

**TOWN OF LUDLOW
BOARD OF CEMETERY COMMISSIONERS**

REGULAR MEETING

Wednesday April 17, 2014

Board Members Present:

Herb VanGuilder
Lou Gabranski

Nataile Gruber
Marty Nitka

Brett Sanderson

1. Call to Order

- A. Meeting was called to order by Chairman, Herbert VanGuilder at 6:00 p.m. All members present. Herb Van Guilder welcomed new member, Marty Nitka.

2. Annual Board Re-Organization

A. Elect Chair of the Board

- i. Motion by Nataile Gruber to elect Brett Sanderson as chair. There was no second.
ii. Motion by Marty Nitka and seconded by Lou Gabranski to elect Herb Van Guilder Chair of the board. Motion passed one nay by Nataile Gruber.

B. Elect Vice Chair

- i. Motion by Marty Nitka and seconded by Nataile Gruber to elect Brett Sanderson as Vice Chair of the board. Motion passed unanimously.

C. Elect Clerk of the Board

- i. Motion by Brett Sanderson and seconded by Marty Nitka to elect Lou Gabranski as Clerk of the board. Motion passed unanimously.

D. Elect Flowers Chair

- i. Marty Nitka asked what the duties of the Flower Chair are.
ii. Nataile Gruber said that people donate money to have flowers put in various locations.
iii. Herb Van Guilder advised that the cemetery staff say they can do a better job. They take the pots to the florist to have flowers put in them and then pick them up and place them at the designated locations. They say they could go to a nursery and pick up the flowers themselves and put them in the pots. Herb Van Guilder said that he is strongly in favor of letting the staff handle this. There is \$300 in the budget for flowers.
iv. Motion by Lou Gabranski and seconded by Marty Nitka to authorize the sexton to serve as Flowers Chair. Motion passed unanimously.

E. Elect Signer of Deeds

- i. Marty Nitka asked who normally signs the deeds
ii. Herb Van Guilder said the chair.
iii. Marty Nitka clarified that the deeds that the chair signs are for cemetery lots only and not for land swaps.
iv. Herb Van Guilder said that is correct.

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- v. **Motion by Marty Nitka and seconded by Brett Sanderson to elect board chair, Herb Van Guilder as Signer of Deeds of Cemetery lots only. Motion passed unanimously.**

 - F. Appoint Recording Secretary
 - i. **Motion by Brett Sanderson and seconded by Nataile Gruber to appoint Lisha Klaiber as secretary at same salary as in past. Motion passed unanimously.**

 - G. Set Day and Time of Regular Meetings – Alternate Meetings
 - i. **Motion by Brett Sanderson to set Wednesdays at 5:00 p.m. as day and time for regular meetings.**
 - ii. Marty Nitka clarified that the board does not meet in the winter.
 - iii. **Motion seconded by Marty Nitka. Motion passed unanimously.**

 - H. Designate Newspaper of General Circulation
 - i. Herb Van Guilder said that THE VERMONT JOURNAL has been the paper of record.
 - ii. **Motion by Lou Gabranski and seconded by Brett Sanderson to designate THE VERMONT JOURNAL as newspaper of circulation. Motion passed unanimously.**

 - I. Adopt Roberts Rules of Order
 - i. Herb Van Guilder advised that the Board has used Roberts Rules of Order for the meetings.
 - ii. Motion by Marty Nitka and seconded by Lou Gabranski to continue following Roberts Rules of Order to meetings. Motion passed unanimously.

