

[REDACTED]  
New Bedford, MA 02745  
July 12, 2021

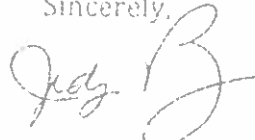
New Bedford City Council  
133 William Street- Room 215  
New Bedford, MA 02740

RE: Damage to Headstone at Rural Cemetery

Dear City Council Members:

I am sending you this letter to make members of the City Council aware of the severe damage done to my husband's headstone and hope that you can assist me. Attached please find the letter and attachments sent to Mayor Mitchell regarding. Thank you in advance for your assistance with this issue.

Sincerely,



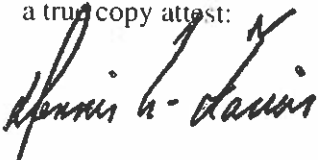
Judy Pacheco Young

IN CITY COUNCIL, August 19, 2021

Referred to the Committee on City Property.

Dennis W. Farias, City Clerk

a true copy attest:



City Clerk

[REDACTED]  
New Bedford, MA 02745  
July 12, 2021

Mayor John Mitchell  
City of New Bedford  
133 William Street  
New Bedford, MA 02740

**RE: Damage to Headstone at Rural Cemetery**

Dear Mayor Mitchell:

I am writing to you regarding damage done to my husband's headstone and how the situation was handled by DPI and the Cemetery Department. I delayed in writing this letter in hopes that the situation would have resolved itself on it's own, but it hasn't. In addition, there are complaints about the Rural Cemetery that concern me as well.

**Background:**

My husband Steven E. Young died suddenly of a heart attack on 2/24/19 at the age of 64, while helping an elderly neighbor. He was buried in our family plot at Rural Cemetery Premium D Lot 289 (6 lots). I began working with Tootell Memorial on Rockdale Ave., New Bedford, to establish a proper gravestone for him. It took a substantial amount of time to research and design one. The monument itself was actually four pieces, the base, the middle and two sides. This stone made of black granite that had to be imported from India and took a long time to arrive here and be engraved.

**Initial issue- Stone footing:**

As with all gravestones, the footing on this stone was to be done by City of New Bedford employees. When the footing was installed, DPI employees were very disrespectful to my husband's grave and the items and flowers we had left to mark his grave. Needless to say, I was devastated that these items had been treated in this manner and I contacted DPI. On 12/15/19, I met with Rebecca Gomes, Bill Days and Manny Silva at the gravesite. (See copy of email attached dated 12/11/19). I told them that my husband was never disrespected in life and I would not allow anyone to disrespect him in death but here I am again.

**Installation of Headstone**

The headstone was not installed all at once. The base was installed on 12/16/19 and the centerpiece as placed on site 12/24/19. The two other

sidepieces were placed on site on 9/2020. The total cost was \$ **10,975.94** and was paid in full February 2021.

### **Damaged Headstone:**

On Monday (3/22/21), I received a voicemail from at the Cemetery department. When I returned the call, I spoke to Susan who informed that on the Friday (3/19/21) the clean up crew from the cemetery department found that my husband's stone was damaged. She did not have more information on the situation. I immediately went to the cemetery to view the damage and was shocked. The whole top of stone had been moved and part of one of the sidepieces was chipped (none of the chipped pieces were found at the site).

After leaving the cemetery I immediately went to Tootell's Monument and spoke with the owner, Matt Albanese and told him what happened. Fortunately he was not very busy that day and went down to view the damage. He contacted me later on in the day and told that the damage was extensive and he would try to get me an estimate on the cost to repair. He stated that besides what was visible, he thinks that the base may be damaged as well and will have to be replaced. The estimated damage to repair the stone is **\$6,130.00**. An order for replacement of the two sides has been made. It will take approximately five months for them to be delivered since they come from India.

