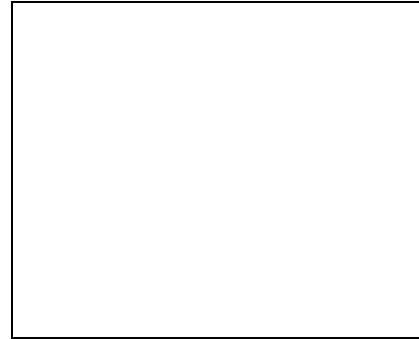


**Town of Fairhaven  
Board of Public Works Meeting  
June 12, 2017**

**Present**

Michael Ristuccia, Commissioner  
Robert Hobson, Commissioner  
Brian Wotton, Commissioner  
Keith Silvia, Commissioner  
Vincent Furtado, BPW Superintendent  
Kathy Tripp, Administrative Assistant  
Karen Vilandry  
Al Benac



Mr. Durant was not in attendance.

**I. Call to Order**

Mr. Ristuccia called the meeting to order at 6:00 p.m.

**II. Routine Matters**

**A. Signing of Departmental Bills**

**III. Approval of Minutes**

n/a

**IV. Appointments**

n/a

**V. Items for Action**

**A. Park and Cemetery Commissioners – Rules and Regulations**

Mr. Ristuccia – There is some controversy of what happens, historic cannons and such. We are the park commissioner and everything should come thru this board. We really need to make a request form so it may be given to the various departments if they want to do something in one of the parks. We have to decide if Cooke Park is a cemetery. In our opinion if there is enough evidence town counsel says there are different things we have to do.

Mr. Furtado – We have this request to use town property form that we use weddings at West Island and Fort Phoenix. Kathy and I can take this form as a template and modify it. Every other departments request to use the park. Historical, the cannons you need to bang the gavel to make it official. That is what I would think would be best thing to do. We can make it an annual thing or whatever in addition

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to that. Warren schedules the sporting events. His responsibility and it does work. We can ask Mr. Rees that we wish Warren to continue business as usual as opposed to Warren requesting.

Mr. Hobson – I don't have a problem with Warren. Who does he work for?

Mr. Furtado – The selectmen. Please be advised it's a blanket permission to conduct your duties. Letter back to what things are.

Mr. Ristuccia – They don't schedule something for tomorrow but a month in advance. We should have from him information for events. I also think that this letter let him know he is doing these things for the BPW that even though officially not supervised by the BPW but work under the supervision of the BPW, only because he's been doing this the whole time.

Mr. Wotton – Does he control the high school? We should have a complete schedule of the sporting events.

Ms. Tripp – I believe the School Department lets him know. The schools have priority.

Mr. Wotton – Festival or onetime events or anything involved with kids and children.

Mr. Furtado – Blanket approval.

Mr. Wotton – I don't want the girl's softball to come before us. As long as you have a schedule.

Mr. Ristuccia – We also should have the schedule from the schools. We need to know.

Mr. Hobson – The selectmen are in control of this person who is basically running it. The schools are involved and we are the last ones to know.

Mr. Ristuccia – If we are the commissioners we have to understand that we need to know everything that is going to happen.

Ms. Tripp – Currently if there is a request to use the parks for non sporting events I will check with Warren first before anything is approved to make sure there is nothing going on.

Mr. Ristuccia – That brings us to the form, even the schools because we need to know. Historical, the tourism, we need to know when they are having their tours, athletics, recreation.

Ms. Tripp – There is Yoga in the park twice a week. They have requested that we cut the grass after they leave which we have obliged to.

Mr. Hobson left at 6:15 p.m.

