

CITY OF NEWTON
IN BOARD OF ALDERMEN
PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, MARCH 4, 2015

7:45 PM
Room 211

ITEMS SCHEDULED FOR DISCUSSION:

#26-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-eight thousand dollars (\$28,000) from Veterans' Services Salaries to Veterans' Expenses for a 20% down payment for a quadrant of Veterans' graves at the Newton Cemetery. [01/13/15 @ 2:44 PM]

FINANCE APPROVED 2/17/15

REFERRED TO PROGRAMS & SERVICES ON 02/17/15

#340-14 ALD. NORTON requesting to amend the City of Newton Charter to ~~also include the term "Alderswoman" in text that refers to individuals who serve on the Board of Aldermen as "Aldermen"~~ replace the term "Board of Aldermen" with "City Council" and replace the term "Alderman" with "Councillor".

[09/08/14 @4:10PM]

AMENDED IN PROGRAMS & SERVICES 11/5/14

APPROVED 6-1-1 (Ald. Baker opposed; Ald. Blazar abstaining)

REFERRED BACK TO COMMITTEE /2/17/15

Public hearing continued on the following item:

#9-15 SRDJAN S. NEDELJKOVIC et al. petitioning the Board of Aldermen to expand the area represented by the Newton Highlands Neighborhood Area Council to include areas immediately contiguous with the existing service area of the Newton Highlands Neighborhood Area Council pursuant to Article 9, Section 9-4, of the City of Newton Charter. [12/23/14 @ 12:20 PM]

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact John Lojek, at least two days in advance of the meeting: jlojek@newtonma.gov, or 617-796-1064. For Telecommunications Relay Service dial 711.

ITEMS NOT SCHEDULED FOR DISCUSSION:**REFERRED TO PUB FACIL, PROG & SERV, AND PS&T COMMITTEES**

- #46-15 ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @ 1:35 PM]
- #31-15 PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20PM]
- #8-15 ALD. HESS-MAHAN, NORTON, SANGIOLO AND LEARY requesting discussion with the Law Department and Inspectional Services Department regarding enforcement of the noise ordinance as it pertains to leaf blowers. [12/15/14 7:44 PM]
- #10-15 ALD. HESS-MAHAN, BAKER, BROUSAL-GLASER, COTE, JOHNSON, SANGIOLO proposing a RESOLUTION requesting the Licensing Commission to adopt a policy requiring all applicants for a license to notify the Aldermen from the respective ward whenever applicants are required to send legal notice to abutters, public or private schools, churches, synagogues, religious institutions of worship and/or hospitals within 500 feet from the proposed licensed premises regarding their application. [12/29/14 @ 12:17 PM]
- #483-14 PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #464-14 ALD. SANGIOLO requesting discussion with the Department of Veteran's Services and the Executive Department regarding updates on programming at the Newton Senior Center and budgeting for new initiatives.[11/24/14 @ 3:41PM]
- #377-14 THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #375-14 HIS HONOR THE MAYOR submitting the FY16-FY20 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/15/14 @ 3:01 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #216-14 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:
- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
 - require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
 - require a fee for certification; and
 - impose a fine for violation of these provisions. [05/14/14 @ 11:51 AM]

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES

- #119-14 ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]
- #59-14 ALD. HESS-MAHAN AND BLAZAR requesting discussion with the Executive Department and the Health Care Advisory Committee concerning plans to implement recommendations contained in the First Report of the Health Care Advisory Committee to control the cost of health insurance while improving or maintaining the quality of care. [02/18/14 @ 6:39 PM]

REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEE

- #402-13 ALD. FULLER, GENTILE, RICE and LINSKY requesting a Home Rule Petition to amend Article 9 of the Charter to clarify that Neighborhood Area Councils shall maintain and control their own financial accounts and records, independent of City finances; and to further clarify that such independent financial accounts and records shall remain subject to City audit. [10/28/13 @ 10:18 AM]
- #398-13 ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to

make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

REFERRED TO ZAP, PROG & SERV AND FINANCE COMMITTEES

- #397-13(3) ALD. SANGIOLO AND DANBERG requesting creation of an ordinance to protect trees deemed ~~historie~~ significant by the ~~Historical Commission and the City's Tree Warden~~ with the advice and counsel of the Urban Tree Commission. [05/05/14 @ 4:32 PM]
AMENDED IN PROGRAMS & SERVICES 11/19/14

- #34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #254-12(3) PROGRAMS & SERVICES COMMITTEE proposing an ordinance to require a fee, charged to consumers, for the use of paper bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 pm]
- #229-12 RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.
- #199-13 ALD. JOHNSON AND SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]

REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES

- #312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]

Respectfully Submitted,

Amy Mah Sangiolo

CITY OF NEWTONIN BOARD OF ALDERMENFINANCE COMMITTEE REPORT

TUESDAY, FEBRUARY 17, 2015

#26-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-eight thousand dollars (\$28,000) from Veterans' Services Salaries to Veterans' Expenses for a 20% down payment for a quadrant of Veterans' graves at the Newton Cemetery.
[01/13/15 @ 2:44 PM]

ACTION: **APPROVED 7-0**

NOTE: Chief of Staff Maureen Lemieux reviewed the request for a transfer of \$28,000 to fund a 20% down payment for a quadrant of veterans' graves at the Newton Cemetery. Representatives of Newton Cemetery and Chief Administrative Officer Dori Zaleznik negotiated for the purchase of the graves and reached an agreement that the City would purchase a quadrant of graves that would be paid for over the course of three years.

A quadrant of graves consists of 29 graves and two cremation plots. It took close to 14 years to fill the previous quadrant but since that quadrant was filled, a veteran passed away who wished to be buried at Newton Cemetery. The cemetery allowed the City to pay for one of the graves in the new quadrant with the understanding that it would purchase the quadrant. The graves are only for veterans that were deployed and either lived in Newton for three consecutive years or lived in Newton at the time of enlistment. The Newton Cemetery does not allow family members to be buried with the veteran.

Committee members questioned when the City adopted the policy to bury its veterans free of charge. Ms. Lemieux was unsure of when or how the ordinance was developed but stated that it has been in place for some time. The Committee asked Ms. Lemieux and/or Ms. Zaleznik to provide further details on how the policy or ordinance was developed.

There was also concern that there were not enough cremation plots in the quadrant. Ms. Lemieux responded that the Cemetery representatives were very strict on what they were willing to sell to the City. Ms. Lemieux did not feel that they would be willing to break up burial plots into cremation plots.

The Committee understood that the City needs to complete the transaction with Newton Cemetery but would like the requested information. With that, Ald. Norton moved approval of the item, which carried unanimously.

Updated on August 8, 2013

Chapter 28

VETERANS' SERVICES*

Sec. 28-1. Control of department.

There is hereby established a department of veterans' services which shall be under the charge of the veterans' agent. (Rev. Ords. 1973, § 22-1)

Sec. 28-2. Veterans' agent—Powers and duties generally.

The veterans' agent shall have charge under the statutes of the commonwealth and under the board of aldermen of the disbursement of military aid, state aid, soldiers' relief and war allowances under any general or special law. He shall cause all applications for aid to be carefully investigated. He shall keep an account of all moneys received and expended on account of such aid. He shall record and file all information with respect to individual cases of aid requested, granted and denied, and the reason for granting or refusal thereof. (Rev. Ords. 1973, § 22-2)

State law reference—Appointment, powers, duties of veterans' agents, G.L. c. 115, § 3

Sec. 28-3. Same—Duty to furnish information, advice and assistance to veterans.

The veterans' agent shall furnish such information, advice and assistance to veterans as may be necessary to enable them to procure the benefits to which they are or may be entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pensions and other veterans' benefits. (Rev. Ords. 1973, § 22-3)

Sec. 28-4. Same—Burial agent.