I called the Cemetery department again to see if I could ascertain details of the situation such as exactly who found the damage and when; as well as any other details. When I called, I spoke with Susan again but she was not able to give me additional information. She had been out on Friday (3/19/21) and when she returned on Monday she was told to call me by her immediate supervisor, Jeanne Ferreira. I got Jeanne's number and attempted to call her. However, I never did speak to her, my call was intercepted by Manny Silva, Deputy Commissioner of the Cemetery Department. Needless to say, I was not at all comforted by my conversation with Mr. Silva. He did not tell my why he took the call, nor was he able to provide me with any additional information. I asked when the damage was found and by whom. He did not have this information. I asked if he could find out the name(s) of the person(s) who found the damage because I wanted to speak to them and he said he would get the information that was over **four (4) months ago**. I have not received a call from him or anyone from DPI or cemetery department. During our conversation Mr. Silva said he understood how upset I was because his in-laws were buried at Rural Cemetery and flowers had been stolen from their graves. I immediate told him that this damage was in no way similar to having flowers stolen from a grave and he had absolutely no idea how I was feeling. After this conversation, I called the New Bedford Police Department to file a police report.

## **New Bedford Police Report (Incident report # 21-3082-OF)**

Officer Shawn Robert of New Bedford Police Department met me at Rural Cemetery. I told him what had happened and he took pictures and said he would get back to me. Subsequently I did get copy of the police report BUT some information was incorrect. I again spoke with Officer Robert; he said he would investigate further and let me know when the report was completed. I went to the police department and picked up the updated police report (copy attached). Please review what is written and how the cemetery department was NOT cooperative and that the report states **“. . a city vehicle or machine being operated by a city employee mistakenly damaged the headstone and it was not documented”**

### **Conclusion:**

There were two new graves near my husband's headstone. The new burials were Barbosa or Botelho. The damage on my husband's headstone appeared after these two burials took place and as the police report indicates the vault companies' trucks could not have caused the damage. That would leave a conclusion that a backhoe (or another piece of city equipment) went in to dig up or cover the grave(s) and while turning in, hit my husband's stone, causing it to move and chip the end of the stone (the chips were removed from the site- meaning that someone removed them when they went to assess the damage).

Needless to say, it is very sad that there was no follow up by Mr. Silva or anyone else at DPI or the cemetery. I have several relatives (21 not including my husband) that are all buried in this same area of the cemetery, Premium D, the earliest starting in 1993. None of them have been damaged or vandalized. My father, Carlos Pacheco as well as his two brothers, Arthur and Jesse are buried at the end of a row near the road just like my husband's but none of them has ever been damaged despite the fact that several new graves were dug near them.

It is hard to imagine that my husband's final resting place has been disrespected not once but twice. This whole situation has brought back feelings and memories that I would not wish on anyone. Burying someone you love at anytime is difficult at any age, but suddenly without warning is so heart wrenching. It took a lot of time, effort and love to create a loving memorial to my husband and to have it damaged when it was finally perfect is beyond words. To compound this devastation, the way the DPI and the Cemetery Department handled this situation created even more anguish to my family. Thank you in advance for you anticipated assistance with this matter. I look forward to hearing from you soon.

Sincerely,

Judy Pacheco Young

**Attachments- (7 pages)**  
**email dated 12/11/19;**  
**NBPD report;**  
**Tootell estimate of damages;**  
**Tootell invoice;**  
**Pictures of damaged stone & newly dug nearby graves (others pictures available)**

**cc: New Bedford Cemetery Board**  
**New Bedford City Council**

Young [REDACTED]

12/11/2019 12:49 PM

## Cemetery and Snow Removal Complaint

To rebecca.gomes@newbedford-ma.gov

Good Morning

I am writing to you regarding two different issues. The first one is regarding a monument footing for my husband's headstone at Rural Cemetery and the second has to with snow removal.