 - J. Adopt Chair on Commands
 - i. Herb Van Guilder advised that the board had adopted a chain of commands on July 15, 2009.
 - ii. Marty Nitka asked why there was a different chain of command for special projects.
 - iii. Herb Van Guilder said that last year we had a project to open the new section and this year we will be working on the roads and water conductive ditches. He said that mostly, the chair is given the authority by the board of commissioners. Last year, we had a special project and named Brett Sanderson as Clerk of the Works.
 - iv. Marty Nitka said that he thinks that the commissioners should make the decisions.
 - v. Lou Gabranski said that the commissioners do that. We decided who was clerk of the works.
 - vi. **Motion by Marty Nitka and seconded by Brett Sanderson to change the Chain of Commands, deleting sections from Special Projects down. Motion passed unanimously.**
 - vii. New Chain of Commands, dated April 16, 2014 attached at end of minutes.
3. **Old Business**
- A. Review Minutes from Past Meetings
 - i. Herb Van Guilder said that they also had not reviewed the minutes from September 18, 2013. A copy of the minutes from November is attached to the packets. September minutes will be re-sent to members for review at May meeting.
 - ii. Herb Van Guilder noted that Herb Van Guilder, Lou Gabranski, Brett Sanderson and Nataile Gruber may vote on the minutes from November 21, 2013.
 - iii. **Motion by Lou Gabranski and seconded by Brett Sanderson to accept the minutes from November 21, 2013.**
 - iv. Nataile Gruber noted that on page 2, item Eii it says that the fees are set by the sexton and town clerk. She said that she has spoken to both individuals and they do not set the fees. She referred to the Nowak funeral.

- v. Herb Van Guilder explained that the funeral director contacted him as the cemetery was closed for the season. Mr. Nowak's son was insistent that the burial take place so that his mother would not have to have to go through this all over in the spring. The funeral home said that the family was willing to pay the additional costs to reopen the cemetery. Herb Van Guilder said that he checked with staff and the sexton was available. All of the equipment had been put away and would have to be taken out again.
- vi. Marty Nitka called Point of Order. This discussion is about the approval of the minutes, not funeral costs.
- vii. Lou Gabranski said that this board did not approve the \$1000 fee.
- viii. Herb Van Guilder said it was a compromise among the funeral director, chair, sexton and family.
- ix. **Motion to approve the minutes passed.**

B. Funeral Fees

- i. Nataile Gruber said she would still like to know why the family was charged \$1000.
- ii. Herb Van Guilder said it was a compromise among the funeral director, chair, sexton and family. It was about the time of year, season, and weather. He has not heard any complaints from the family.
- iii. Marty Nitka said that there are posted Internment fees and suggested that the board should stick to those fees.
- iv. Herb Van Guilder agreed that when the cemetery is open, they should stick to the posted fees, but when the cemetery is closed, we discuss additional charges to cover staff and equipment.
- v. Marty Nitka asked if there is a policy for such situations.
- vi. Herb Van Guilder said that generally, when the snow comes, the cemetery is closed.
- vii. Nataile Gruber said there was another funeral in the winter when no additional fees were charged and the plows made a mess.
- viii. Brett Sanderson said that they still had to reopen the cemetery for that one.
- ix. Marty Nitka said that the board should stick to the fee schedule or create a policy for when the cemetery has been closed for the winter or other special circumstances. It should not be on a case by case basis.
- x. Herb Van Guilder said that sounds reasonable.
- xi. Herb Van Guilder said that he spent a lot of time reviewing past charges and there were only a few minor differences. He said that this bill was paid by the family. He added that he had visited with Anne 2 or 3 times and she had no complaints.
- xii. Lou Gabranski asked if the family had purchased a lot. A 2-grave lot is \$500 and the after-hours burial fee is \$350.
- xiii. Nataile Gruber said that Doug Sheehan said that Herb Van Guilder set the fee. She said that she also spoke with someone at the funeral director's office who said that Herb Van Guilder set the fee.
- xiv. Marty Nitka said that the board should only charge what is on the fee schedule. They should consider a policy for after the season closure.
- xv. Herb Van Guilder agreed with Marty Nitka and said that would be put on the agenda for the next meeting.
- xvi. Lou Gabranski suggested that if someone from out of state wants a burial after season, it may be tricky.
- xvii. Marty Nitka said that someone has to be practical. The sexton can decide if it is too late or if staff can do it.
- xviii. Herb Van Guilder said that if this board can oblige a family, we try to do it.
- xix. Marty Nitka said that if the sexton says it is doable, we should go by a fee schedule and do it for out of towners, also.

