

Barrington Cemetery Commission (Approved Feb. 11, 2015)

The Barrington Cemetery Commission met on Wednesday, January 21, 2015 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 and Mr. Steven Primiano, liaison to the Town Council and Ms. Susan Taylor, 40 Washington Road, an active volunteer for the Barrington Cemetery Commission. Mr. Enzly Ramsay, Superintendent of Operations, was absent.

Mr. MacIntyre called the meeting to order at 3:10 PM.

Mrs. Small moved to approve the Minutes of the December 10, 2014 meeting and the motions contained there in. Mr. Black seconded the motion. Motion carried.

Discuss and Act on Peck Endowment:

Mrs. Small presented Attorney Robert D. Fine's invoice for legal work performed in December 2014, and presented to the Barrington Cemetery Commission at the regular December monthly meeting regarding clarification of the relationship between the BCC and the Town of Barrington, and particularly regarding the providing of funds to the Town for land purchases. Mrs. Small reiterated that Attorney Fine found that the BCC may only provide money to use for the benefit of the BCC for land for burials and things related to burials.

Mr. MacIntyre and Mr. Black commented that they thought their November meeting vote was to continue to talk about hiring an attorney, not actually hiring an attorney. Mr. MacIntyre recalled offering the name of Attorney Robert Migliacchio, a member of the Barrington Yacht Club, as a potential person and Mr. Black suggested contacting Swan Point Cemetery, a nonprofit organization, for the name of their attorney. Mrs. Small reminded them that the Commission did in fact vote to hire an attorney at the regular monthly meeting, and that the minutes of the November meeting, accepted at the December meeting with no correction or additions, reflect that.

FOR CLARIFICATION, PLEASE NOTE: *The motion & vote in the minutes of November, accepted in December, read as follows:* "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." (See BCC Minutes of November 12, 2014, approved Dec. 10, 2014)

Mrs. Small said that with the unanimous vote to hire an attorney, and using due diligence, she researched area attorneys with charitable trust experience and cities and town experience, who were without ties to the Town, in order to prevent a conflict of interest, or even the appearance of a conflict of interest. Mrs. Small also reported that Attorney Fine discounted his bill by 15% because of the research materials provided by Mrs. Small, which was work that his office therefore did not need to perform.

There was discussion around the 2014 Charter Review Commission's development of the proposed changes to the Barrington Cemetery Commission, with no input from the BCC, and how to prevent this in the future. After further discussion, Mrs. Small moved that Mr. Fine's discounted Invoice # 42003 dated January 5, 2015, in amount of \$2,950.00 be paid. Mr. Black seconded the motion. (See attached.) Motion carried. Mr. MacIntyre said he would process Attorney Fine's invoice for payment. Mrs. Small said she would **attach:** Attorney Fine's work

in the form of his Legal Memorandum, presented at the December meeting, in the minutes, in order that the clarification of relationships between the BCC and the Town become part of the record now and that it included "Use of Cemetery Funds" with an Overview responding to the Commission's inquiry made Nov. 24th to expend funds in connection with acquisition of land, and to address the general rights and responsibilities of the Barrington Cemetery Commission including 1)1909 Creation and Funding of the "BBC"; 2) Home Rule; 3) Town Charter; 4) Investment Policy; 5) Opinion, and a Conclusion (Attached) He indicated that he would speak with the Town Solicitor if the Commission wishes. Mrs. Small will also attach the questions and documentation she asked Mr. Fine to address: "2 Critical Questions & 10 Important Issues" (Attached); "Background Sections" (Attached); "CC Historical Progression" (Attached); and Agenda for the Jan. 21, 2015 BCC meeting (Attached) – These for the record, the Commissioners, and for the files of the Town of Barrington Charter Review Commission.

Mrs. Small noted that Mr. Fine's work and the background research will also be available to the Charter Review Committee for the next potential update during the General Elections in 10 years, 2024, a copy of which was provided to Mr. Primiano for the Town. (See Minutes of December 10, 2014). Mr. Primiano suggested that the documents pertaining to the Legal Opinion be given to the Town Clerk.

Date of Annual Financial Review Meeting:

Mr. MacIntyre suggested that Mr. Ted Ritchie, of Eagle Strategies, be asked to meet with the Commission for the Annual Financial Review at 1:00 PM or before the regularly scheduled meeting on February 11, 2014. He will contact Mr. Ritchie and inform the Commission.

Discuss and Act on Watson Yard Entrance:

After discussion, the Commissioners decided to remain neutral regarding the historical Watson Cemetery's abutter Mr. Mark Shaw, who has voluntarily maintained the brush and trash (on town owned land) around the perimeter of the cemetery for the benefit of visitors to the cemetery and the Town.

Discuss and Act on Survey Work at Forest Chapel:

Mr. MacIntyre has contacted Mr. Gary Pelzman, computer specialist, to review and determine how the Survey work at Forest Chapel supplied by Mr. Steve Murgio in an Autocad format, can be opened and put into a program that is easily useful to the Commission and the Superintendent now and in the future. (See Minutes of Dec. 10, 2014)

A buy-back question to the Town Clerk's office:

How can FC Lot 468, Graves 1, 2, 5, and 6, purchased in the late 1990s and all of which are empty, be sold back to the Town? The Commission is responsible for sales and buy-backs of unused graves. It was the consensus of the Commission that for verification purposes, the person or persons named on the Deed or Right of Final Disposition as principal owner(s), should send a signed letter, with copy of the deed, to the Commission requesting such buy-back. Mr. MacIntyre will request that the Town Clerk's office relay this information to those requesting a buy-back from the Commission.

Meeting adjourned at 4:25 pm.

Sarah P. Small, Secretary

