

**TOWN OF LUDLOW
BOARD OF CEMETERY COMMISSIONERS**

REGULAR MEETING

Wednesday, August 15, 2018

Board Members Present:

Herb VanGuilder
Lou Gabranski

Dave Harlow
Marty Nitka

Brett Sanderson

Staff Present:

Scott Murphy

Others Present:

Marge Harlow

1. Call to Order

- A. Meeting was called to order by Chairman, Herbert Van Guilder at 4:02 p.m. All members present.

2. Consideration of Changes, Additions or Removal to the Agenda

- A. Scott Murphy said that no changes were necessary: He said there will be a short Executive Session.

3. Approve Minutes of Previous Meeting

- A. Herb Van Guilder said that the minutes to be reviewed are from July 18, 2018. He said that he disagreed with the motion on page 3, item 7. He said that he understood the motion was to do just the basic contract.
- B. Marty Nitka said it was his recollection that the motion was to authorize the town manager to spend up to \$25,000 for the project.
- C. Scott Murphy said that was also his understanding.
- D. Marty Nitka said to his recollection the motion is accurate.
- E. Marty Nitka said that Herb Van Guilder can put it into the minutes for tonight's meeting that he disagrees.
- F. Herb Van Guilder said that he disagrees with the minutes and that was not his recollection.
- G. **Motion by Marty Nitka and seconded by Dave Harlow to accept the minutes from July 18, 2018 as presented. Motion passed, one nay, Herb Van Guilder.**

4. Comments from Citizens

- A. There were none.

5. Sexton's Report

- A. Herb Van Guilder said the sexton's report has been submitted and asked for comments.
- B. Scott Murphy said that there is an item to be added. He said that Doug Sheehan has discovered an issue where a lot was sold to someone in 1986 and again sold to someone else in 2007. He added that there is nothing in the records to indicate that the 1986 purchasers sold it back to the Cemetery. He said that a member of the 2007 purchasers' family is buried in the lot. He said that the cemetery policy says that the Cemetery may cancel or refund a sale or give the purchaser a lot of equal value. He said that Doug Sheehan has been trying to contact the family who purchased the lot in 1986, but has been unable to locate them.
- C. Herb Van Guilder asked if Doug Sheehan has a lot in mind to offer them.
- D. Scott Murphy said yes, but it is up to that family to make the decision.
- E. Marty Nitka said at this point, there is nothing this board can do until we contact the first purchasers. We should continue to try to locate them.
- F. **MOTION by Marty Nitka and seconded by Dave Harlow to make a diligent effort to locate the family of the people who purchased the lot in 1986. Motion passed unanimously.**
- G. Herb Van Guilder said there are references to the cemetery looking beautiful, but there are many things that are not beautiful. He noted that they ordered 3 foundations and he wants to know why they keep making new forms. There are standard sizes, so they could be reusing the forms.
- H. Scott Murphy said that is logical and he would check into it.
- I. Lou Gabranski asked about the scratching around the grave sites and said that Cavendish is having the same problems. He does not think it is skunks, he thinks it is turkeys.
- J. Herb Van Guilder said the Sexton's report was accepted.

6. Buildings & Grounds Foreman's Report

- A. Herb Van Guilder said the Buildings & Grounds Foreman's report has been submitted and asked for comments. He said that Kevin Mac Pherson is doing some work, but that things are getting out of shape. He said that years ago, they started a fertilizer program, but haven't done it since and he wants to know why. He also noted that Kevin Mac Pherson said they put down lime and seeded the scratched sections that they thought may be caused by skunks.
- B. Scott Murphy said he will find out. He added that the scratching damage is regional and that Kevin Mac Pherson contacted the Fish & Game Department for suggestions. The suggestion was to shoot the animals, but we are not looking at that as an option at this time. It could also be crows or raccoons.
- C. Marty Nitka said he lives near the cemetery and that skunks roll up the turf and pull it back.
- D. Scott Murphy said they are working toward a solution. He said they have raked, seeded and put down lime and it is still happening.
- E. Lou Gabranski asked what is "perpetual care."
- F. Herb Van Guilder said putting flowers on the graves. He said it is money consuming. He said they also mow and trim. People pay to have flowers put on the graves for Memorial Day and we do a lousy job, putting down one plant. He said that Kevin Mac Pherson suggested making flower beds at 2 to 3 spots in the cemetery and have staff water and fertilize them. It would be better than one single plant.
- G. Marty Nitka said he thought the money from perpetual care went to the Trustees of Public Funds.
- H. Herb Van Guilder said it does and comes back to us as we need it. It is usually about \$12,000 to \$15,000 per year. Ulla Cook looks over the funds. We used to accumulate it for projects, now it goes to lower the budget.

