

AGENDA  
CEMETERY COMMISSION MONTHLY MEETING  
TUESDAY FEBRUARY 9, 2021 AT 8:00AM  
REVISED  
**REMOTE PARTICIPATION ONLY**  
**OPEN PUBLIC FORUM – NEW STEPS – PLEASE READ**

Meeting of the Cemetery Commission  
Tuesday, February 9, 2021 8:00 AM – 10:00 AM  
**Please join my meeting from your computer, tablet or smartphone**  
<https://global.gotomeeting.com/join/562090005>  
**You can also dial in using your phone. United States: +1 (872) 240-3212**  
**Access Code: 562-090-005**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Harwich Cemetery Commission on Tuesday, February 9, 2021 at 8 AM will be conducted via remote participation to the greatest extent possible. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of Harwich's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

- I. CALL TO ORDER
- II. APPROVAL OF THE MINUTES FROM JANUARY 5, 2021.
- III. CORRESPONDENCE FROM TOWN HALL & ASSOCIATIONS
  - A. **Email from Anita Doucette on State Ethics to be completed by Commissioners and Administrator.**
  - B. **Email from Patti Macura on Annual Reports due by January 22, 2021.**
  - C. **Email from All-Cape Fence for repairs to stockade fence at Mount Pleasant \$990.00.**
  - D. **Email from Wendy Tulloch, Assistant Town Accountant on Account Balances for Cemetery Trust and Cemetery Revolving Account.**
  - E. **Arboretum Tour by AmeriCorps members to the Cemetery and Conservation Commissioners for February 9, 2021 at 11:00 AM, at Island Pond Cemetery, 15 Island Pond Road, Harwich with inclement weather date of February 16, 2021.**
  - F. **Email from Paul Sweetser to survey Kelley Cemetery at 18 Old Brewster Road.**
  - G. OTHER BUSINESS.
- IV. OLD BUSINESS
  - A. **Update on CPC Articles.**
  - B. **Update on Civil War Veterans.**
  - C. **ArbNet Application. Email to Joe Powers, Town Administrator with application for review to go before the Board of Selectmen.**
  - D. **Articles for 2021 Town Meeting.**
  - E. OTHER OLD BUSINESS.

V. NEW BUSINESS

- A. **Alfred M. Davidson lot in Mount Pleasant.**
- A. **Deed; William & Sandra Little 3 graves in Evergreen Cemetery \$2,400, Wendy Heap 4 graves in Island Pond Cemetery \$3,200, Cindy Carlton 1 grave in Island Pond Cemetery \$900 and Lisa Becker 1 grave in Island Pond \$900.**
- B. **Bills: Eversource \$6.00, W. B. Mason \$16.90, Mileage January \$52.08, Water bills for cemeteries; South Harwich \$35.00, North Harwich \$35.00, Mount Pleasant 95 South \$38.87, Mount Pleasant Bldg. \$37.58, Pine Grove \$36.29 and Island Pond \$42.74**
- C. OTHER BUSINESS.

VI. DATE AND TIME OF NEXT MEETING

VII. ADJOURNMENT

AUTHORIZED POSTING OFFICER:

POSTED BY: \_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_

DATE: \_\_\_\_\_

## Robbin Kelley

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**From:** Anita Doucette  
**Sent:** Thursday, January 21, 2021 10:45 AM  
**To:** Robbin Kelley  
**Subject:** FW: State Ethics  
**Attachments:** Notice to Municipal Employees (003).pdf; Summary of the Conflict of Interest Law for Municipal Employees (2021) (003).pdf; SIGNATURE PAGE-2021 - CEMETERY COMMISSION.doc

**TO:** All Town Employees, Board/Committee Members  
**FROM:** Anita N. Doucette, Town Clerk  
**SUBJECT:** Conflict of Interest Law for Municipal Employees  
**DATE:** January 20, 2021

This is the annual notice about the conflict of interest law education requirements that we must complete each year.

The summary of the conflict of interest law for municipal employees along with the Notice to All Municipal Employees - Conflict of Interest Law Education Requirements, are attached please distribute these documents to all employees, committee/commission members. Please note the following:

1. Receipt of acknowledgement signature pages are to be received within **30 days**
2. For your convenience I have attached a signature page for every employee, board/ committee - commission members.
3. All employees must complete the online training program **by April 9, 2021.**

### Summary of the conflict of interest law

The conflict of interest law [summaries](#) are also available on the Commission's website.

### Online training program for municipal employees

All municipal employees should complete the Online Training Program for Municipal Employees and provide a completion certificate to their municipal employer. The program can be found at [www.muniprogram.state.ma.us](http://www.muniprogram.state.ma.us).

If you have questions, please review the [Education and Training Guidelines](#) available on the Commission's website at [www.mass.gov/ethics](http://www.mass.gov/ethics).

Please let me know if you need any additional information. Thank you very much for your time and attention to this important matter.

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Please let me know if you need any additional information. Thank you very much for your time and attention to this important matter.

## **Notice to All Municipal Employees Conflict of Interest Law Education Requirements**

The following information from the State Ethics Commission describes the conflict of interest law education requirements for municipal employees. You are a municipal employee required to acknowledge receipt of the summary of the conflict of interest law and complete the online training program if any of the following is true:

- You hold any elected office, whether paid or unpaid
- You hold any appointed position, including membership on a board or committee, whether paid or unpaid
- You hold a part-time, seasonal, or intermittent position
- You hold an elected or appointed position with an independent municipal agency or district, such as a municipal utility or fire district, or a regional municipal district, such as a regional utility or school district

If you do not know whether these requirements apply to you, please contact your agency or the State Ethics Commission. **Please DO NOT send your summary acknowledgment receipt or online training program completion certificate to the Commission.**

### **I. Summary of the conflict of interest law for municipal employees**

Your municipal employer will provide you with the summary of the conflict of interest law. You are required to return to your employer an acknowledgment that you received the summary, which your employer will maintain on file. The last page of the summary has an acknowledgment form for you to use. Alternatively, your employer may ask that you acknowledge receipt of the summary by replying to an e-mail or by completing an online form. Please follow the instructions provided by your employer.

### **II. Conflict of interest law online training program for municipal employees**

Your employer will direct you to complete an online training program on the conflict of interest law. Please follow your employer's instructions on how to access the training program. If you are directed to the program on the Commission website, you may access it at [www.muniprogram.eth.state.ma.us](http://www.muniprogram.eth.state.ma.us). Before you begin the program, please note the following to ensure that you can obtain the completion certificate to provide to your employer:

- You can now use a mobile device to complete the program. **However, the audio and video will not auto-start until you either click the Slide button or the audio controller on each page to begin the audio and video segments.** To save a completion certificate using a smartphone, you can take a screenshot of it by pressing the power and Home buttons simultaneously on an iPhone or the power

and volume down buttons on an Android device. You can then attach the completion certificate to an e-mail.

