

## Minutes

### Provincetown Cemetery Commission

October 4, 2010

Present: Richard Olson, Chair, Greg Howe, Astrid Berg, Mark Collins and Tom Myers.

Absent: Sebastian Araujo (Alt.) – excused

Also attending: Sharon Lynn, Town Mgr., David Gardner, Asst. Town Mgr., Dan Hoort, Director of Mun. Fin., Linda O'Brien, Town Treas., and Tony Lemme, Cemetery Supt.

The meeting convened at 2:00p.m.

4. (Taken out of order) Re Cemetery related Funds, the opinion of Town counsel, Kopelman and Page, which we had requested through the Town Manager was reviewed. All of the important assertions contained in our request, particularly regarding the inviolability of the Perpetual Care Trust Fund, even if Town Meeting was led unwittingly to invade such fund, principle, were confirmed. Conversation on speakerphone with Lauren Goldberg, Esq., of Kopelman & Page brought out the need to look closely at the particular details of each of the instances of the violation of the fund we have alleged ; for example, if in an instance where, at the end of a vote for the general town operating budget, there was among the sources of funds appropriated \$10,000 from the Cemetery Perpetual Care Fund, we should look back to see if, buried in the details of the uses of the funds, there is a corresponding Cemetery use. Nevertheless, principle, ought never to have been invaded, and by the statute, M.G.L. c. 114, s. 25, only the Cemetery Commission can direct the application of available accumulated earnings toward proper Cemetery uses.

Nice questions may arise as to whether a Cemetery Commission was even in existence on such occasions and can be shown to have knowingly given it's approval, or if at any time the Board of Selectmen, who by statute act in loco a non-existing Cem. Com., was given any clue as to the status of affairs.

Dan Hoort, Director of Municipal Finance, declared his willingness to delve into the background of each identified instance, and our Town Manager declared her intention that, whatever may have been done in violation of the applicable statutes shall be put right at the next Annual Town Meeting.

Not to be forgotten is the need to review the records of the receipts to the Sale of Lots Fund, the balance in which is shown to be a steady \$6,700 for several years when presumably it should have been growing. This is of immediate importance because funds from this account can be appropriated by Town Meeting for Cemetery expansion, which we are embarked upon.

Further to Cemetery Finances, Town Treasurer Linda O'Brien circulated a report on the status of all our funds for the quarter ended September 30, 2010 - the 1<sup>st</sup> quarter of f.y. 2011. This is in a revised format, incorporating the Merrill Lynch accounting for the Perpetual Care Trust Fund moneys entrusted to it, and it will require our careful scrutiny and questions as we strive to agree on a clear and concise format to go forward with. Mr. Olson had previously enquired whether Merrill could give it's accounting on a f. y. basis rather than on a calendar year basis, so as to eliminate the dis-connect, and Ms. O'Brien thought not but said she will enquire.

- 1 (resuming the agenda order) The minutes of the August 2, 2010 meeting were approved, as amended, and the minutes of the September 7, 2010 meeting were approved.
- 2 Regarding status of the expansion project, Mr. Olson reported that Billy Rogers was unable attend this meeting but had told him that he had met with Tony Lemme and Ray Duarte to stake out the expansion, and they all hoped work would commence within a week.

Mr. Howe suggested that a sign be created to post along the perimeter of the work to indicate the toad – protected zone, if only to please any state environmental folk who might chance by.

Billy Rogers has submitted to us a supplemental bill of \$1,965 for his engineering work on the expansion project. The remaining balance from prior appropriations is \$910, so that only \$1055 need be appropriated at the upcoming Special Town Meeting from the

available funds in the Sale of Lots Fund. Mr. Howe moved and the Commission voted to place an article on the warrant, and Town Hall staff will see to it.

3 With regard to the Winthrop Street Cemetery, a new form of application for a grant of CPA funds has been provided to us. Mr. Olson will talk with David Gardner about the feasibility of making such a request and involving our friends of the Historical Commission.

4 ( Taken up at the start of the meeting.)

5 Status of records for burials and ownership of plots - we believe this project is well under way within Town Hall computer wizardry, but Mr. Olson will double check with Dana Faris. The hand written records handed over to Mr. Olson by Mr. Lemme will be passed on to Mr. Hoort to ascertain the amounts that should have been deposited in the Sale Of Lots Fund during the years when apparently nothing was.

6 Under other business :

Mr. Olson reported that he had not heard back from Daniel Llata about the route of the “Ghost Tour”, but another acquaintance told him that it had gone nowhere near the cemetery.

[ Mr. Olson neglected to report that he had asked Sandy Turner about the possibility of finding \$1,000 in DPW funds for straightening stones in the Hamilton and Gifford lots, as an issue of public safety. Her response was that of the \$3,050 line item in the DPW budget for the Cemetery, \$2,122 has been expended and \$928 remains, with a water bill still to pay. So the answer is no]

Ms. Berg submitted her letter of resignation and explained her personal reasons therefore. Expressions of dismay from all members were summed up in Mr. Howe’s motion to accept her resignation “with regret and profound gratitude” for her many contributions to our work and, indeed, to getting us up and running in the first place. The motion passed unanimously.

Mr. Olson will ask Mr. Araujo if he will accept regular membership, in which case we will be looking for a new alternative member. [Mr. Araujo has said “yes”]

7 The next meeting will be on Monday, November 1<sup>st</sup>, 2010, at 2:00 p.m. at the Town Hall Trailers.

The meeting adjourned at 3:25 p.m.

Respectfully Submitted,

Richard B. Olson, Chairman  
and Secretary Pro Tem.