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- I. Marty Nitka said we are using the interest, not the principle.
 - J. Herb Van Guilder said he disagrees on using it to lower the budget. It should be used for projects.
 - K. Marty Nitka said it is part of the budget process and we vote on it.
 - L. Herb Van Guilder said that we budget \$300 for flowers and now it is running more.
 - M. Lou Gabranski said that the 30-gallon barrels at the water faucets are getting knocked over and not being put back up. He suggested putting a heavy rock in the bottom and staff should pick them back up
 - N. Marty Nitka said that Scott Murphy could talk to staff about doing something, stone or straps, to help keep them upright.
 - O. Herb Van Guilder said that in the report, they said they had cleaned out the lower office and that is a real concern to him. He said that no one is using the lower office and our files are kept there. He asked if they threw the files away. He added the garage to that.
 - P. Scott Murphy said it was a rainy day project and he was there that day. He said that John Grassi did a good job. He will find out tomorrow what they did.
 - Q. Lou Gabranski said the cemetery needs bathrooms on the upper level.
 - R. Herb Van Guilder said that the Van Guilder family and Tapper Plumbing offered to redo the existing bathroom up there. He said it is a mess and has become an “employee slop place.” He said the family and Tapper Plumbing also put in the bathroom in the lower building. He said he does not know if he wants to do it anymore. He said people do need a bathroom up there and he doesn’t know if we could get it to be ADA.
 - S. Lou Gabranski asked if there is money in the budget.
 - T. Herb Van Guilder said if donated, the only money that would be needed would be for a day or two for a carpenter. Herb Van Guilder said he would do the work whenever he has time, if he could get in.
 - U. Lou Gabranski asked Herb Van Guilder if he is still willing to do it.
 - V. Herb Van Guilder said he is discouraged with the operations and management.
 - W. Lou Gabranski asked if Herb Van Guilder had a key, would he do it.
 - X. Herb Van Guilder said it would help. He said it is not right that the owner doesn’t have keys.
 - Y. Scott Murphy said that the commissioners are not the owners, but are responsible for the cemetery.
 - Z. Marty Nitka said we should make policy decisions first. He added that he does not think that you (Herb Van Guilder) should volunteer to do this and that we should hire someone. He said he is thankful or the work Herb Van Guilder does.
 - AA. Herb Van Guilder said the Garden Club donated flowers and he donated 20 bags of much and nothing has been done with these yet. He said he has strong feelings for the cemetery and owns 16 lots.
 - BB. Lou Gabranski said he doesn’t think there is anything the matter with people donating to the cemetery and if Herb Van Guilder wants keys, he should have them.
 - CC. Herb Van Guilder accepted the Buildings and Grounds report.

7. Update on Cemetery Drainage Pipe/ Contract Award

- A. Scott Murphy said that at the June meeting, the board was dissatisfied with the pipe burst solution and wanted to consider digging a trench. He put out an RFP in June and received quotes from M&M and Adams. Adams was the low bidder and will start work next week. This work will allow us to sever legal ties and responsibilities with the house on High Street and help us with future drainage issues. The Village Trustees voted to contribute \$3,100 to the project and this board voted to authorize the town manager to spend up to \$25,000 and not