- If you need to print a completion certificate, please make sure your computer is connected to a printer. **Please note that if the certificate appears cut-off on the print page, depending on which browser you are using, you may need to either change the page layout from portrait to landscape or adjust the scale to a smaller size.**
- If your employer asks you to submit your certificate electronically, you can do so using one of the following methods:
  - Click 'Print Certificate' and select 'Save as PDF' or 'Microsoft Print to PDF' to save the certificate as a PDF document
  - Click 'Print Certificate,' select your printer, and scan the printed certificate
  - Press the print screen button on your keyboard, paste the screenshot into a word processing software, and save it as a PDF document
  - Take a picture of the certificate with your mobile device
- **Please retain a copy of your completion certificate.** The online training program does not store completion records, so the Commission will not have any record that you completed the program.
- **Please do not click the 'Course Credit' button instead of the 'Print Certificate' button unless you have been directed to do so by your employer.** The 'Course Credit' button is only to be used in connection with a learning management system (LMS) used by some public agencies. If your agency is not using an LMS, the Course Credit button functions as a link to the Commission's website and your employer will not be notified that you have completed the online training program.

If you are directed to an alternative site to access the training program, such as the municipality's website or a learning management application site, please follow the instructions provided by your employer.

**Notice for charter school employees only:** Charter school employees are state employees for the purposes of the conflict of interest law. Charter school employees should complete the state/county online training program and acknowledge receipt of the summary of the conflict of interest law for state employees.

# Summary of the Conflict of Interest Law for Municipal Employees

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This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

## *I. Are you a municipal employee for conflict of interest law purposes?*

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full- and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

## *II. On-the-job restrictions.*

**(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)**

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

**(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)**

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation:* A town administrator accepts reduced rental payments from developers.

*Example of violation:* A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions.** There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation:* A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

*Example where there is no violation:* A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is



paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

*Example of violation:* A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

*Example of violation:* A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

*Example of violation:* A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

**(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)**

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or

reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

***Example of violation:*** A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

***Example of violation:*** A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

***Example:*** A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

***Example where there is no violation:*** An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is

an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

*Example where there is no violation:* A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shellfishing. The Advisory Board is required to have members who are currently commercial fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen, but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

*Example of violation:* A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

*Example where there is no violation:* A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### III. After-hours restrictions.

**(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

*Example:* A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

**(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

**Example of violation:** A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

**Example of violation:** A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

**Example:** A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

**Example:** A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters

assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

**(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)**

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an “inside track” to further financial opportunities.

*Example of violation:* Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

*Example of violation:* A selectman buys a surplus truck from the town DPW.

*Example of violation:* A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

*Example of violation:* A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission’s Legal Division for advice about a specific situation.

#### IV. After you leave municipal employment. (See Section 18)

**(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.**

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else,

whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation:* A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

**(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

*Example:* An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.**

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

*Example:* While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

**Example:** A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

\* \* \* \* \*

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, [www.mass.gov/orgs/state-ethics-commission](http://www.mass.gov/orgs/state-ethics-commission), contains further information about how the law applies in many situations. You can also contact the Commission's Legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.

Version 7: Revised November 14, 2016.

\* \* \* \* \*



## ACKNOWLEDGMENT OF RECEIPT

I, \_\_\_\_\_, an employee at \_\_\_\_\_  
(first and last name) (name of municipal dept.)

hereby acknowledge that I received a copy of the summary of the conflict of interest law  
for municipal employees, revised November 14, 2016, on \_\_\_\_\_.  
(date)

*Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an email acknowledging receipt of the summary to the individual who provided them with a copy of it.*

## Robbin Kelley

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**From:** Patti Macura  
**Sent:** Tuesday, January 19, 2021 9:01 AM  
**To:** Allin Thompson; Art Bodin; Brad Chase (brad.chase@state.ma.us); Brian Power; Chris Joyce; Clem Smith; Cynthia Eldredge; Daniel Hall; Community Preservation Committee; David Ryer; David Spitz; Don Howell; Duncan Berry; Elaine Shovlin; Fran Salewski; Gary Carreiro; Hugh Millar; Janet Evans; Jerry Beltis; JoAnn Brown; John Mahan; Jon Chorey; Mary Maslowski; Pamela Howell (pammyjane722@gmail.com); Paula McGuire; Rich Larios; Richard Waystack; Sandra Woodbridge; Tina Games; Valerie Bell; Wayne Coulson; Amy Bullock; Amy Usowski; Anita Doucette; Carol Coppola; Carolyn Carey; Charleen Greenhalgh; Dan Pelletier (dpelletier@harwichwater.com); Chief David J. Guillemette; David LeBlanc; Craig Thornton; Deputy Chief Kevin Considine; Donna Molino; Emily Mitchell; Eric Beebe; Foster Banford; Ginny Hewitt; Griffin Ryder; Heinz Proft; Jamie Goodwin; Joe Powers; John Rendon; Link Hooper; Meggan Eldredge; Raymond Chesley; Robbin Kelley; Roman Greer; Sean Libby; Shawn Fernandez; Sheila House  
**Cc:** Danielle Delaney; Susan Pires; Kate Varley; Michelle Morris; Elaine Banta; Kim Berube; Michael Serijan; Tambollo, Leah; Robert Lawton  
**Subject:** Friendly Reminder - Submission of 2020 Annual Reports  
**Attachments:** Annual Report Memo - 2020.pdf

### Blind Copy to the Board of Selectmen

Good morning everyone – For those who have not yet submitted their 2020 Annual Report – this is a friendly reminder that they are due on Friday, January 22, 2021.

Thank you.

*Patricia Macura*  
*Selectmen/Administrator's Office*  
*Town of Harwich*  
[pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)  
508-430-7513 x3319

## MEMORANDUM

**To:** All Department Heads, Committees, Commissions and Boards  
**From:** Patti Macura, Executive Assistant, Administration  
**RE:** **Submission of 2020 Annual Reports**

---

Blind copied to the Board of Selectmen

Hello all,

The deadline for submitting reports for the 2020 Annual Town Report is:  
**Friday, January 22, 2021.**

Your report must be submitted as a word document using:

**Microsoft Word, Times New Roman, 12 pt. Font.**

**No reports will be accepted after January 29, 2021 without prior approval.**

Please submit your report to [TA@town.harwich.ma.us](mailto:TA@town.harwich.ma.us) or [pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)

cc: Joe Power, Interim Town Administrator

*Patricia Macura  
Selectmen/Administrator's Office  
Town of Harwich  
[pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)  
508-430-7513 x3319*

## 2020 Cemetery Commission Annual Report

The Harwich Cemetery Commission is comprised of three appointed Harwich residents charged with overseeing the town's sixteen cemeteries. We currently have three Commissioners Steven H. Conner, Commission Chair, Cynthia A. Eldredge, Former Commission Chair, and Robert B. Thompson. The Commission wishes to thank Cynthia for her hard work and dedication as Chairwoman. All three of the Commissioners have been sworn in and have up to date State Ethics testing. The Commission meets the first Tuesday of each month. We have had eight meetings this year with four canceled due to lack of quorum. This was addressed with the appointment of Robert Thompson who joined our Commission on October 5, 2020.