The veterans' agent shall also be the burial agent as defined in chapter 115, section 7 of the General Laws. (Rev. Ords. 1973, § 22-4)

Sec. 28-5. Burial permits.

(a) The burial agent shall issue permits for burial in the so-called Veterans' Lot at the Newton Cemetery under the following conditions: Any person who has served or shall hereafter serve in the Armed Forces of the United States in time of war, the dates of beginning and ending of such war to be as determined by the commonwealth for purposes of settlement and veterans' benefits, and shall die in service or be released therefrom under honorable conditions, and at the time of his decease shall have domiciled for three (3) consecutive years preceding death or shall have a settlement in the city or shall have entered such service to the credit of the city as determined by the adjutant general's office of the commonwealth, shall be entitled to burial in the lot in the Newton Cemetery owned by the city, known as the Veterans' Lot.

**Cross references*—Health and human services, Ch. 12; exemption from parking meter regulations for disabled veterans, § 19-197; planning and development, Ch. 22

State law references—Veterans' benefits generally, G.L. c. 115; local departments of veterans' services, G.L. c. 115, § 10 et seq.

(b) The burial agent shall make and keep a record of all interments in such lot and shall issue the permits as required for opening graves.

(c) Any question of right of burial arising under this section shall be determined by the mayor. (Rev. Ords. 1973, § 22-5)

Sec. 28-6. Payment of money by warrant of comptroller of accounts.

The comptroller of accounts, upon request of the veterans' agent, may issue his warrant for the payment by the city collector-treasurer to the veterans' agent of such sums as may be required for purposes of emergency relief of veterans and allowances under any general or special law. The veterans' agent shall keep accurate accounts of all payments made by him from money so received, and upon the first day of each month or upon request shall render to the comptroller of accounts a transcript thereof with proper vouchers attached. Not more than two thousand dollars (\$2,000.00) shall be advanced at any time to the veterans' agent, and no additional advance shall be made unless all money previously advanced shall have been properly accounted for. (Rev. Ords. 1973, § 22-6; Ord. No. 1, 6-3-74)

Cross reference—Comptroller of accounts generally, Ch. 2, Art. III, Div. 3

Sec. 28-7. Establishment of information center; purpose.

The veterans' agent shall establish an information center in which the dwelling units in the city available for veterans will be listed and veterans will be advised and assisted in establishing contact with the persons in charge of the selling or rental of such dwelling units and in determining whether a dwelling unit offered to a veteran is suitable for him at the price or rental charged. (Rev. Ords. 1973, § 22-7)

(Ord. No. A-12, 02-19-13)



City of Newton.

IN BOARD OF ALDERMEN,

May 4, 1903.

ORDERED,

That any person who has served or shall hereafter serve in the Army or Navy of the United States and die in the service or be honorably discharged therefrom, and at the time of his decease have a domicile or legal residence in the City of Newton, shall be entitled to burial in the lot in the Newton Cemetery owned by the City of Newton, known as the Soldiers' Burial lot.

The City Clerk shall make and keep a record of all interments in said lot, and issue the permits as required for opening the graves.

Any question of right of burial arising under the foregoing resolution shall be determined by His Honor the Mayor.

P.L. Kingbury record kept at Cemetery only
Graves given on order of
Ambrant
City Clerk from Jan 1911
Edw. Anderson
James F. Graham
Wm W. Jacques
John Moore
John Smith
Edw. Anderson

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 17, 1960

ORDINANCE NO. 370

*In Effect
As of 10-17-60*

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON, AS FOLLOWS:

That Section 21.6 of the Revised Ordinances of Newton, 1952, as amended, be and is hereby further amended by deleting said Section 21.6 and inserting therein the following new Section 21.6:

