

Barrington Cemetery Commission (Approved Jan. 21, 2015)

The Barrington Cemetery Commission met on Wednesday, December 10, 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. Also present: Mr. Robert D. Fine, Attorney at Law with Chace, Ruttenberg & Freedman, LLP, One Park Row, Suite 300, Providence, RI 02903; Mr. James A. Jackson, Member of the 2004 Barrington Charter Review Commission; Mr. D. Peter Shaw, former member and Chairman of the Barrington Cemetery Commission.

Mr. MacIntyre called the meeting to order at 3:03 PM.

Mr. Black moved adoption of the minutes of the November 12, 2014 meeting as presented. Mr. Small seconded the motion. Motion carried.

Discussion and Act on Peck Endowment:

As a result of the vote taken to seek a Legal Opinion of the Barrington Cemetery Commission's Rights and Obligations at their November 12, 2014 meeting, Mrs. Small contacted Attorney Robert D. Fine, whose firm was recommended for their familiarity with charitable trusts, and with cities and towns.

Mrs. Small had asked Mr. Fine to:

- 1) Review the 1909 RI State Law which provided for the Barrington Cemetery Commission to have charge of Barrington Cemeteries sponsored by Barrington resident and State Legislator Frederick Peck who specified particular requirements giving a Peck Family gift of \$10,000.
- 2) Review the Promissory Note from the Barrington Cemetery Commission on June 2, 2009 for the purchase of land on George Street with ownership of land transferring from the Mary Sharpe Chafee Andrews Trust – dated April 18, 1989 to the Town of Barrington rather than to the Barrington Cemetery Commission; And an additional potential purchase of another parcel acquired by the Town from this same Trust.
- 3) Respond to 12 Important Issues regarding the Town Charter and Barrington Cemeteries using Background information/historical references provided by Mrs. Small. (Attached)

Mr. Fine presented a Memorandum dated December 3, 2014 Re: "Use of Cemetery Funds" with an Overview responding to the Commission's inquiry made Nov. 24<sup>th</sup> to expend funds in connection with acquisition of land, and to address the general rights and responsibilities of the Barrington Cemetery Commission. He addressed: 1) Creation and Funding of the "BCC"; 2) Home Rule; 3) Town Charter; 4) Investment Policy; 5) Opinion, and a Conclusion. (Attached) There was discussion.

Mr. Black moved to RESCIND THE MOTION MADE AND CARRIED, at the Executive Session on Wednesday, June 11, 2014 at 2:00 PM in the meeting Room of the Barrington Community Center attended by Town Manager Peter A. DeAngelis, Jr., Members of the Cemetery Commission: Chair John A. MacIntyre, Jr.; Mr. Robert Black and Secretary Mrs. Sarah P. Small; and Mr. William DeWitt, Commission liaison to the Barrington Town Council. The minutes of this meeting were approved at the Commission meeting held on July 9, 2014. At the June 11, 2014 meeting, Mr. MacIntyre moved and Mr. Black seconded a motion that the Barrington Cemetery Commission purchase Barrington Plat 37, Lot 057, subject to, and in consideration of, future needs of the Barrington Cemetery Commission. Mr. MacIntyre and Mrs.

Small seconded the motion to RESCIND the vote to purchase Plat 37, Lot 057 held on June 11, 2014. Motion to RESCIND carried unanimously.

Mr. MacIntyre moved that the Barrington Cemetery Commission NOT Purchase Barrington Plat 37, Lot 057, or any other land, as the Commission has no need for additional land at this time or for the foreseeable future, thereby abiding by the Town Charter, Commission's written Investment Policy, fiduciary duties, and other obligations. Mr. Black and Mrs. Small seconded the motion. Motion carried unanimously.

Mr. MacIntyre will advise the Town Clerk of the vote on these two motions on Thursday, Dec. 11, 2014, in advance of the upcoming Town Council meeting probably scheduled for Monday, Dec. 15. Mr. Fine is willing to speak with the Barrington Town Solicitor and/or would be available to attend the Town Council meeting with/for the Commissioners on Monday evening, Dec. 15<sup>th</sup>, and to answer other questions as needed.