The Commission supports and provides guidance to the Cemetery Administrator, prioritizes yearly expenditures of revenues from annual lot sales, and establishes policies and regulations related to the public use, operation, and maintenance of the town's burial grounds. The town's cemeteries cover over one hundred acres of land.

We had a total of 62 burials for the year. We have 30 families who have lost loved ones during this past year and due to the COVID epidemic guideline, are waiting to have services when it is safe for their families to travel. Of those who were interred 23 were Traditional/Casket burials and 39 were cremation burials. Each year the number of cremation burials is increasing, and the Commission will be exploring revisions in certain lot sizes to better accommodate this trend.

On March 10, Governor Baker declared a state of emergency this affected funeral services for the Town. Signs stating that masks are required were installed as instructed by Meggan Eldredge, Health Director, per Governor Bakers Orders at Island Pond, Mount Pleasant, and Evergreen. Funeral Services and were limited the number of attendees at the beginning of the epidemic only 10 were allowed to attend at the graveside, increased to 25 and was at 50 at the end of December. Cemetery Administrator attended services and required attendee to stay six feet apart and to be wearing masks at all times.

As of December 2020, the balance in the Cemetery Revolving Fund was \$96,935.44 of which \$30,110.00 is reserved for Arboretum Mapping and Software leaving an available balance of \$66,825.44.

During the past year the Commission's work included:

- Island Pond Cemetery was certified as a Wildlife Habitat.
- We continued with the cleanup of the cemeteries from the July 2019 Tornado. Damage to the trees was significant and removal of damaged and hanging limbs has continued.
- Approval of Town Meeting Article #18 for Memorial Tree Replacement. The article was funded by the expendable portion of the Cemetery Perpetual Care Fund total cost was \$20,000 and it was for the replacement of trees that were lost due to the Tornado of 2019. The cemeteries lost over 400 trees with the Town Cemeteries with the largest loss being 275 in Island Pond, 75 in Mount Pleasant, and 24 in Evergreen. Replanting of trees

at this location and in the other Town Cemeteries is necessary to properly maintain our cemeteries.

- Approval of Town Meeting Article #32 for the Pine Grove Cemetery Gravestone Conservation & Preservation with use of the Historic Preservation Reserve, \$75,000 to fund the repair and restoration of gravestones and monuments at Pine Grove Cemetery. There are 23 monuments in need of repairs; 116 monuments with new foundations or to be reset; 8 large memorials to be cleaned and consolidated. A total of 147 memorials will be cleaned and consolidated.

- Submitted CPC Article for the Veterans Memorial Circle at Evergreen Cemetery for \$48,385. It will consist of The American Flag in the center next to the gazebo and surrounded by the flags of each branch of the military: Army, Navy, Air Force, Marines, Coast Guard, and Space Force. The Space Force was added as a branch of the military in 2019. Accompanying the article is a letter from Wilfred Remillard, retired Veterans Agent from the Town of Harwich in which he says, "This array of flags will serve to honor all of our Nation's Veterans and to display the pride and patriotism of our community." We also received and attached a letter from Jeffrey K. Beatty, Major US Army Retired, Delta Force Purple Heart Veteran, in which he says "It is truly reflective of how Harwich views its Veterans and I salute the entire town for that."

- Submitted CPC Article for the Gravestone Conservation & Preservation for the East Harwich Union Cemetery for \$ 112,200 (\$102,000 + 10% contingency of \$10,200). Many of the stones within this cemetery are over 200 years old. The oldest being of Revolutionary War Soldier Ebenezer Eldredge who died in 1797. There are 65 repairs needed: 45 Monuments and 20 footstones due to fractures or damage from falling over and/or previous failed repairs. 209 Reset or New Foundation: 107 headstones, 2 corner markers, 100 footstones either need to be reset or require foundation repair. Monuments are leaning and are in need of treatment to be reset so that they will not topple over and to prevent future degradation. New bases will be made where required. 265 memorials will be cleaned and consolidated including headstones and footstones. Slate will not be consolidated but will be cleaned of biologicals. The total number of monuments is 316. This Article was unanimously supported by the Historic Commission.

- Submitted CPC Article for Historic Restoration of Fence Posts & Rails at East Harwich Union Cemetery for \$135,025 (which includes a contingency of \$12,275). There are 24 Stony Creek granite posts that are broken or have fractures that need to be replaced. This requires digging up and removing the broken posts. Removal of any trees or shrubs. Installing new posts installing new rails. This Article was unanimously supported by the Historic Commission.

- Marceline Arboretum at Island Pond: Robbin Kelley, our Administrator has been working with Hannah Schmidt one day a week who had been indexing the trees within the Arboretum property, invasive species removal, creating brochures, and was preparing the documentation for Accreditation. Due to the COVID-19 epidemic, all AmeriCorps members were asked to end their service year in March instead of July. Hannah will be

missed by the Cemetery Commission and Administrator, it was unfortunate she was unable to finish her service year. We were lucky enough to have Ashley Boudreau, an AmeriCorps member from September until July 2021 for two days a week every Tuesday and Wednesday. We are very fortunate to have Ashley working with Robbin on the Island Pond Arboretum. Ashley has completely indexed the trees for the Arboretum and Island Pond property. She has helped put a brochure together with this information for future visitors. Invasive species identification and removal. We currently have over fifty species of tree identified.

- Letter from Board of Selectmen approving the naming of the James G. Marceline Arboretum at Island Pond Cemetery at their February 10, 2020 meeting.
- Preparing documentation for Level I Accreditation for Marceline Arboretum at Island Pond Cemetery. We have developed the Marceline Arboretum Plan and it has been updated with the help of Amy Usowski, Conservation Administrator, Diane DiGennaro, and Gerie Schumann who are both on the garden club and are master gardeners. The administrator continues to work with Amy Usowski, as well as Russell Norton, Agriculture & Horticulture Extension Educator from Cape Cod Cooperative Extension. Russell and Amy are both assisting us with information we need to verify species and recommendation for implementation of new plantings in the Arboretum. There was no charge for this service through the Cape Cod Cooperative Extension.
- AmeriCorps Cape Cod Service project for Invasive species removal at Island Pond Cemetery. Eight service members removed invasive species consisting of Japanese knotweed, Asiatic Bittersweet, and Briars.
- A new sign was made for the East Harwich Methodist Cemetery.
- Local historian, Duncan Berry, led a talk at Pine Grove Cemetery along with Harwich Historical Society and Robbin Kelley, Cemetery Administrator on Prominent Residents of West Harwich.
- Robbin Kelley and Ashley Boudreau lead a tour for the Harwich Garden Club members at the Marceline Arboretum at Island Pond Cemetery with the newly created map which included the locations of the trees in the cemetery and within the conservation parcel of the Arboretum property.
- Cemetery Arboretum Mapping and Software Project. Article #32 to be funded by the Cemetery Revolving Account to map the cemetery property estimated cost was \$30,110.00 with an additional cost of \$7,000 for hosting website and online App. Software will allow visitors to find family members plots. It will also show all the species of trees on the property. This went out for bids for proposals. The town was in negotiations with the vendor, but they did not come to an agreement and it was rescinded. It will be going back out to bid. We are working with Griffin Ryder on this procurement.