SECTION 21.6 Veterans' Agent - Burial Agent - Burial Permits

The Burial Agent shall issue permits for burial in the so-called Veterans' Lot at the Newton Cemetery under the following conditions:

That any person who has served or shall hereafter serve in the Armed Forces of the United States in time of war, the dates of beginning and ending of such war to be as determined by the Commonwealth for purposes of settlement and veterans benefits, and shall die in service or be released therefrom under honorable conditions, and at the time of his decease shall have domicile for three consecutive years preceding death or have a settlement in the City of Newton, or shall have entered such service to the credit of the City of Newton as determined by the Adjutant General's Office of the Commonwealth of Massachusetts, shall be entitled to burial in the lot in the Newton Cemetery owned by the City of Newton, known as the Veterans' Lot.

The Burial Agent shall make and keep a record of all interments in said lot and issue the permits as required for opening graves.

Any question of right of burial arising under the foregoing Order shall be determined by His Honor the Mayor.

Under Suspension of Rules
Readings Waived & Passed to be
Ordained
23 Yeas 1 Absent
(Ald. Merrill Absent)

EXECUTIVE DEPARTMENT

Approved October 19, 1960

(Sgd) MONTE G. BASBAS City Clerk

(Sgd) DONALD L. GIBBS Mayor

A TRUE COPY.
ATTEST: *Monte G. Basbas*
MONTE G. BASBAS, CITY CLERK, NEWTON, MASS.

CITY OF NEWTON
IN BOARD OF ALDERMEN

April 3, 1950

ORDINANCE #254

See Sec. 21.6 Revised Ordinances

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON, AS FOLLOWS:

CHAPTER XXI of the Revised Ordinances of 1939 as amended be and are hereby further amended by inserting immediately following Section 166-B the following new Section:

'Section 166-C. The Agent of the Department of Veterans Services shall also be the Burial Agent as defined in Chapter 115, General Laws, amended by Chapter 584 of the Acts of 1946.

He shall also issue the necessary permits for burial in the so-called Veterans Lot at the Newton Cemetery under the following conditions:

That any person who has served or shall hereafter serve in the Army, Navy or Air Force of the United States in time of war, the dates of beginning and ending of such war to be as determined by the Commonwealth for purposes of settlement and veterans benefits, and shall die in service or be released therefrom under honorable conditions, and at the time of his decease shall have a domicile or settlement in the City of Newton, shall be entitled to burial in the lot in the Newton Cemetery owned by the City of Newton, known as the Veterans Lot.

The Burial Agent shall make and keep a record of all interments in said lot and issue the permits as required for opening graves.

Any question of right of burial arising under the foregoing Order shall be determined by His Honor, the Mayor.'

Approved as to form and legal character:

MATT B. JONES, JR., City Solicitor.

~~Committee on Claims & Rules, March 22, 1950, passage of Ordinance by Board of Aldermen recommended.~~

FRANK M. GRANT, Clerk.

October 19, 1949

Mr. Matt B. Jones, Jr.
30 Federal Street
Boston, Mass.

Dear Mr. Jones:

I am enclosing a copy of resolution #28546 dated May 4, 1903 in reference to who may be buried in the so called Soldiers Lot in the Newton Cemetery.

The United Veterans Organization of Newton have requested a change in the resolution to make certain that only those persons who served with the Armed Forces in time of war, have the privilege of being buried in this lot.

The Advisory Board of this department has voted to recommend the resolution to be changed as per attached copy.

The reason for both of these recommendations is due to the last paragraph which states the Mayor makes the final determination as to who may be buried in the lot.

I received a request to allow the body of a Newton resident to be buried in the Soldiers Lot. This boy enlisted in the Marine Corps Reserve in May 1947. He attended drill once a week and a tour of duty of two weeks in the summer.

After reading over the original resolution I felt that as the Marine Corps was part of the Navy and the Marine Corps Reserve was part of the Marine Corps, and furthermore as the Veterans Administration's date of the end of World War II was July 25, 1947 and this young man enlisted before that date, that there was a question in my mind as to whether I should issue the permit for opening a grave in the Soldiers Lot.