- beyond that, for the project. They were undecided as what to do about the water line and he will talk to Adams when he starts the job.
- B. Brett Sanderson asked why wait.
 - C. Scott Murphy said he only found out yesterday that they would be starting next week. The issue is freezing. He will reach out to Adams.
 - D. Herb Van Guilder asked why Scott Murphy did not consider the lowest bid.
 - E. Scott Murphy said if you are talking about the piece of paper you gave me just before the meeting, it was 1 ½ months after the RFD due date, it didn't include all we asked for in the RFP, didn't answer one half of the questions and the contractor had not been to the site. We went with Adams.
 - F. Herb Van Guilder asked what was in the specs.
 - G. Scott Murphy said Adams was the lowest responsible bid.
 - H. Herb Van Guilder asked why we didn't call the other bidder and asked him about it.
 - I. Scott Murphy said that Herb Van Guilder had gotten a bid, on a napkin. He said that the board had been updated every month on what we were doing.
 - J. Herb Van Guilder said our policy is to get 3 bids and negotiate.
 - K. Scott Murphy said you can't do that with an RFP. Once the bid numbers are announced, anyone could then underbid them.
 - L. Herb Van Guilder said that's the way we always did it.
 - M. Brett Sanderson said you can't do that after the quotes are on the table.
 - N. Herb Van Guilder said you are not following procedure – you need 3 bids.
 - O. Brett Sanderson said you don't always get 3 bids, not even for the Select Board purchasing vehicles.
 - P. Herb Van Guilder said we advertise for bids. It is the taxpayers' money. We want the best job for the most (sic) money. There was a difference of \$13,000 to \$15,000 and Adams quote didn't include plugging the pipe. He is not in favor of going ahead with the job.
 - Q. Brett Sanderson asked Scott Murphy where he sent the RFPs.
 - R. Marty Nitka said Adams and M&M.
 - S. Scott Murphy said they were the only 2 who could do it. He said that he didn't bring the list to the meeting. He added that he hates to get in bed with someone who may not finish the job.
 - T. Herb Van Guilder said Adams is not doing the water line and he can't justify going ahead.
 - U. Marty Nitka said we voted on this at the last meeting and you agreed.
 - V. Herb Van Guilder said it's a done deal and the water line is up to Scott Murphy.
 - W. Scott Murphy said the only option is to pull the water line as we haven't discussed it with Adams, yet.
 - X. Marty Nitka said he heard that Adams did a good job on Andover Street.
 - Y. Herb Van Guilder said he suggested Adams and M&M. He said that he worked with Johnson & Johnson in the past and he doesn't want to be a part of this.
 - Z. Marty Nitka said the manager hired someone based on the motion at the last meeting.
 - AA. Herb Van Guilder said the town manager has full authority to do the drainage pipe. Herb Van Guilder did not understand the motion at the last meeting and cannot justify this and is against the project.

8. Cost Overage on Stone Wall Project

- A. Scott Murphy said that Porter, the contractor had bid \$18,500. The job is well done. However, the stone from the old wall was unusable and Porter bought additional new stone for \$3,000 to complete the job. The total was \$21,500. Porter asked for consideration. Scott Murphy recommended to the board that they split the difference, and pay \$1,500 to Porter.

- B. Brett Sanderson said that rule of thumb is 10% and added that the wall looks really nice.
- C. Herb Van Guilder agreed that 10% is customary – that would be \$1,850.
- D. **MOTION by Marty Nitka and seconded by Lou Gabranski to approve an additional payment of \$1,500 to Porter. Motion passed unanimously.**

9. New Business

- A. Receipt of Cemetery Equipment List
 - i. Scott Murphy distributed the tool list.
 - ii. Herb Van Guilder asked why Miscellaneous Hand Tools was not broken down.
 - iii. Scott Murphy said that Kevin Mac Pherson said he will have it done next month.
 - iv. Herb Van Guilder said they are buying a lot of tools. He said that John Grassi bought a square shovel and 5 days later, Kevin Mac Pherson also bought one. Why do they need 2?

10. Other Business

- A. Replacement of Mower
 - i. Scott Murphy said they paid for the mower this month and will rotate. He said that they paid \$2,735 for the new mower.
 - ii. Herb Van Guilder asked why it was not put out to bid. The policy is anything over \$1,000 must go out to bid.
 - iii. Scott Murphy said that town policy is \$3,000.
 - iv. Herb Van Guilder said we get 3 bids.
 - v. Scott Murphy said that the mower they were going to turn in died and town policy is \$3,000. We had discussed trading it in, but it died.
 - vi. Herb Van Guilder asked if it was such an urgent thing if the mower was down for a week.
 - vii. Scott Murphy said it was over 3 weeks.
 - viii. Herb Van Guilder said our program is to put it out to bid and replace one per year.
 - ix. Scott Murphy said we have a new one, one died and we have another mower and a zero-turn. We are keeping the dead one for parts. He said the trade-in amount decreased when the mower died. It would have cost \$1,300 to repair it and \$2,735 for a new one. Kevin Mac Pherson will use the parts from it when needed.
- B. Year End Financials
 - i. Scott Murphy said there are 2 pages; one for expenses, the second for revenue. The revenue page contains money from other sources. The bottom lines are \$133,000 and \$145,000 for income, leaving us under budget for about \$11,800.
 - ii. Herb Van Guilder said there are 2 or 3 line items that are over: Landsite work for \$23,000 over and Monument Restoration is over by \$5,000.
 - iii. Scott Murphy said the Landsite is probably the wall and will be put back in from Capital. He said that the overages are offset by other items being under budget.
 - iv. Herb Van Guilder said we have been taking money from the Trustees of Public Funds to lower the budget.
 - v. Marty Nitka said if we take \$15,000 and buy a mower or other equipment, we are still using the money.
 - vi. Scott Murphy said we were \$11,500 under.
 - vii. Herb Van Guilder said but we lowered the budget. We used to buy things or do projects with that money. We have to justify it.
 - viii. Brett Sanderson said for a while, items weren't charged to the right categories.