- Grant for Equitable Parks and Green Spaces in Small in Midsize Cities was successfully submitted to the Robert Wood Johnson Foundation on September 9th. We are hopeful we will receive the grant when it is awarded in December. If not, the Administrator will research for other grants that don't require matching funds.
- Continue to inventory all the cemetery plots in the town-owned cemeteries to be able to locate the older historic burials.
- Fixed electrical problem to the pump at Evergreen Cemetery.
- Ordered Veterans Memorial Flag holders 50 for WWI and 50 for WWII.
- Evergreen Cemetery AmeriCorps project was completed in December 2020. Lifting up the canopy of trees by pruning lower limbs, shaping smaller trees and shrubs and removal of invasive species.

Items that will be addressed by the Commission in 2021:

- We have updated the Rules and Regulations for all the town-owned or maintained cemeteries. The Harwich Center Cemetery has been removed from the list of cemeteries. The Commission also had additional changes that were supposed to go to the Annual Town Meeting in 2021 but were removed and will be brought before the Annual Town Meeting for approval in 2022.
- Cemetery Administrator will be researching all of the Veterans to make sure that they have flag holders. We have several Civil War Veterans that currently don't have flag holders. We would like all of our veterans to have flags placed on their graves for Memorial Day.
- Request from Yarmouth Ancient Cemetery and Brewster Cemetery to have Robbin Kelley do Ground Penetrating Radar (GPR) surveys at their sites. Ground Penetrating Radar will be done in late winter or early spring.
- Install the new signs at Island Pond Cemetery and at West Harwich Baptist Church Cemetery.
- Finalize the Kelley Cemetery Land taking from 2008 and get the map filed at Barnstable Registry of Deeds.
- Continue working on brochures to map streets within and list the history of each town-owned cemetery.
- Continue to work on various improvements, drainages, brush clearing, and other maintenance projects within the cemetery properties.
- Install tree tags at the Island Pond Arboretum.

- Design the Civil War and Revolutionary War memorials to be placed at the Evergreen Veterans Memorial Circle.

Respectfully submitted,

Steven H. Conner, Chair  
Cynthia A. Eldredge  
Robert B. Thompson  
Robbin Kelley, Administrator







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wtulloch

TOWN OF HARWICH - LIVE DATA  
SPECIAL FUNDS DECEMBER

FY 21 PERIOD 6

FOR 2021 06

JOURNAL DETAIL 2021 6 TO 2021 6

ACCOUNTS FOR:	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
8025 CEMETERY TRUST FUND							
596000 OFUS							
8025 596000 INTERFUND TRANSFERS	0	0	0	20,000.00	.00	-20,000.00	100.0%*
TOTAL OFUS	0	0	0	20,000.00	.00	-20,000.00	100.0%
TOTAL CEMETERY TRUST FUND	0	0	0	20,000.00	.00	-20,000.00	100.0%
80254912 CEMETERY TRUST FUND EXPENSE							
578000 UNCLASSIFIED							
80254912 578000 UNCLASSIFIED	0	24,089	24,089	.00	.00	24,088.69	.0%
TOTAL UNCLASSIFIED	0	24,089	24,089	.00	.00	24,088.69	.0%
TOTAL CEMETERY TRUST FUND EXPENSE	0	24,089	24,089	.00	.00	24,088.69	.0%
80254914 CEMETERY TRUST FUND REVENUE							
410000 BALANCE FORWARD							
80254914 410000 BALANCE FORWARD	0	-24,089	-24,089	.00	.00	-24,088.69	.0%*
TOTAL BALANCE FORWARD	0	-24,089	-24,089	.00	.00	-24,088.69	.0%
480110 CEMETERY LOT SALES							
80254914 480110 CEMETERY LOT SA	0	0	0	-2,490.00	.00	2,490.00	100.0%



FOR 2021 06

ACCOUNTS FOR:  
8025 CEMETERY TRUST FUND

ORIGINAL APPROP	TRANSFRS/ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
80254914 480110 CEMETERY LOT SA						
2021/06/000316 12/31/2020 CRP		-160.00 REF 1906614				
2021/06/000318 12/30/2020 CRP		-180.00 REF 1906599				
TOTAL CEMETERY LOT SALES	0	0	-2,490.00	.00	2,490.00	100.0%
482001 INVESTMENT REVENUE						
80254914 482001 CEMETERY TRUST						
2021/06/000361 12/31/2020 CRP			-413.38	.00	413.38	100.0%
TOTAL INVESTMENT REVENUE	0	0	-413.38	.00	413.38	100.0%
TOTAL CEMETERY TRUST FUND REVENUE	0	-24,089	-2,903.38	.00	-21,185.31	12.1%
TOTAL CEMETERY TRUST FUND	0	0	17,096.62	.00	-17,096.62	100.0%
TOTAL REVENUES	0	-24,089	-2,903.38	.00	-21,185.31	
TOTAL EXPENSES	0	24,089	20,000.00	.00	4,088.69	
PRIOR FUND BALANCE			24,088.69			
CHANGE IN FUND BALANCE - NET OF REVENUES/EXPENSES			-17,096.62			
REVISED FUND BALANCE			6,992.07			

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TOWN OF HARWICH - LIVE DATA  
SPECIAL FUNDS DECEMBER  
FY 21 PERIOD 6

P 3  
lglytdbud

FOR 2021 06

JOURNAL DETAIL 2021 6 TO 2021 6						
ORIGINAL APPROP	TRANSFRS/ ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0	0	0	17,096.62	.00	-17,096.62	100.0%
GRAND TOTAL						