### Rural Cemetery-

My husband died suddenly of a heart attach in February. He was buried in one of the six spots in Premium D lot at Rural. On Saturday, September 21st (my wedding anniversary) I went to the cemetery to place a memorial to my husband this consisted of plant (with a small sign with his name) along with a tree branch that was in the shape of a Y stick (a family thing). Note- both the plant and the stick had metal rods holding them in place. A few days later when my daughter went by all the items that were carefully placed at my husband's grave sight were throw over to the side, some of it was broken and the Y stick was missing. I did report this to the cemetery office and said I wanted to speak to the persons who disrespected my husband's grave site. I was told that you had been informed of this situation as well but to date I have not heard from anyone. My husband was not disrespected in life and I will not let him be disrespected in death either. The workers have to realize that these graves are the only thing left of their loved ones and need to pay more attention to what they are doing. In mid November, this plant and name tag were gone. Again I called the cemetery department and was told that nothing was removed by the department, so it is unclear what happened to the plant and small name plate but someone had to have taken it.

### Snow Removal- Tuesday 12/3/19

I live at 978 Ludlow St (fire hydrant) in front of my house and also have a very large driveway. I had been outside shoveling myself and had cleared everything down to pavement. The snow plow came out and put all the snow back in my driveway and than TORE UP MY WHOLE FRONT LAWN. I was so mad, I tried to stop him than but he just kept going. I contacted Councilor Naomi Carney and sent her pictures, she told me she had forwarded them to DPI. Again today it snowed and guess what, the same guy was plowed traveling fast up and down my street. I went outside and I stopped him in front of my driveway and told him what he had done, he said if I had a complaint to contact city hall when I asked his name he refused to give it to me and sped off at high rate of speed. I will send you pictures in a separate email of the damage. Again no respect at all from a city employee, there was a city plow truck behind him but that person did not stop either. I did not get a plate but the individual was a bit larger than average driving what appears to move of a utility truck than a pick-up. I certainly hope that there is no retaliation regarding this complaint, I heard that was lawn damage on other streets in the neighborhood as well.

Thank you in advance for you attention to these matters, I hope that I hear from from you soon.

Judy Pacheco Young  
[REDACTED]

New Bedford Police Department

Page: 1

NARRATIVE FOR OFFICER SHAWN W ROBERT (5B-3962)

Ref: 21-3082-OF

Entered: 03/23/2021 @ 1205      Entry ID: 3962  
Modified: 03/23/2021 @ 1240      Modified ID: 3962  
Approved: 03/23/2021 @ 1516      Approval ID: 3923

Sir,

On the above stated date and time while assigned to unit 22 I was dispatched to Rural cemetery to meet with JUDITH YOUNG regarding damage to her husband's headstone located in premium plot D. I met with JUDITH at the entrance to the cemetery and followed her to the location where the headstone was located. I observed that the large headstone appeared to have been struck on the east side where several chips were missing from the top of the headstone. The top of the headstone had shifted several inches on the base to the west. It also appeared that there were several voids on the base of the headstone indicating that entire headstone shifted when it was damaged.

JUDITH provided me with Tootell invoice #R289DP for the purchase of the headstone (\$8975) in 2019. JUDITH then stated to me that she had last been to the cemetery on or about 2/24/2021 to visit her late husband's grave. JUDITH stated that she was contacted by the cemetery department informing her that the headstone had been damaged. I photographed the damage to the headstone and have attached copies of them to this report. The damage to the headstone where it appeared to have been struck and the stone was chipped appeared to be roughly the height of a commercial truck, not the bumper height of a standard pick up truck that the City of New Bedford uses.

I then spoke with BILLY DAYS who oversees the cemetery operations about the incident. BILLY was able to provide me with photographs he took on his department issued iPad. BILLY allowed me to view the photographs he took of the Whitman Vault Company truck that had delivered a vault to the cemetery on 3/3/2021 in the area of D premium. The steel body of the vault truck appeared to match the height of the damage to the headstone and a tape measure was used to confirm this. A comparative photograph with a tape measure to the height of a pick up truck showed that this height did not match. BILLY informed me that Whitman Vault was the only company in the area at this time. I noticed that there were two fresh grave sites adjacent to the Young Headstone; Pacheco, Botleho, and Barbosa. Whitman Vault Company had delivered the Pacheco vault on 3/3/20201.