I then requested the Mayor's opinion and after reading the original resolution, he felt the man in question could be buried in the Soldiers Lot. He however requested an opinion from you.

When I called your office, you were not expected in that day and was referred to Mr. Roger Clapp.

January 24, 1960

Honorable Theodore R. Lockwood, Mayor
and the Honorable Board of Aldermen
City Hall
Newton Centre 59, Massachusetts

Dear Mr. Mayor and Members of the Board:

At the request of Mr. Edmund T. Dungan, Agent of the Department of Veterans Services, that Resolution No. 28546 of the Board of Aldermen, adopted May 4, 1955 and approved May 6, 1955, be rewritten to clarify and to limit the right of burial in the so-called "Veterans Lot" at the Newton Cemetery, I suggest adoption of the following Order:

"ORDERED:

That from and after the approval of this Order, any person who has served or shall hereafter serve in the Army, Navy or Air Force of the United States in time of war, the dates of beginning and ending of such war to be as determined by the Commonwealth for purposes of settlement and veterans benefits, and shall die in service or be released therefrom under honorable conditions, and at the time of his decease shall have a domicile or settlement in the City of Newton, shall be entitled to burial in the lot in the Newton Cemetery owned by the City of Newton, known as the Veterans Lot.

The Burial Agent shall make and keep a record of all interments in said lot and issue the permits as required for opening graves.

Any question of right of burial arising under the foregoing Order shall be determined by His Honor, the Mayor.

Resolution No. 28546 of the Board of Aldermen, adopted May 4, 1955 and approved May 6, 1955, is hereby rescinded effective upon approval of this Order."

Very truly yours,

Max B. Jones Jr.
City Solicitor

c/c Mr. Edmund T. Dungan, Agent
Dept. of Veterans Services
City Hall
Newton Centre, Mass.

MS/haf

ADVISORY BOARD'S RECOMMENDATION FOR VETERANS LOT

That any person who has served or shall hereafter serve in the Army, Navy or Air Force of the United States in the time of war, the dates of beginning and ending of such war to be determined by the Commonwealth, and die in service or be honorably discharged therefrom and at the time of his decease shall have a domicile or legal residence in the City of Newton ^{or settlement} shall be entitled to burial in the lot in the Newton Cemetery owned by the City of Newton known as the Veterans Lot.

The Burial Agent shall make and keep a record of all interments in said lot and issue the permits as required for opening graves.

Any question of right of burial arising under the foregoing resolution shall be determined by His Honor the Mayor.

Mr. Matt B. Jones, Jr.

- 2 -

After reading the resolution twice to Mr. Clapp it was his opinion that the young man could be buried in the Soldiers Lot.

It was the opinion of the U.V.O. and the Advisory Board that the intent of the City Fathers when the lot was purchased by the City, that only veterans of a war who were killed in service or honorably discharged would be entitled to burial in this lot.

I recommend further consideration of the wording "domicile or legal resident of the City of Newton". I feel that under the present wording that a veteran could move from North Carolina to Newton, live here for a year and be entitled to burial in this lot, whereas a veteran born in Newton, graduate from Newton schools, enlist from Newton and because of housing conditions may be living temporarily in Needham at present would not be entitled to burial in the Soldiers Lot.

It might be advisable to add "or have a settlement in Newton" after the words "legal residence in Newton".

May I have your comments on this.