\*\* END OF REPORT - Generated by Wendy Tulloch \*\*



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TOWN OF HARWICH - LIVE DATA  
SPECIAL FUNDS DECEMBER

FOR 2021 06  
ACCOUNTS FOR:  
1611 CEMETERY LOT SALES REVOLVING

FY 21 PERIOD 6

JOURNAL DETAIL 2021 6 TO 2021 6

ACCOUNTS FOR:	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
16111002 CEMETERY LOT SALES REV	0	100,000	100,000	329.48	.00	99,670.52	.3%
538000 OTHER PURCHASED SERVICES	0	100,000	100,000	329.48	.00	99,670.52	.3%
TOTAL OTHER PURCHASED SERVICES	0	100,000	100,000	329.48	.00	99,670.52	.3%
578000 UNCLASSIFIED	0	0	0	2,124.47	.00	-2,124.47	100.0%*
2021/06/000057 12/01/2020 API	1,020.10	VND 005332 VCH	0	2,124.47	.00	-2,124.47	100.0%*
TOTAL UNCLASSIFIED	0	0	0	2,124.47	.00	-2,124.47	100.0%
TOTAL CEMETERY LOT SALES REV	0	100,000	100,000	2,453.95	.00	97,546.05	2.5%
16111004 CEMETERY LOT SAL REVOLVING	0	-100,000	-100,000	-26,535.00	.00	-73,465.00	26.5%*
481003 CEMETERY LOT SALES	-250.00	REF 1903764	0	-26,535.00	.00	-73,465.00	26.5%*
16111004 481003 CEMETERY LOT SA	-100.00	REF 1903756	0				
2021/06/000118 12/07/2020 CRP	-100.00	REF 1904750	0				
2021/06/000119 12/03/2020 CRP	1,000.00	VND 026028 VCH	BITZER				
2021/06/000193 12/15/2020 CRP	-100.00	REF 1905138	0				
2021/06/000224 12/23/2020 API	-75.00	REF 1906614	0				
2021/06/000231 12/23/2020 CRP	-1,440.00	REF 1906614	0				
2021/06/000316 12/31/2020 CRP	-1,620.00	REF 1906599	0				
2021/06/000316 12/31/2020 CRP							
2021/06/000318 12/30/2020 CRP							
TOTAL CEMETERY LOT SALES	0	-100,000	-100,000	-26,535.00	.00	-73,465.00	26.5%
TOTAL CEMETERY LOT SAL REVOLVING	0	-100,000	-100,000	-26,535.00	.00	-73,465.00	26.5%



FOR 2021 06 JOURNAL DETAIL 2021 6 TO 2021 6

ACCOUNTS FOR:	ORIGINAL APPROP	TRANSFRS/ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
1611 CEMETERY LOT SALES REVOLVING	0	0	0	-24,081.05	.00	24,081.05	100.0%
TOTAL CEMETERY LOT SALES REVOLVING	0	0	0	-24,081.05	.00	24,081.05	100.0%
TOTAL REVENUES	0	-100,000	-100,000	-26,535.00	.00	-73,465.00	
TOTAL EXPENSES	0	100,000	100,000	2,453.95	.00	97,546.05	
PRIOR FUND BALANCE				71,981.28			
CHANGE IN FUND BALANCE - NET OF REVENUES/EXPENSES				24,081.05			
REVISED FUND BALANCE				96,062.33			



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TOWN OF HARWICH - LIVE DATA  
SPECIAL FUNDS DECEMBER

P 3  
glytdbud

FY 21 PERIOD 6

FOR 2021 06

JOURNAL DETAIL 2021 6 TO 2021 6

ORIGINAL APPROP	TRANSFRS/ADJSTMTS	REVISED BUDGET	YTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0	0	0	-24,081.05	.00	24,081.05	100.0%

\*\* END OF REPORT - Generated by Wendy Tulloch \*\*

## Robbin Kelley

---

**From:** Paul Sweetser <paulsweetser@gmail.com>  
**Sent:** Saturday, January 30, 2021 5:01 PM  
**To:** Robbin Kelley; Robbin Kelley  
**Subject:** Estimate for the Kelley Family Cemetery Survey  
**Attachments:** Kelley Family Cemetery Estimate.pdf

Hi Robbin,

Attached please find the estimate for survey work and preparation of an 81X plan for the subject property. I did not estimate a cost for concrete markers to be set at the corners as it remains to be seen as to how many would be needed.

Thank you, let me know how you make out.  
Paul

--

**Paul E. Sweetser**  
***Professional Land Surveyor***  
***P.O. Box 1146***  
***Dennisport, MA 02639***  
***Cell- (508)737-7560***







Paul E. Sweetser  
**PROFESSIONAL LAND SURVEYOR**

(508) 737-7560

P.O. Box 1146 · Dennis Port, MA 02639

January 30, 2021

Town of Harwich  
Cemetery Commission  
100 Oak Street  
Harwich, MA 02645  
ATTN: Robbin Kelley

RE: Kelley Family Cemetery – 18 Old Brewster Road – Assessors Map: 48 Parcel: T1-2

Dear Robbin;

The cost estimate to survey and produce an 81X plan for the subject property is between \$2,500.00 and \$3,000.00, not to exceed the later amount.

Survey includes a traverse to locate monuments around the cemetery, computations and verification of monument locations. This plan would also correct the original plan on record as well as adding the additional property to the north.

An 81X plan shows the surveyors findings, delineates the boundary lines and is suitable for recording at the Barnstable County Registry of Deeds. This plan does not need Planning Board approval or endorsement.

If you have any questions or comments please do not hesitate to contact me.

Thank you,

# CPC Articles

## 2021 Annual Town Meeting

### HP1 East Harwich Gravestone Conservation & Preservation \$112,200

Submitted October 30, 2020 Amount Requested \$102,000

Unanimously Approved by Historic Commission 11/18/2020

Presented to CPC on 12/3/2020 member of the CPC had questions and concern about liability, the church owning the property

Letter from Steven Conner, Cemetery Commission Chair requested Legal Service to Town to Joseph Power, Town Administrator. 12/28/2020

Joseph Power sent email back that CPC would have to request legal service. 12/28/2020

Email from Joseph Powers was forwarded to Jan Moore, Secretary CPC 12/29/2020

Jan Moore sent back an email with attachment with updated requested by CPC 1/5/2021

Revised Application:

- 1) A complete revised application in PDF format is needed to be emailed to the CPC. a) Revised applicant - Town of Harwich, Joe Powers Interim Town Administrator b) Revised request amount
- 2) 9 hardcopies of changed pages of the revised application are needed. Please notify when ready.
- 3) Provide revised budget figures.

Documents the conservation company can provide:

- 1) In a prior project the conservation company had provided a book and flash drive documenting the work that had been done. Can the company provide the documentation in a digital searchable format?

Legal opinion:

- 1) Legal opinion was requested on the process for a historic preservation project on land the town doesn't own without historic restrictions. Can this project qualify and what is the process? The CPC will request the town's attorneys via the town administration for their legal opinion. The Community Preservation Coalition and Mass Historic can also be contacted for supporting information.

Already provided:

1. Mass Gen Law Chapter 144 Section 18 - answers why the town maintains the cemeteries
2. CPC received Cemetery Commission Master Plan
3. Confirmed budget with Town. CPC received revised request amounts.
4. Advised CPC that the CPC Chair needs to ask for the legal opinion
5. Is getting the conservation company's document books available online and public access to the hardcopy

Email was sent to David Nixon, Chair of CPC with Joseph Powers request for legal services response. 1/7/2021

David Nixon called cemetery phone 1/8/2021 and said he would not be requesting legal services a precedent has already been set with Harwich Center Church stain glass window article.

Cemetery Administrator updated Article made copies and dropped them at Town Hall with Revisions, flash drive 1/14/2021 NEW TOTAL \$112,200.

Approved by 4 to 3 vote for CPC on 1/28/2021

On Agenda for February 11 CPC meeting possible revoke.

## **HP2 Historic Restoration of Fence Posts & Rails at East Harwich Union Cemetery \$135,025**

Presented to CPC on 12/3/2020

Unanimously Approved by Historic Commission 11/18/2020

Jan Moore sent back an email with attachment with updated requested by CPC 1/5/2021

Revised Application:

- 1) A complete revised application in PDF format is needed to be emailed to the CPC.
  - a) Revised applicant - Town of Harwich, Joe Powers Interim Town Administrator
  - b) Revised request amount
- 2) 9 hardcopies of changed pages of the revised application are needed. Please notify when ready.
- 3) Provide revised budget.