I spoke with BRUCE DELLECHIAIE with Whitman Vault Company who stated that he would investigate the date and time of the delivery and speak with the driver who was making the delivery in the area of the Young headstone. I informed BRUCE that I would like to speak with the driver about the incident. I expressed that Mrs. Young was very distraught and that if it was one of his employees that accidentally damaged the headstone an apology would go a long way for the Young family. At this time I am awaiting a follow up phone call from BRUCE and will file a supplemental report regarding the on-going status of this investigation.

Respectfully submitted,

Ofc. Shawn Robert #3962

**SUPPLEMENTAL NARRATIVE FOR OFFICER SHAWN W ROBERT (5B-3962)****Ref: 21-3082-OF****Entered: 05/21/2021 @ 1325      Entry ID: 3962**  
**Modified: 05/21/2021 @ 1334      Modified ID: 3962**

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**Sir,**

As I continued to further investigate the damage to the YOUNG family headstone, I was made aware that Quintal Burial Vault company out of Dighton, MA had also delivered a vault to the area of the Young headstone. I spoke with JAKE HARRISON who is part of the family ownership of the company and is aware of the on-going issue with the damage that was done. JAKE stated that he had his driver's report to BILL DAY with the NB cemetery commission and had their trucks rear bumper and deck height measured for comparison to the damage to the headstone. JAKE stated that his truck's height did not match the damage to the headstone. Furthermore the area where the YOUNG headstone is located was not in the vicinity of where they delivered the week of March when it took place.

The Whitman Vault company provided me with similar information about their trucks and the emails were very specific and detailed accounts similar to what JAKE had provided me. At this point in the investigation it appears that the vault companies were not responsible for the damage to the YOUNG headstone. It leaves this investigator two possibilities of a city vehicle or machine being operated by a city employee that mistakenly damaged the headstone and it was not documented. The second possibility is that a motorist left the roadway where the YOUNG headstone is located and struck the headstone. This is not probable as there would have been debris left around the ground from the vehicle that struck the headstone. Furthermore there would have been more damage to the headstone and the height of the damage would match that of a passenger vehicle which it does not. I have spoken with JUDITH YOUNG about the conclusion of this investigation and have made several attempts to speak with BILL DAYS regarding this as well but have not been able to reach him to speak with him in person.

Respectfully submitted,

Ofc. Shawn Robert #3962



INVOICE  
R289DP

# TOOTELL

MONUMENT WORKS

Feb 3, 2021

From:  
Tootell Monument Works  
1005 Rockdale Ave  
New Bedford, MA 02740  
508-999-5142  
tootellmonuments@gmail.com

To:  
Judith Young  
[REDACTED]  
New Bedford, MA 02745  
[REDACTED]

Re: Young Monument  
Rural Cemetery  
Lot# 289 Sec. D-Prem.

Installation Fee	\$0
Foundation Fee	\$590.00
Monument	\$9,755.00
Vases	\$0
Photo (No Charge)	\$0
Sales tax	\$610.94
Total	\$10,975.94
Status	Installed
Deposit	\$2,000.00
Balance Due	\$8,975.94