Yours very truly,

Veterans' Services Agent

B/v
Enc.

cc/Alderman Angevine
Chairman Claims & Rules Committee

6" DIAM. FLAG POLE
3" DIAM. TOWERED



Note: Graves 94 - 124 have been on grounds 11/25/81

CARRILL PAUL A. LENNON	191	MAC LEOD PAUL J. MACDONALD	172	SPINKS ANSEL A. PERKINS III	150	LEMMINGE FRANCIS E. GIORDANO	128	Moody Wilfred D. Lupien	106
CESIDIO P. DERUBEIS	192	LAWRENCE SPROW JR.	173	Anthony P. Fini	151	ARTHUR I. MILLIGAN	129	Alphonsus L. Walsh	107
ROBERT YELLOR	193	THOMAS C. FITZGERALD	174	Albet P. Reddy	152	GEORGE E. JONES	130	Donald S. Vohar	108
ROBERT C. BENES	194	WILLIAM H. COOPER	175	Conrad J. La Rosee	153	THOMAS F. WICKY	131	Ferdinand Kenneth Rocha	109
		DR. SAMUEL S. BERMAN	176	Ray H. Grubough	154	LOUIS F. MACLENNAN	132	Arthur J. Martell	110
		FRANCES K. BIRD	177	Thomas J. Loughlin	155	NICHOLAS BIBBO	133	Clarence W. Nichols	111
		JOHN R. CETRONE	178	Amy Beth Fitzgerald	156	IRVINE P. HAYWOOD	134	Thomas F. Necheles M.D.	112
		PHILIP B. MARCHAND	179	Richard L. Regan	157	CHARLES O. SCRIBNER	135	Russell P. Morrell	113

10706
10708

CARMINE MUSSELLA	180	William James Pendergast	136	George H. Norcross	114
ANTHONY D. CETRONE	181	ROBERT S. BURKE	137	Neal R. O'Hara Jr.	115
JAMES A. SAUNDERS, JR.	182	RALPH CARCHIA	138	Leo F. Murphy	116
HELEN G. KEEFE	183	RUDOLPH PAUL LOMER	139	Howard James Schuff	117
SALVATORE MITTANO	184	EDWARD B. MURPHY	140	George W. Merritt	118
JOHN L. MACDONALD	185	BERNARD SMITH	141	SILVIO R. CIMEITA	119
JOSEPH E. GREELEY	186	JOHN J. REGAN	142	THOMAS L. DAVIS	120
DAVID W. DICKEY	187	MAURICE FORAN	143	ALBERT C. MCGOWAN	121
		DAVID A. THOMAS	144	EDWARD J. MACPHEE	122
		JAMES W. AREIDER	145	JOSEPH KOSCIK	123
		JOHN H. MARGESIAN	146	JOSEPH D. BALCOM	124

WILLOW AVE.

To be eligible for burial in
Veteran's Lot owned by City of Newton
the deceased must be a veteran & have
lived in Newton for 3 consecutive years
prior to death OR entered the
service as a credit to Newton (info on discharge papers)
AND
must have served during a time of
war.

PAUL A. LANNON
PAUL J. MACDONALD
LAWRENCE SPROW JR.
THOMAS C. FITZGERALD
WILLIAM H. COOPER
DR. SAMUEL S. BERMAN
FRANCES K. BIRD
JOHN R. CETRONE
PHILIP B. MARCHAND

served during
war
credit
this info will
be used

Newton Cemetery Corporation

A Beautiful Garden Cemetery Serving Greater Boston



INVOICE

SOLD TO:

Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

LOCATION		OWNER OF RECORD	DATE	INVOICE NO.
SEC I, Lot 150		Newton City Hall	12/17/2014	33034
ITEM CODE	QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
		Initial Payment on Purchase of 29 Single Graves and 2 Urn Garden Plots in Section I/North, Lot 150 (810 Square Feet) Total Purchase Price \$140,000.00 *		\$4,700.00
TERMS		SALES TAX	TOTAL	\$4,700.00

** subject to approval from the Board of Aldermen*

791 Walnut Street, Newton Center, Massachusetts 02459-1719 (617) 332-0047 Fax: (617) 969-5520
E-mail: ncc@newcemcorp.org Website: www.newcemcorp.org