Superintendent's Report:

*Tree limb removal at Prince's Hill and Watson Yard* – Mr. Ramsay will remove limbs in January.

*Fall Cleanup* – Mr. Ramsay expects to complete the Fall Clean-up before the holidays.

*Final Edit of Forest Chapel Survey* – Mr. Steve Murgo has provided a hard copy map of his final survey of Forest Chapel Cemetery. It was noticed that there are two (2) gates listed as Gate #1 – the gate closest to Water Way and the Main gate. Mr. MacIntyre will ask Mr. Murgo to make the correction. (See minutes of July 9, 2014.)

Mr. Murgo has provided a disk in "Autocad" format to include the survey and all files pertaining to Forest Chapel Cemetery. Mr. MacIntyre was unable to open parts of this disk, and after speaking with Mr. Murgo, was still unable to open all the information. Mr. Black will attempt to open the disk. Mr. Ramsay indicated that he has the information in digital but now needs to have it on a working disk. Mr. MacIntyre, Mr. Black and Mr. Ramsay will confer on a suitable program to be sure the needed information on the disk is easily accessible and available in a user-friendly format. They will then relay their request to Mr. Murgo. (See Minutes of Apr. 11, 2012) Mr. MacIntyre inquired of Mr. Ramsay if all the graves are accounted for including the lots on the embankment. Mr. Ramsay indicated there are no restrictions on what can be sold.

*Forest Chapel Grave Lots along Bay Road* – Mr. Ramsay indicated that with the clearing of brush along Bay Road, Grave Lots from the #s 270 to #288 at the corner of Nayatt Road are available. There should be no restriction to selling the backside (graves 5-8) on these Lots. (See Minutes of Dec. 14, 2011).

Discussion and Act on Revision of Cemetery Rules and Regulations:

The "Summary of the Rules and Regulations of the Public Cemeteries in the Town of Barrington," last adopted on March 14, 2012 and effective April 1, 2012, has been revised. Mr. Black moved the revision of #13 to read: "A single raised marker or stone will be permitted on standard sized lots of two (2) or more adjacent in-ground interments. Only flat markers or stones set level with the ground may be placed on single in-ground interments. Markers may be moved into adjacent walkways by the Superintendent to accommodate efficient interment and maintenance procedures." Mrs. Small seconded the motion. Motion carried. The newly revised and current Rules & Regulations are effective December 10, 2014. (Attached)

Discuss and Act on Forest Chapel, Lot 315:

Mr. and Mrs. Raymond Sousa, owners of Lot 315, have requested that Grave markers for Lot 334, Graves 1 & 2 and Lot 334, Graves 3 & 4 both of which have been placed on the Eastern Walkway between Lots 334 and 315, be removed. (See Minutes of Nov. 12, 2014) There was discussion. Mrs. Small moved that cemetery walkways are reserved for cemetery operations as determined by the Commission. Placement of markers in walkways will be determined by the Commission as needed, and/or as required. Mr. MacIntyre seconded the motion. Motion carried.

Mr. Sousa's son was interred in Lot 315, Grave 7 previous to the installation of the oversized marker in the center of the Sousa's 8-grave lot. A flat marker was placed at the foot of the grave. There was discussion. Lot owners may request marker repositioning only on their own lot(s). Mr. Ramsay will offer to move his flat marker closer to the Sousa headstone. Mr. MacIntyre will advise Mr. Sousa in writing of the Commission's response to his request of Nov. 11, 2014.

Adoption of the July 1, 2013 – June 30, 2014 Annual Report:

Mr. Black presented the Final Draft of Fiscal July 1, 2013 – June 30, 2014 Annual Report of the Barrington Cemetery Commission and moved its adoption as of today. Mrs. Small seconded the motion. Motion carried. (Attached)

Meeting adjourned at 4:40 pm.

Sarah P. Small, Secretary