C. Okemo Mountain Land Issue

- i. Marty Nitka asked if the Okemo land issue were solved or the current status.
- ii. Herb Van Guilder explained that it involves the upper cemetery back section. The commission assumed, by the location of existing pins, that the pins indicated the property line of the land that had been previously donated by Okemo. We put a fence on that line because people were coming in through the back. Then, we received a letter from Okemo notifying us that we were trespassing. We had the line surveyed and we do not own that portion of the land. The fence is the only thing that we put on that property. We met with Ted Reeves from Okemo and we have been trying to work this out. Okemo wanted a new survey and an appraisal. This was completed just before the snow. The appraisal was not up to speed and we got that straightened out. The Municipal Manager and I met with Ted Reeves to discuss this. The Chair asked that Okemo donate the land or let the cemetery purchase it or would the cemetery be able to get an option on the remaining 5 to 8 acres. To date, we have not received a response back from Mr. Reeves. Herb Van Guilder discussed this with Mr., Heald and it was decided to wait another week and then contact Mr. Reeves again. The area of the trespass land is $\frac{1}{8}$ acre and that would be workable. If the line were to be made straight, it would require $\frac{1}{2}$ acre. He said that when the snow is gone, they can go up and look at the property.
- iii. Marty Nitka asked what the appraised value was.
- iv. Herb Van Guilder said \$2,200.
- v. Marty Nitka asked how important this land is.
- vi. Herb Van Guilder said it is important because of the trespass situation. We would have to take the fence down.
- vii. Marty Nitka asked if Okemo's survey and ours agreed.
- viii. Brett Sanderson said yes.
- ix. Marty Nitka said he would like to see the paperwork associated with this.
- x. Herb Van Guilder said he would gladly go over it with him.

D. Tree Work at Cemeteries

- i. Marty Nitka noted comments in the Chair's report regarding tree work at both cemeteries.
- ii. Herb Van Guilder said here and at the South Hill Cemetery.
- iii. Lou Gabranski asked about Smithville.
- iv. Herb Van Guilder said that it is not included in this, but we do maintain it.

E. Paving and Cracks Sealing

- i. Herb Van Guilder asked Brett Sanderson if he had the bid for sealing the cracks in the road.
- ii. Brett Sanderson said yes, but not with him.
- iii. Herb Van Guilder said they had received a bid from Springfield Paving that would be \$35,650 if we do all of the work needed. He said that the main thing is to get the main entrance work done before we open. It would be 300 linear feet. To redo all of it would be \$17,620 and to shim coat and asphalt overlay would be \$5,980. He added that we need to fix the cave-ins first.
- iv. Marty Nitka asked if the money is in the budget.
- v. Herb Van Guilder said a portion is a carryover from last year and there is money in 3 funds in this year's budget. To correct the sub-base problems is \$1,200 to \$1,600.
- vi. Marty Nitka said that at Town Meeting, the voters approved a budget, was this included.
- vii. Herb Van Guilder said we put some money in the budget last year and it carried over. We also put some money in each year and let it accumulate.
- viii. Marty Nitka asked if we have the money to do it all.

