



MINUTES FORM

Please send a copy after each meeting to Town Hall

MINUTES OF

Meeting of Cemetery Commissioners

Meeting posted:  yes,  no

Date: March 9, 1994 Time: 7:30p.m. Place: Kennedy Service Building, Woodlawn Cemetery

Members present: E. Bailey, W. E. C. George, B. Conant  
also present: D. Charter, D. Lee, N. Howell, A. Warner

1. Meeting began at 7:32p.m.
2. Youth Soccer Update  
A. Warner had nothing new to report.  
There was a brief discussion re: possible leaks in the sprinkler system.  
Chances are that cemetery personnel would be the first ones aware of a leak  
If there are any problems, we are to contact A. Warner  
It was suggested that a key to the lockbox be left at the cemetery office so that the water could be turned off until A. Warner could get here and/or repairs could be made  
A copy of the letter from Joseph Will, President of the Acton-Boxborough Youth Soccer League to Edward Bailey, Chairman of the Board of Cemetery Commissioners, re: the sprinkler system, its maintenance and the gift of it to the Town when the land is needed for cemetery purposes.  
The motion was made and unanimously accepted to send a copy of this letter with a cover letter recommending that the selectmen act on accepting the gift.
3. Minutes of the February 16th meeting were accepted as Amended.
4. Section 14 - Update  
The Purchase Order has been cut, the contract has been signed, and the funding has been approved.  
B. Conant asked why we didn't consider Dunfy for the work. D. Charter reported that although they were represented at a preliminary meeting and had viewed the site, they did not present a bid.
5. Storage Building Update  
There was a discussion during which the following concerns were expressed:
  - A. Will the building be for Cemetery and Municipal Property use only, or will it become a storage area for any other or several other departments? What kind of equipment will be stored there?
  - B. Will there be a problem having union and non-union employees working out of the same facility?  
Dean stated that the situation exists at the present time when Jim is assigned to Municipal Property and Steve to the custodial staff. He doesn't foresee any difficulties.
  - C. Will there be any other office personnel moving to the cemetery building?  
Dean doesn't think any office personnel will be moving to the cemetery facilities.
  - D. Nancy expressed concern about air quality in the office as the equipment for both departments is to be repaired in the present garage. There are occasional problems at this time.  
Dean said every effort will be made to minimize this problem.
  - E. Will malathion containers or the malathion truck be stored at the cemetery?  
Dean saw no need to move the ventilated trailer used for storage of the malathion containers from its present location at the Highway Dept. The outdoor location of the truck has been changed regularly since the two incidents of vandalism to the spraying mechanism, and that it might occasionally be parked on the grounds, but not in the building

F. Will there be a separate telephones for Municipal Properties?

This question and the question about additional office personnel comes from a concern about unqualified or untrained personnel answering cemetery-related questions

Dean thought it would be possible to add an additional line to eliminate any problems

Dean offered to make a list of the equipment and personnel that would be assigned to the building available for the next meeting

Brewster Conant reported that a former commissioner has expressed his concern about using the funds to construct a building at Woodlawn and not at Mount Hope. Dean said that a check is being made to see if the subject should be resubmitted at Town Meeting or if there is sufficient latitude for the Selectmen to expend the money.

Dean and Dave went to see a Butler building in N.H. similar to what he would like to have here. Dave reported that the construction of the building was impressive. The cost was \$75,000. for 5,000 sq. ft. of space.

6. Wetherbee Fund Update

A copy of Dean's cover letter to Acheson H. (Mike) Callaghan, of the firm of Palmer & Dodge, re: spending the excess income from the fund was distributed

A copy of Mr. Callaghan's reply was distributed. The income must be allowed to accumulate and can only be used as specified in P 3 of the lots designated in P 2

7. FY95 Budget Update

Salary and expense items have been accepted. Selectmen are working on the Articles and which, if any, items will be bonded

At this time, it appears that the Town Meeting will last for 5 nights

8. Robbins Family - Update

The letters received from Mark Robbins, Donald Robbins and Mrs. Theodore Robbins Jr., in response to Nancy's letter of Feb. 18, written on behalf of the Commissioners, were presented

9. Mrs. Brett Update

In response to our letter of February 17, Mrs. Brett called the office and spoke with Dave. She was unaware that the upright monument was centered on the two single-grave spaces, and rather than remove it, she withdrew her request to sell the unused grave space back to the Commissioners.

Dave immediately sent a memo, dated Feb. 22, 1994, to the Town Manager, to remove the article from the Town Warrant.

10. New Business

Letter from Adell R. Rawson (Mrs. William) re: Ethel C. Rawitser lots 164, 165, 166, 167, 176, 177, 178 and 179, was distributed and discussed.

She states that her husband owned the lots and since he passed away on Jan. 18, 1993, they now belong to her, and she wants exclusive control of them. She is upset about an interment made without her consent.

Two interments were made in this lot after that of William Rawson: his brother, Louis Rawitser; and Dorothy D. Crosby, wife of the late John Crosby

Copies of paragraphs 28 through 33 pertaining to "Use of Cemeteries" from Chapter 114 of the Annotated Laws of Massachusetts were distributed.

It was pointed out that the lots were purchased by Mrs. Rawson's mother-in-law.

P 31 states that if no express disposition or other mention is made of a cemetery lot in a will, then ownership shall not pass from the lawful heirs by any residuary or other general clause of the will

A Case Note states that the son of a deceased lot owner has the right to be interred in the parent's lot.

P 32 states that a wife's right of interment in any lot in which her husband was interred, shall be exempt from the laws regulating conveyance, descent, and devise

P 29 states that if, as in this case, the owner leaves no spouse, the title passes to the children in common during their joint lives, and to the survivor of them during his life. In cases of two or more persons entitled to possession, they shall designate in writing to the cemetery commissioners, which of them shall represent the lot.

If the lots were not specifically left to William Rawson in Ethel C. Rawitscher's will, and he had any siblings who survived him, control of the lots would go to them.

If he indeed did have control of the lots, but made no specific mention of them in his will, then control would pass to his wife and children during her life, then to his children.

No written documentation naming William as representative of the lots has been found at the office. The commissioners feel that without further information they cannot make a determination at this time, and authorized Nancy to write to Mrs. Rawson in their behalf.

If answers to pertinent questions are not forthcoming, and Mrs. Rawson presses the issue, the commissioners asked Dean if they might consult Town Counsel on this matter. He stated that if the need arose, he would speak to the Town Manager.

11. Next meeting - Wednesday, April 13, 1994
12. Meeting adjourned at 9:00 p.m.