Mr. Furtado – Last time these folks we here we had some information. To paraphrase, the BPW needs to decide if the Cooke Memorial Park is a burial place. So not just human remains but rather a place

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decimate the dead 100 years. Now say its yes. Then what we have to do, Kathy and I, contact the state medical examiner and that person he or she needs to have to decide if archeology remains are there and they have to notify the state archeology folks. Once that ball starts rolling if it's decided its burial or not then you cannot remove the burial monuments. But you can remove or relocate monuments of people who are buried there. We need to look further at the site for activities. It's a gray area. A lot of towns use cemeteries on Veterans Day or Memorial Day. But typically are not related to the dead who are buried at that site. Manjiro festival may be held at any cemetery in town. We have some work to do. The law says who we should contact.

Mr. Ristuccia – Did that report say there were human remains or probability?

Ms. Vilandry – My name is Karen Vilandry and I am President of Hands across the River. People removed from there, not true. Confused with Willow Park where the railroad was put thru, that was a cemetery. When there is a project planned and it's a cemetery then those remains, municipal whether to touch it or remove people to another cemetery. There has been no development park for Cooke or Burial Hill. Now you also mentioned in the report from Thomas Urban, last paragraph, he said that this is a cemetery, Oxford Burial Hill and other cemeteries that he also scanned. Another thing, contact Barbara Acksen, president of the Fairhaven Improvement Association.

Mr. Ristuccia – No bearing on my thought process whether I think it's a burial ground. I'm going to say there is no writing to show that there are. I'm just trying to follow the law.

Ms. Vilandry – Mass General Law, Chapter 114, Section 17 - Preservation of Ancient Burial Places reads "A town shall not alienate or appropriate to any other use than that of a burial ground, any tract of land which has been or more than one hundred years used as a burial place; and no portion of such burial ground shall be taken for public use without special authority from the general court. "Burial place", as referred to in this section, shall include unmarked burial grounds known or suspected to contain the remains of one or more American Indian" In the report I gave you are some of the old newspaper clippings.

Mr. Ristuccia – I'm agreeing with you. Not just maybe, there may be human remains there. How long has it been Burial Hill?

Ms. Vilandry – It's always been referred to Burial Hill or Oxford at Burial Hill.

Mr. Ristuccia – There are going to be people watching our decision. We need to make sure it's formally referred to as internment of the dead.

Mr. Wotton – I'm not sure in the early 1650's that they dedicated a name and called it stuff. I've seen cemeteries in the middle of places dating back to the 1700's or 1800's with development in the middle of Dartmouth and randomly found stuff. The point does Barbara Acksen have proof of human remains unearthed put in the Cooke Memorial? Human remains say more than one or two without removing other remains and I would say yes. I would be ashamed if someone danced on top of a grave.

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Mr. Ristuccia - I'm not disagreeing with you. In my eyes it's a cemetery. Everything at this point it is a cemetery.

Mr. Wotton motioned to table to discuss until a meeting after a month or five weeks so if that's enough notification for anybody out there to deem it a cemetery or not a cemetery.

Mr. Ristuccia – No reporters are here to get that out there.

Mr. Wotton – Vinnie send a letter to Beth David.

On the motion: Mr. Silvia seconded. Vote unanimous.

Mr. Benac – The Colonial Club deeds were purchased at the auction last weekend. In the deeds it mentions names very familiar with the town. There was a deed to John Cooke. There is something in that writing in the deed. Debbie Charpentier bought them. It used to be a cemetery all the way to Lafayette.

**VI. Tabled Matters**

n/a

**VII. Board Members, Superintendent – Old Business / New Business**

Mr. Silvia – There is a street light into Fairhaven at Route @ 7/11 at the northwest corner that is strobing.

**VIII. Set Date for the Next Meeting**

Mr. Wotton motioned to hold the next two meetings on June 26, 2017 @ 5:30 p.m. at the BPW and June 26, 2017 @ 6:30 p.m. at the West Island Community Center.

**IX. Adjourn and Executive Session – Personnel Matter**

Mr. Wotton motioned to adjourn the open session at 6:45 and go into executive session to discuss personnel matters. Mr. Silvia seconded. Vote unanimous.

Respectfully submitted,

Kathy A. Tripp  
Administrative Assistant

Minutes approved on June 26, 2017.