- ix. Herb Van Guilder said yes. The chair or clerk of the works has the authority to work with the contractors. We need someone on site who can make decisions.
- x. Marty Nitka asked if the sexton is appropriate for this.
- xi. Herb Van Guilder said it is not in his job description. The commissioners make the decisions and a lay person makes the inspections. We need to get this authorized no later than at the next meeting. We need the work done by Memorial Day. The road is deteriorated.
- xii. Marty Nitka said he would like to ride up there.
- xiii. Herb Van Guilder said that in the past, we have had work sessions for these projects.
- xiv. Marty Nitka said he would like a site visit up there and we need to do it before the 3rd week in May.
- xv. Herb Van Guilder suggested that they all meet up there next Wednesday and we can send out an agenda.
- xvi. Brett Sanderson said he would not be able to make a meeting next Wednesday.
- xvii. Marty Nitka said that Brett Sanderson needs to be there and suggested April 28th.
- xviii. Herb Van Guilder suggested they leave the date loose and he would get an agenda out.
- xix. Marty Nitka said they would need about ½ hour to meet at the site before the meeting.

4. New Business

A. Chairman's Update Report, Comment dated January 15, 2014

- i. Lou Gabranski noted that there was a comment regarding unemployment procedures for staff and said that this board should not have anything to do with that.
- ii. Herb Van Guilder explained that the state has changed the unemployment situation to something that is not conducive for the employees. In the past, they were able to collect the whole time they were not working in the winter. This year, the state said that they could only collect for 2 months, leaving them with 3 months with no income. Josh Adams was looking for some suggestions.
- iii. Lou Gabranski said this board should not be involved with that.
- iv. Herb Van Guilder said he discussed the situation with the Municipal Manager and there is no way either the commission or the town can make funding available for our people or any people who work for the town in the same situation.

B. Return of Employees for this year

- i. Lou Gabranski asked will they open the cemetery for the workers to come back.
- ii. Herb Van Guilder said he has been checking up there every few days. There was a dead deer up there and we can't do anything about it yet. The chair took the cable down and asked the town to go in with a backhoe but they could not do it. The sexton will be back next week and the other two employees the following week.
- iii. Marty Nitka asked if the sexton works year-round.
- iv. Herb Van Guilder said no. We are fortunate to have our employees. We have a balance remaining in the Labor budget to fund salaries through the end of the fiscal year.
- v. **MOTION by Marty Nitka and seconded by Brett Sanderson to authorize the chair to call the employees back. Motion passed unanimously.**
- vi. Herb Van Guilder advised that in the past we had difficult times controlling the gates in the morning and at closing. Last year, one of our staff took charge of opening and closing the gates for a nominal amount. Staff worked out an agreement and it worked well.
- v. Nataile Gruber asked if that employee would be able to do it this year as he no longer has a vehicle.
- vi. Herb Van Guilder said they would ask.

C. Employee Compensation

- i. Herbert VanGuilder explained that at some point, this board usually goes along with the Select Board with regard to pay and benefits. He suggested that they review the salary of a staff member.
- ii. Marty Nitka said that should be part of the budget process.
- iii. Herb Van Guilder said that is how this board does it. We also include a little extra in the budget in case the season is longer. This is covered in the budget.
- vii. A motion was made and seconded by Marty Nitka and Brett Sanderson, respectively, and later withdrawn regarding staff salaries.
- viii. Marty Nitka suggested that the chair discuss this with the sexton and then bring it back to the board to discuss.

5. **Set Date for Next Meeting**

- A. The next regular meeting will be held on Wednesday, May 21, 2014 at 5:00 p.m.
- B. A special meeting will be called by the chair for site review of the Okemo Land issue at the cemetery. Notices will be sent out advertising the meeting.

6. **Adjourn**

- I. **MOTION by Lou Gabranski and seconded by Brett Sanderson to adjourn. Motion passed unanimously.**
- I. Meeting adjourned at 7:29 p.m.

Respectfully submitted,

Lisha Klaiber

Herbert VanGuilder, Chairman

Marty Nitka

Lou Gabranski

Brett Sanderson

Nataile Gruber

Town of Ludlow

Cemetery Commissioner's

Chain of Command

LUDLOW TOWN TAXPAYERS



LUDLOW CEMETERY COMMISSIONERS



LUDLOW CEMETERY CHAIRPERSON



LUDLOW CEMETERY SEXTON



LUDLOW CEMETRY STAFF