SALES AGREEMENT FOR THE PURCHASE OF INTERMENT SPACE

NEWTON CEMETERY CORPORATION
791 Walnut Street, Newton Center, Massachusetts 02459-1719
Telephone (617) 332-0047 FAX (617) 969-5520

OWNER ID # I North Lot 150

AN AGREEMENT dated 12/17/2014 between

Name City of Newton

Address 1000 Commonwealth Avenue Newton, MA Zip 02459

(hereinafter called the Purchaser) and the Newton Cemetery Corporation, a cemetery corporation organized under the laws of the Commonwealth of Massachusetts (hereinafter called the Seller).

WITNESSETH, as follows:

The Seller agrees to sell and the Purchaser agrees to purchase upon the following terms and conditions the exclusive right of interment in the following site in the Newton Cemetery Section I North Lot 150 (the "Site") consisting of 29 Single Graves & 2 Urn Garden Plots (810 Square Feet) for the amount set forth below to be paid either in TBD installments over TBD months as set forth below or earlier in whole or in part at such times as the Purchaser may elect until the total of all payments equals the amount due. Early payments shall be credited against the installment next thereafter due if the Purchaser shall so request, and otherwise against the last unpaid installment.

Purchase Price: \$140,000.00* (the "Purchase Price").

Other Expenses: \$.00 (more fully detailed in Schedule A, attached hereto).

Deed to: Same as above.

NO MEMORIALS MAY BE PLACED UNTIL ABOVE PURCHASED SPACE(S) IS PAID IN FULL

Table with 4 columns: ANNUAL PERCENTAGE RATE, FINANCE CHARGE, Amount Financed/Total of Payments, Total Sale Price. Values include TBD%, \$TBD, \$112,000.00, and \$28,000.00.

Your payment schedule will be:

Table with 3 columns: Number of Payments, Amount of Payments, When Payments Are Due. Values include 0, \$.00, and 15 th of every month beginning on:

Security: You are giving a security interest in the right of interment being purchased. See this contract for any additional information about nonpayment, default, and any required repayment in full before the scheduled date.

Notice to Purchaser: (1) Do not sign this agreement if any of the spaces intended for the agreed terms to the extent of then available information are left blank. (2) You are entitled to a copy of this agreement at the time you sign it. (3) you may at any time pay off the full unpaid balance due under this agreement, and in doing so you may receive a partial rebate of the finance charges.

* subject to approval from the Board of Aldermen
Purchaser hereby acknowledges receipt of a completed copy of this contract.

NEWTON CEMETERY CORPORATION
By Timothy A. Burns

Purchaser [Signature]
Co-Purchaser [Signature]

**NEWTON CEMETERY CORPORATION
SALES AGREEMENT FOR PURCHASE OF INTERMENT SPACE
ADDITIONAL TERMS OF AGREEMENT**

Upon the receipt of the entire Purchase Price, the Seller will give the Purchaser a deed to the Site in the form of its deeds then current, which shall include the obligation of the Seller perpetually to care for the grass thereon the Site and this agreement shall terminate. Prior to the delivery of a deed as above provided, the Purchaser shall have no right of possession in the Site, or in any part thereof, nor other right to change, embellish, or alter it in any way; provided, however, that in the event that a need shall arise for use of the Site prior to delivery of the deed referenced above, the Purchaser shall have the right to make a temporary interment at the Site so long as such Purchaser has paid in the greater of the cost of a single grave or twenty percent (20%) of the Purchase Price to be paid prior to said interment.