Statues

- 1) Under the historic preservation statues as they apply to Community Preservation Act projects – who says this project must use the pink granite just because the quarry is still in operation and the pink granite is available. Please research this via the State and/or Feds and provide an answer.

Legal opinion

- 1) Legal opinion was requested on the process for a historic preservation project on land the town doesn't own without historic restrictions. Can this project qualify and what is the process? The CPC will request the town's attorneys via the town administration for their legal opinion. The Community Preservation Coalition and Mass Historic can also be contacted for supporting information.
- 2) Another legal opinion was requested on who is liable if someone is injured on this land. If the injury is from the fence or gravestones in their current condition. Town insurer should also be consulted

Already provided:

1. Mass Gen Law Chapter 144 Section 18 - answers why the town maintains the cemeteries
2. CPC received Cemetery Commission Master Plan
3. Confirmed budget with Town. CPC received revised request amounts.
4. Advised CPC that the CPC Chair needs to ask for the legal opinion

Email was sent to David Nixon, Chair of CPC with Joseph Powers request for legal services response. 1/7/2021

David Nixon called cemetery phone 1/8/2021 and said he would not be requesting legal services a precedent has already been set with Harwich Center Church stain glass window article.

Cemetery Administrator updated Article made copies and dropped them at Town Hall with Revisions, flash drive New Totals \$135,750

CPC did not vote on Article ran out of money from Historic Funds

## **HP3 Veterans Memorial Circle at Evergreen Cemetery \$48,385.**

Presented to CPC on 12/3/2020

Unanimously Approved by Recreation Commission on 12/29/2020

Jan Moore sent back an email with attachment with updated requested by CPC 1/5/2021

Revised Application:

- 1) Complete revised application in PDF format is needed to be emailed to the CPC.
  - A) Revised applicant - Town of Harwich, Joe Powers Interim Town Administrator
  - b) Revised request amount

2) 9 hardcopies of changed pages of the revised application are needed. Please notify when ready.

3) Provide revised budget.

Cemetery Administrator updated Article made copies and dropped them at Town Hall with Revisions, flash drive New Totals \$48,385

Unanimously Approved by CPC 1/28/2021

Civil War Soldiers Memorial  
Evergreen Cemetery  
Harwich, MA

**Data for each soldiers will include:**

Full name, residence at time at enlistment, age of enlistment, occupation, regiment, company, date of birth, place of birth, muster date, muster out date, if wounded date, place wounded, if they were POW, date of imprisonment, place of imprisonment, if paroled, date of death, cause of death, if known cemetery name and lot number as well as any additional information pertaining to soldiers service.

Source of information for Civil War Memorial names will be verified from the book, "Massachusetts Soldiers, Sailors, and Marines in the Civil War. Compiled and Published by the Adjutant General in Accordance with Chapter 475, Acts of 1899 and Chapter 64, Resolves of 1930." Currently I have 47 names listed in my database, I am on page 248 of 847. I will verify all information to make sure that we don't miss any of our Harwich Soldiers, as many of them died and buried were they perished.

In addition U. S. Civil War Draft Registration Records, 1863-1865. *Consolidated Lists of Civil War Draft Registrations, 1863-1865*. NM-65, entry 172, 620 volumes. NAI: [4213514](#).  
Records of the Provost Marshal General's Bureau (Civil War), Record Group 110. National Archives at Washington D.C. on Ancestry.com

CLASSIC REPRINT SERIES

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MASSACHUSETTS SOLDIERS,  
SAILORS, AND MARINES  
IN THE CIVIL WAR

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Compiled and Published by the Adjutant  
General in Accordance With Chapter 475,  
Acts of 1899 and Chapter 64, Resolves of 1930

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Vol. 5

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by  
Unknown Author

Forgotten Books

4 FIFTY-EIGHTH REGIMENT MASS. VOLUNTEER INFANTRY

Bassett, William H. H. — Priv. — Res. Harwich; 22; seaman; enl. Jan. 4, 1864; must. Jan. 14, 1864; prisoner July 30, 1864, Petersburg, Va.; died of disease, Jan. 10, 1865, at Danville, Va., a Prisoner of War. See Co. "E," 43d Mass. Inf. (9 mos.).

Bearse, Charles B. — Priv. — Res. Chatham; 18; seaman; enl. Jan. 5, 1864; must. Jan. 14, 1864; prisoner July 30, 1864, Petersburg, Va.; exchanged March, 1865; must. out July 28, 1865.

Bennett, George N. — Priv. — Res. Nantucket; 22; seaman; enl. Jan. 4, 1864; must. Jan. 14, 1864; died of disease, Sept. 12, 1864, David's Island, New York Harbor.

Bennett, Jeremiah — Priv. — Res. Provincetown; 41; seaman; enl. Dec. 23, 1863; must. Jan. 14, 1864; killed June 3, 1864, Cold Harbor, Va.

Blagden, James K. — Priv. — Res. Barnstable; 18; blacksmith; enl. Dec. 31, 1863; must. Jan. 14, 1864; wounded June 3, 1864, Cold Harbor, Va.; died June 11, 1864, Alexandria, Va., of wounds.

Bolton, John — Priv. — Res. Chatham; 28; mariner; enl. Dec. 29, 1863; must. Jan. 14, 1864; killed June 3, 1864, Cold Harbor, Va.

Brown, James — Priv. — Res. Salem; 21; seaman; enl. and must. June 23, 1864; deserted Nov. 11, 1864, City Point, Va.

Burgess, George G. — Priv. — Res. Harwich; 18; sailor; enl. Dec. 15, 1863; must. Jan. 14, 1864; must. out July 26, 1865.

Cahoon, Simeon — Priv. — Res. Harwich; 22; mariner; enl. Dec. 26, 1863; must. Jan. 14, 1864; wounded May 6, 1864, Wilderness, Va.; died of wounds, July 25, 1864, Washington, D. C.

Cahoon, Thomas Y. — Priv. — Res. Harwich; 19; seaman; enl. Jan. 5, 1864; must. Jan. 14, 1864; deserted April 28, 1864, Readville, Mass. See Co. "E," 43d Mass. Inf. (9 mos.).

Cathcart, George W. — Priv. — Res. Barnstable; 27; seaman; enl. Dec. 8, 1863; must. Jan. 14, 1864; disch. May 18, 1865, Readville, Mass.

Chase, Elijah — Priv. — Res. Harwich; 36; mechanic; enl. Dec. 5, 1863; must. Jan. 14, 1864; deserted Aug. 12, 1864, while on furlough.