Ofc. Shawn Robert  
Station 2  
508-991-6355

21-3082-0P

# TOOTELL

3/24/2021

## MONUMENT WORKS

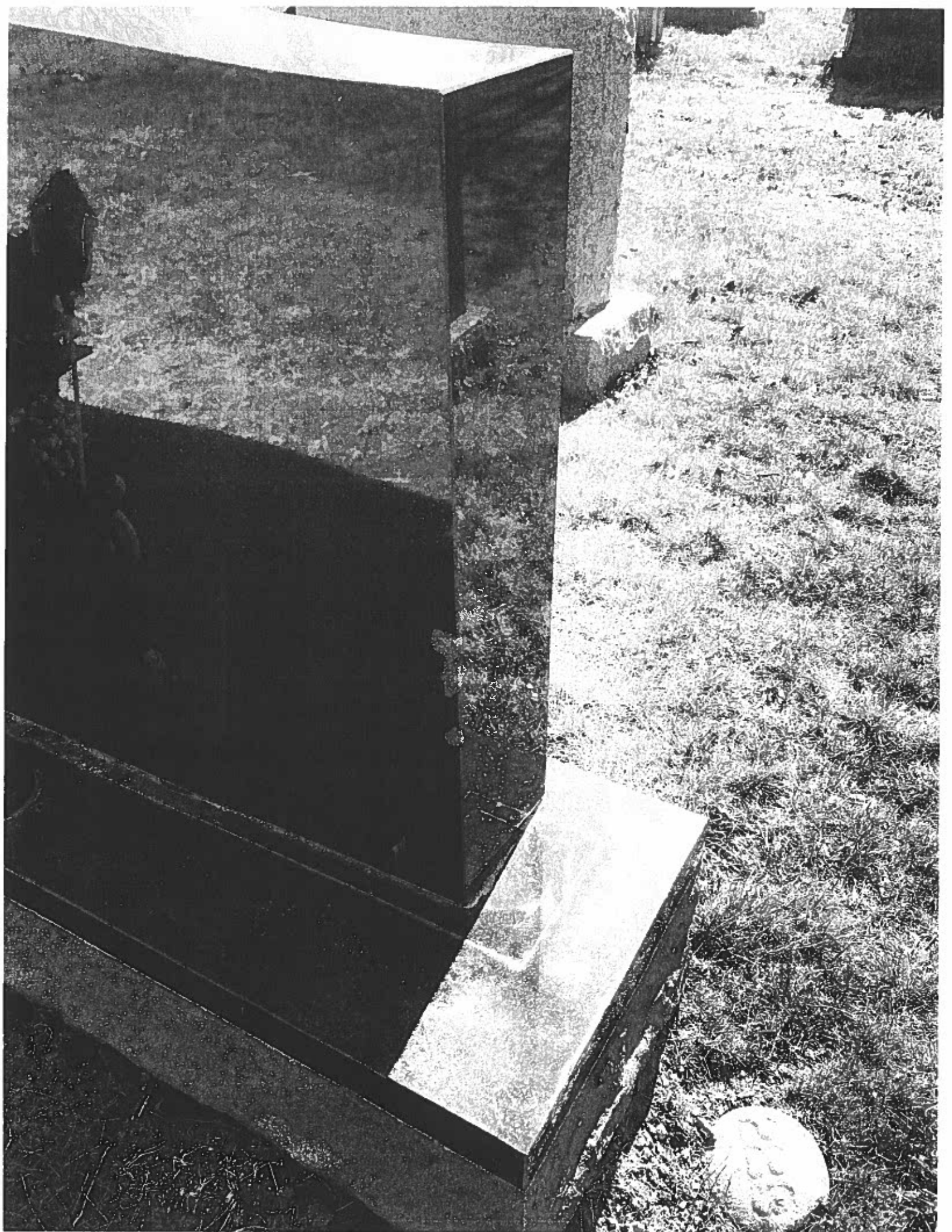
1005 Rockdale Ave New Bedford, MA 02740

ph (508) 999-5142 - fax (508) 994-4753

### YOUNG Monument Repair Estimate



Imported 2-0 x 0-6 x 2-2 India black half serp, p5	----	\$1,730.00 (\$865 each)
Base 8-0 x 1-2 x 0-10 Polish margin, imported	-----	\$3,500.000
Shipping Costs	-----	\$150.00
Setting Fee	-----	\$750.00
Total	-----	\$6,130.00