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- ix. Herb Van Guilder said the money should go into a separate account and the Commission can decide what to spend it on. We used to have separate accounts.
 - x. Brett Sanderson said Herb Van Guilder wants a Reserve Fund.
 - xi. Scott Murphy said there is \$39,000 in the fund and about \$75,000 in the checking account. It is not on the Capital list and Ulla Cook pulled the information for me. It carries over when we don't have a deficit.
 - xii. Herb Van Guilder said years ago, all of the money left in the Cemetery accounts at the end of the fiscal year, went to the Select Board on July 1. That happened in all of the departments. We stopped it.
 - xiii. Brett Sanderson said we rolled over paying money from one year, into the next so that we could do a larger section the following year.
 - xiv. Herb Van Guilder said the town's people voted to keep the Cemetery Commission.
 - xv. Marty Nitka asked Scott Murphy for an activity report for the checking account from the time of inception through today.
 - xvi. Scott Murphy said he would have it for the next meeting.
 - xvii. Herb Van Guilder said that there is a policy that cemetery money cannot be spent without the approval of the Cemetery Commission and he hopes that policy is being followed. He said there is a limit - \$250 - to what the lead person on staff (Kevin Mac Pherson) can spend. They are buying lots of tools and there is less staff.
- C. Flag Station
- i. Scott Murphy said we purchased 2 additional poles and Herb Van Guilder did not like the original design that he submitted. There has not been a unified decision on what to do.
 - ii. Herb Van Guilder said the brush has not been cut back to the property line. He said it appears that there is enough room to put as many poles as we want. One station is out-of-line and should be corrected.
 - iii. Marty Nitka said we have a total of 5 flag poles and the American flag would be in the center. He said his feeling is 5 is plenty.
 - iv. Lou Gabranski said to buy 2 more and taper the heights.
 - v. Scott Murphy said they could make it happen.
 - vi. Herb Van Guilder said we already bought two that are too short.
 - vii. Scott Murphy said the wrong size poles were ordered.
 - viii. Scott Murphy said the intent is to flip the two that are there now towards the center and put the new ones at the ends, tapering down.
 - ix. Herb Van Guilder said we need 8 poles.
 - x. Scott Murphy said we will put this on the agenda for next month. He said that he will look into available pole heights and prices and asked board members to look at the space.
 - xi. Brett Sanderson said we need to know the lengths of what is in storage, what is there now and what lengths are available.
 - xii. Herb Van Guilder said there has to be a pole for each branch of the service. It is the custom. We need to get the brush cut back and the banks done.
- D. Banks
- i. Lou Gabranski said that the lowest bank has not been mowed as you go up the hill on the left.
 - ii. Scott Murphy said he would look into it.
 - iii. Herb Van Guilder said on the right side, all of the brush is growing back and we need to take care of the banks.
 - iv. Lou Gabranski said the upper bank on the new section also has not been mowed.
 - v. Scott Murphy said he would also check that.
 - vi. Herb Van Guilder said there are also trees that need to be taken care of.

11. **Set Date for Next Meeting**

- A. Wednesday, September 19, 2018 at 4:00 p.m.

12. **Possible Agenda Items for Next Meeting**

- A. Flag Pole Station and Tool List

13. **Sign Warrant Orders**

- A. The warrant orders have been signed.

14. **Possible Executive Session - Personnel Issue**

- A. **MOTION by Brett Sanderson and seconded by Marty Nitka to enter into Executive Session to discuss a personnel issue. Motion passed unanimously.**
- B. Board entered into Executive Session at 5:20 p.m.
- C. Executive session ended at 5:25 p.m.
- D. No action taken.

15. **Adjourn**

- A. **MOTION by Dave Harlow and seconded by Lou Gabranski to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 5:26 p.m.

Respectfully submitted,

Lisha Klaiber

Herbert VanGuilder, Chairman

Marty Nitka

Lou Gabranski

Brett Sanderson

Dave Harlow