Chase, Heman, Jr. — Priv. — Res. Harwich; 36; seaman; enl. Dec. 18, 1863; must. Jan. 14, 1864; prisoner July 30, 1864, Petersburg, Va., as Sergt.; paroled, date not shown; comm. 2d Lieut., Aug. 8, 1864; must. Jan. 24, 1865; comm. 1st Lieut., to date Nov. 1, 1864; must. April 17, 1865; prisoner April 2, 1865, Petersburg, Va.; released April 11, 1865; must. out July 14, 1865, as 1st Lieut. of Co. "G." Brevet Captain U. S. Vols., to date April 2, 1865. See U. S. Navy, as Herman Chase.

Chase, John S. — Priv. — Res. Dennis; 29; seaman; enl. Dec. 30, 1863; must. Jan. 14, 1864; wounded June 3, 1864, Cold Harbor, Va.; disch. for wounds, Sept. 24, 1864, Baltimore, Md. See Co. "E," 43d Mass. Inf. (9 mos.).

Chase, Joshua H. — Priv. — Res. Chatham; 21; sailor; enl. Jan. 4, 1864; must. Jan. 14, 1864; wounded May 6, 1864, Wilderness, Va.; disch. for wounds, Jan. 20, 1865, Washington, D. C.

Connors, Thomas — Priv. — Res. Boston; 20; seaman; enl. June 23, 1864; must. June 23, 1864; deserted Nov. 11, 1864, City Point, Va.

Cook, Charles G. — Priv. — Res. Barnstable; 25; mariner; enl. Jan. 18, 1864; must. Feb. 8, 1864; prisoner July 30, 1864, Petersburg, Va.; died of disease, Feb. 3, 1865, Danville, Va., a Prisoner of War.

Cremier, Franklin J. — Music. — Res. Cambridge; 18; musician; enl. March 14, 1864; must. April 20, 1864; died May 8, 1864, Fredericksburg, Va., of wounds received by accident same day.

Dill, Zebina — Priv. — Res. Chatham; 19; seaman; enl. Jan. 2, 1864; must. Jan. 14, 1864; prisoner May 12, 1864, Spotsylvania, Va.; died of disease, Aug. 28, 1864, Andersonville, Ga., a Prisoner of War.

Doane, Eliphaiet — Priv. — Res. Barnstable; 38; laborer; enl. Dec. 23, 1863; must. Jan. 14, 1864; wounded July 20, 1864, Petersburg, Va.; died of wounds, July 21, 1864. See Co. "D," 45th Mass. Inf. (9 mos.).

Doane, Francis L. — Priv. — Res. Harwich; 33; mariner; enl. Nov. 5, 1864; must. Jan. 14, 1864; prisoner May 26, 1864, North Anna River, Va.; paroled Nov. 20, 1864, Savannah, Ga.; no further record.

Doane, Solomon N. — Priv. — Res. Harwich; 22; mariner; enl. Jan. 5, 1864; must. Jan. 14, 1864; wounded May 6, 1864, Wilderness, Va.; prisoner May 26, 1864, North Anna River, Va.; died of disease, Aug. 24, 1864, Andersonville, Ga., a Prisoner of War.

Eldredge, Alpheus — Priv. — Res. Harwich; 33; mariner; enl. Jan. 5, 1864; must. Jan. 14, 1864; wounded June 6, 1864, Cold Harbor, Va.; died of wounds, June 15, 1864, Washington, D. C.

Eldridge, Ebenezer — Priv. — Res. Barnstable; 33; brickmaker; enl. Jan. 4, 1864; must. Jan. 14, 1864; killed May 12, 1864, Spotsylvania, Va. See Co. "E," 5th Mass. Inf. (9 mos.).

Eldridge, George S. — Priv. — Res. Brewster; 36; mariner; enl. Dec. 4, 1863; must. Jan. 14, 1864; disch. for disability, Jan. 27, 1865.

Eldridge, Nathan — Priv. — Res. Chatham; 38; mariner; enl. Jan. 4, 1864; must. Jan. 14, 1864; killed May 12, 1864, Spotsylvania, Va.

Eldridge, Washington A. — Priv. — Res. Chatham; 20; mariner; enl. Jan. 4, 1864; must. Jan. 14, 1864; wounded May 12, 1864, Spotsylvania, Va.; must. out July 14, 1865.

Ellis, Cyrus, 2d — Priv. — Res. Harwich; 18; mariner; enl. Dec. 16, 1863; must. Jan. 14, 1864; prisoner July 30, 1864, Petersburg, Va.; exchanged March 27, 1865; must. out June 21, 1865.

Ellis, Reuben W. — Priv. — Res. Brewster; 27; mariner; enl. Dec. 1, 1863; must. Jan. 14, 1864; must. out July 14, 1865.

Ellis, Stephen — Priv. — Res. Chatham; 33; seaman; enl. Jan. 5, 1864; must. Jan. 14, 1864; wounded May 12, 1864, Spotsylvania, Va.; must. out May 18, 1865.

Everett, Samuel H. — Priv. — Res. Orleans; 43; soldier; enl. Dec. 25, 1863; must. Jan. 14, 1864; wounded August, 1864; must. out July 14, 1865, as Corp. See Co. "H," 42d Mass. Inf. (9 mos.); Co. "C," 23d Mass. Inf.; and Officer U. S. Colored Troops.

Flood, John H. — Priv. — Res. Boston; 18; waiter; enl. June 20, 1864; must. June 21, 1864; disch. for disability, June 15, 1865, Philadelphia, Penna.

Freeman, Pliny F. — Priv. — Res. Chatham; 23; mariner; enl. Dec. 30, 1863; must. Jan. 14, 1864; must. out July 14, 1865, as Sergt.

Gould, Ebenezer B. — Priv. — Res. Nantucket; 44; seaman; enl. Jan. 4, 1864; must. Jan. 14, 1864; wounded June 3, 1864, Cold Harbor, Va.; died of wounds, June 23, 1864, at Washington, D. C.

Gould, Harrison F. — Priv. — Res. Chatham; 22; seaman; enl. Jan. 1, 1864; must. Jan. 14, 1864; must. out July 14, 1865.

Granet, Clement — Priv. — Res. Boston; 19; gentleman; enl. Nov. 16, 1863; must. Jan. 14, 1864; comm. 1st Lieut. from Sergt. Major, April 1, 1864; must. April 21, 1864; comm. Captain, Aug. 8, 1864; not must.; killed July 30, 1864, Petersburg, Va., as 1st Lieut. of Co. "H." Also had service in Co. "E," 22d New York Inf.

Hamilton, Charles W. — Priv. — Res. Harwich; 31; sailor; enl. Dec. 5, 1863; must. Jan. 14, 1864; wounded May 12, 1864, Spotsylvania, Va.; missing in action, April 2, 1865, Petersburg, Va.; disch. June 15, 1865, as Corp.

Hamilton, Enoch S. — Priv. — Res. Truro; 42; carpenter; enl. Dec. 25, 1863; must. Jan. 14, 1864; disch. for disability, April 16, 1865.

Hamilton, George W. — Priv. — Res. Chatham; 22; mariner; enl. Dec. 30, 1863; must. Jan. 14, 1864; must. out July 14, 1865, as Sergt.

