 years, the Barrington Charter Review Commission recommends changes to the Barrington Town Charter on the November General Elections ballot.

This year's Nov 4th General Election included 40 proposed Town changes to the Town Charter showing on the ballot in an abbreviated form. Included among the proposed changes put forward for inclusion on the ballot from the Barrington Charter Review Commission was #43 which would make several changes to the Cemetery Commissions formation and functions. The proposed changes shown on the ballot included: The Town Council's appointment of 5 residents instead of 3; 5 year staggered terms instead of 3 year terms; Not shown on the ballot in the booth, were that the salaries of Commission employees are "subject to the approval of the Town Manager." The proposed changes were narrowly defeated by a margin of only 12 votes with a count of 3090 against, and 3078 for, the proposed changes. There seems to be general misunderstanding in the intent and purpose of the Commission.

In 2004, the Town also proposed Charter changes to the Cemetery Commission governance, removing the Commissions control over its investments of the Peck Endowment Fund established in 1909. It was approved that the "The Commissioners shall direct investment of the funds in

accordance with a written investment policy adopted by the Commissioners in consultation with the Finance Director and approved by resolution of the Council.”

Mrs. Small reported that other research into the history of the original legislation, letters from Mr. Peck, various town records, and terms of the endowed gift to the Town, provide that the Commissioners shall have “full control and management of all cemeteries and burial grounds belonging to the town or in which the town has any interest...”

Because the Town has shown increasing interest in taking control of the financial decisions of the Commission, and there is an apparent conflict of opinions regarding Commission’s authority and the “intent of the gift”, Mrs. Small moved the Barrington Cemetery Commission seek a legal opinion on the status, responsibilities, and authority of the Commission from an attorney who specializes in charitable trusts, including costs of same. Mr. Black and Mr. MacIntyre seconded the motion. Motion passed unanimously.

Meeting adjourned at 4:45 PM.

Sarah P. Small, Secretary