THE PURCHASER RECOGNIZES THAT HIS RIGHT TO INTERMENT IN THE SITE MAY NOT BE TRANSFERRED, SOLD, OR OTHERWISE ENCUMBERED BY THE PURCHASER WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SELLER. NOTWITHSTANDING THE FOREGOING, THE PURCHASER MAY SELL HIS RIGHT TO INTERMENT IN THE SITE TO THE SELLER AT A PRICE EQUAL TO THE PURCHASE PRICE, WHICH MAY OR MAY NOT REFLECT THE THEN CURRENT MARKET VALUE OF THE SITE. NOTHING CONTAINED HEREIN SHALL REQUIRE THE SELLER TO REPURCHASE ANY SUCH RIGHTS IN THE SITE. THE PURCHASER RECOGNIZES THAT THE RIGHTS PURCHASED HEREUNDER ARE LIMITED TO RIGHTS OF INTERMENT.

The Purchaser hereby agrees that the Seller may conduct any activity either within or without its boundaries which is incidental or convenient to either the care or memorializing of the human dead.

This agreement and the said deed to be given will be subject to all laws and to the By-Laws and all Rules and Regulations of the Seller now existing or which may hereafter be enacted or adopted regulating the care of the Site, interments therein, memorial or plantings erected thereon, and other embellishments thereof, the care and protection of the Newton Cemetery grounds, the affairs financial or otherwise of the Seller, and the management of its property and business, all of which, to the extent now in effect, are hereby incorporated herein and made a part of the agreement as if set forth in full herein. In addition, the Site is subject, among other things, to the following restrictions, all as more fully set forth in the Seller's ByLaws and Rules and Regulations:

- INTERMENT RESTRICTIONS: **Single depth capacity only** **Body and/or cremated remains**
MEMORIAL RESTRICTIONS:
 TYPE: **Lawn markers only**
 SCULPTURED WORK: **Not Permitted per Rules & Regulations**
 FINISHES: **Steeled only**
OTHER EMBELLISHMENTS:

If this agreement has been entered into through mistake, or if, owing to irresistible, natural, or unavoidable force or order of court, the Seller finds itself unable to fulfill this agreement, it may return to the Purchaser or to his/her legal representatives all moneys that may have been paid hereunder, and this agreement shall thereupon become null and void.

Any oral or written statement made in connection with this agreement by the Seller or by its agent shall not be binding upon the Seller unless reduced to writing, signed by an officer of the Seller, and attached to this agreement.

It is mutually agreed that the provisions of this agreement shall apply to and bind the heirs, executors, administrators and assigns of the Purchaser and the successors and assigns of the Seller. It is further agreed that if this agreement is signed by more than one purchaser, each of such purchasers becomes jointly and severally bound and liable hereunder.

If prior to the delivery of a deed by the Seller pursuant hereto the Purchaser shall fail for any reason to pay any part or portion of the unpaid sums within three months of the date when and as the same shall become due and payable pursuant to the provisions hereof, or if proceedings under the bankruptcy laws of the United States or the insolvency laws of any state shall be commenced by or against the Purchaser, or the Purchaser shall make an assignment for the benefit of his creditors, the Seller, as permitted by law, by giving prior written notice to the Purchaser or to his/her heirs or executors or administrators by deposit of a registered letter in the United States mails addressed to the Purchaser at the address stated below or as stated on the books of the Seller, or at any other address requested in writing by the Purchaser, may at its option either declare all sums remaining unpaid by the Purchaser hereunder to be due and payable immediately, or declare this agreement cancelled and all rights of the Purchaser in the Site forfeited. Upon such cancellation the Seller shall retain as liquidated damages for the default of the Purchaser all sums theretofore paid hereunder up to but not exceeding ten percent (10%) of the Purchase Price of the Site, and on payment of the balance to the Purchaser or to the party legally entitled thereto shall be released from all obligations both at law and in equity to convey or cause to be conveyed the Site or any part thereof or to make any further refund of the Purchase Price. The acceptance of overdue payments or the waiving of any term or condition of this agreement by the Seller shall not constitute a waiver of any subsequent breach of any other terms, conditions or provisions hereof.

Installments, or any multiples thereof, or the full remaining unpaid balance may be paid in advance at any time.

SCHEDULE A

Other Expenses	Amounts
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total	\$.00