Hammond, Franklin D. — Priv. — Res. Chatham; 32; mason; enl. Dec. 19, 1863; must. Jan. 14, 1864; comm. 2d Lieut. from Sergt., March 8, 1864; must. April 21, 1864; killed June 23, 1864, Petersburg, Va. See Co. "E," 43d Mass. Inf. (9 mos.).

Handy, Moses A. — Priv. — Res. Harwich; 43; sailor; enl. Dec. 17, 1863; must. Jan. 14, 1864; prisoner May 26, 1864, North Anna River, Va.; died of disease, Oct. 1, 1864, Andersonville, Ga., a Prisoner of War.

Harding, Samuel — Priv. — Res. Chatham; 39; carpenter; enl. Jan. 5, 1864; must. Jan. 14, 1864; must. out July 14, 1865.

Hardy, Josiah F. — Priv. — Res. Chatham; 20; seaman; enl. Jan. 1, 1864; must. Jan. 14, 1864; wounded June 17, 1864, Petersburg, Va.; must. out July 14, 1865.

Harley, William H. — 2d Lieut. — Res. Chatham; 23; gentleman; enl. Dec. 12, 1863, as Private; comm. 2d Lieut., Jan. 13, 1864; must. Feb. 6, 1864; comm. Captain, March 15, 1864; must. April 18, 1864; killed May 12, 1864, Spotsylvania, Va., as Captain of Co. "H." See Co. "E," 43d Mass. Inf. (9 mos.).

Hawes, Samuel, Jr. — Priv. — Res. Chatham; 24; farmer; enl. Jan. 5, 1864; must. Jan. 14, 1864; wounded April 2, 1865, Petersburg, Va., as Sergt.; disch. for wounds, June 19, 1865, Philadelphia, Penna.

Hooper, Arthur — Priv. — Res. Bridgewater; 20; painter; enl. Dec. 11, 1863; must. Jan. 14, 1864; must. out June 13, 1865, as Sergt. See Co. "K," 3d Mass. Inf. (9 mos.).

# U.S., Civil War Draft Registrations Records, 1863-1865 for Alvan Cahoon

Massachusetts > 1st > Vol 1 of 4

Consolidated list of all persons of Class I, subject to do military duty in the State of Massachusetts, enumerated during the month of August, 1863, under direction of the Provost Marshal.

REGISTRY	NAME	AGE IN YEARS	PROFESSION	MAINTAINED IN EXEMPTED	PLACE OF BIRTH	FORMER MILITARY SERVICE	REMARKS
1	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
2	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
3	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		L. Provost M.
4	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
5	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
6	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
7	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
8	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
9	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
10	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
11	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
12	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
13	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
14	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
15	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
16	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
17	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
18	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
19	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.
20	Alvan Cahoon	34	Farmer	Massachusetts	Massachusetts		M.S.

Station: Headquarters, 1st Corps, Dist. of Massachusetts  
 Date: August 20th 1863  
 Provost Marshal: Alvan Cahoon, Capt.



First Name	Middle	Last Name	Age at enlistment	Regiment	Company
William	H.H.	Bassett	22	58	E
George	G	Burgess	18	58	
Alvin		Cahoon	27		
Samuel	S	Cahoon	25		
Simeon		Cahoon	22	58	
Thomas	Y	Cahoon	19	58	
Elijah		Chase	36		
Herman		Chase	36	58	G
Francis	L	Doane	33	58	
Solomon	N	Doane	22	58	
William	L	Strong	0		
Asa	Leonard	Jones	22	39	A
Joshua	L	Still	0		
Joseph		Crabe	26		
Alpheus		Eldredge	33	58	A
Cyrus		Ellis	18	58	A
Charles	W	Hamilton	31	58	
Moses	A	Handy	43	58	A
David		Kendrick	26	58	A
Isaac	Lewis	Kendrick	33	58	A
Daniel		Lenihan	21	58	A
Charles	W	Nickerson	20	58	A
George	Washington	Nickerson	19	58	A
Warren		Phillips Jr.	20	58	A
Charles	A	Robbins	19	58	A
David	Porter	Ryder	27	58	A
Ezra	Baker	Ryder	25	58	A
Antonio		Silver	42	58	A
Asa		Simons	42	58	A
Ebenezer		Smalley	25	58	A
Stephen		Smith	42	58	A
George	S	Studley	25	58	A
Charles	O	Tuttle	36	58	A
John	B	Tuttle	39	58	A
Winslow		Baker	23	58	H
Joseph		Barstow	31	58	H
Henry		Brown	39	58	H
Edward	C	Chase	24	58	H
Isaiah		Chase 2nd	31	58	H
Thomas	B	Chase	22	58	H
Alvah	B	Crabbe	18	58	H
James	B	Doane	38	58	H
Nathan		Downey	23	58	H
Alvan	L	Drown	38	58	H
Freeman		Hall	27	58	H
Jonathan		Small	37	58	H
Seth	B	Wixon	24	58	H

# The Harwich Independent.

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## HARWICH PORT.

### Alfred M. Davidson

Passed away at his home here May 31, after an illness of about four months, aged 63 years. He leaves a widow to whom deepest sympathy is extended in her bereavement

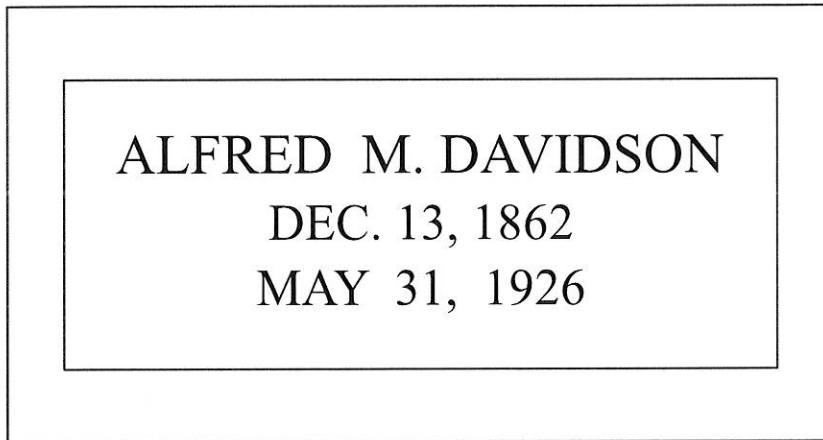
Mr Davidson was formerly of New Hampshire and had lived at Pleasant Lake for seven years, and also for the past seven years resided at his home on Doane Road, and had charge of the Harwich Port cemetery. He was a member of a Boston Lodge of I O O F. He was of a genial nature and made many friends

Funeral services were held from his late home Wednesday afternoon, June 2, at one o'clock, conducted by Rev L V Farnsworth of Pilgrim Church

TITTLE SUDEN:

Henry T. Crosby and Son (508)432-0007

tomblute@crosbymonuments



Mount Pleasant Cemetery - Harwich Port  
Barren Granite—Flush Marker—Polished Border  
24" x 12" x 4"

\$ 850.00	Granite Marker (Includes lettering)
\$ 150.00	Deliver and Install
\$1000.00	Total