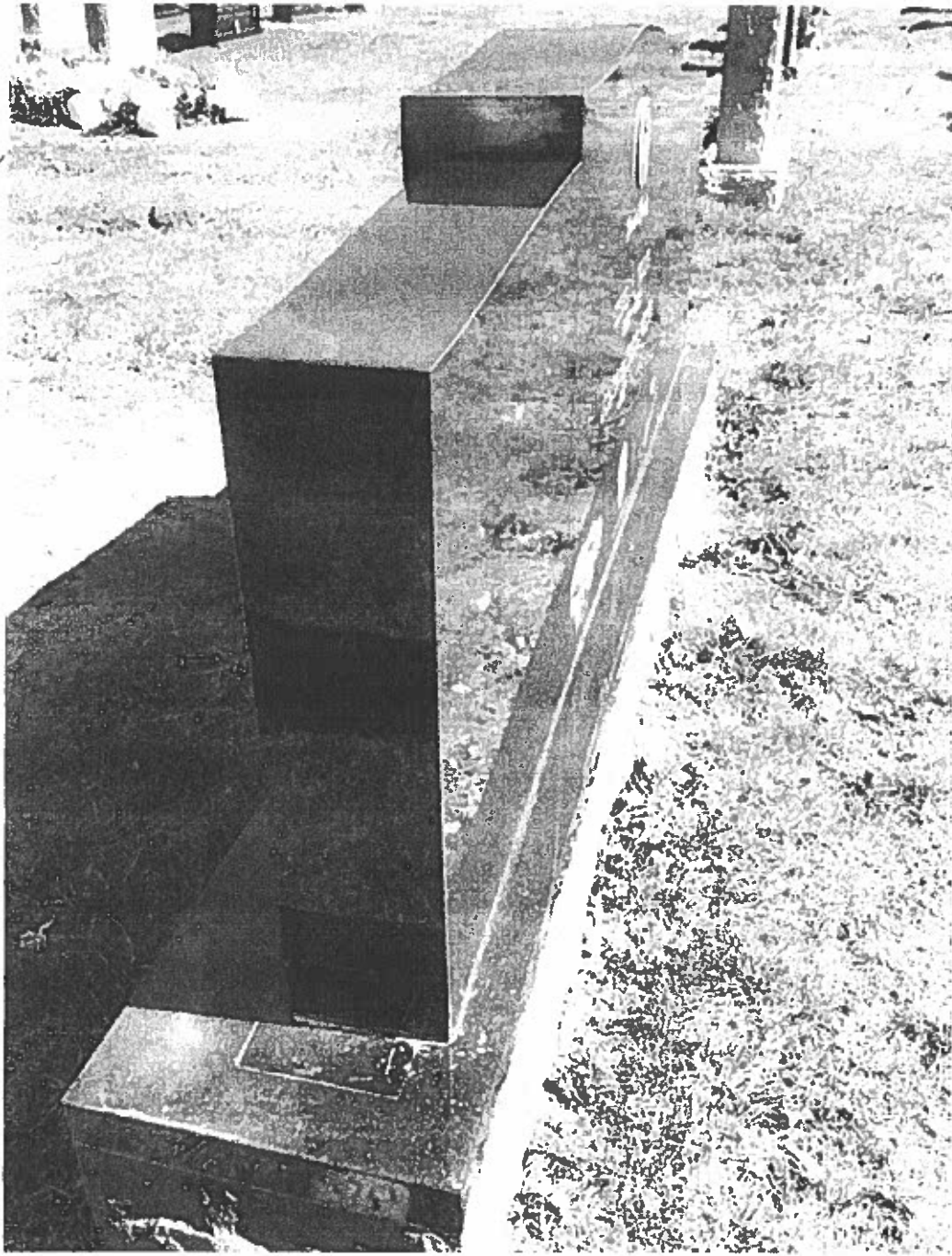
**BOTELHO**

MARIANA B.  
JAN 31 1914

URBANO A.  
JUNE 3 1982  
AUG 22 2008

BARROSA

*Bokelko  
Grave*



**Sent from my iPhone**