

**TOWN OF LUDLOW
BOARD OF CEMETERY COMMISSIONERS**

REGULAR MEETING

HEALD AUDITORIUM

Wednesday, June 10, 2020

5:00 P.M.

Board Members Present:

Brett Sanderson
Bob Brandt

Lou Gabranski
Bruce Schmidt

Herb Van Guilder

Staff Present:

Scott Murphy

Others Present:

Doug Sheehan

1. Call to Order

A. Brett Sanderson called the meeting at 5:01.

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

A. There were none.

3. Comments from Citizens

A. There were none.

4. Approve Minutes of Previous Meeting

A. Brett Sanderson said that the minutes to be reviewed are from December 18, 2019 and May 20, 2020.

B. Motion by Bob Brandt and seconded by Lou Gabranski to accept the minutes from December 18, 2019 and May 20, 2020 as presented. Motion passed unanimously.

5. Consider & Possibly Approve Mausoleum Request

A. Scott Murphy advised that he has sent board members a copy of correspondence from town attorney, Steve Ankuda. He said that the cemetery by-laws are silent on this.

B. Herb Van Guilder said that this size, 15' x 8' x 6' has never been allowed in the cemetery before. He said he has visited several cemeteries and only a cemetery in New Hampshire has a Veterans' section that has one. He thinks it may be because they ran out of room. He said that he called the chairman of the Old Time Cemeteries Association, Tom Giffin, and he didn't give an opinion on the legality, but suggested we contact the Secretary of State. In our by-laws, we stipulate that all work must be done by cemetery personnel or with the approval of the Cemetery Commission; this includes no placement of monuments. The commissioners need to think about how this will look and how owners of nearby plots will feel. He suggested we stake out the perimeter and see how it will look and how it will fit into the existing surroundings.

C. Lou Gabranski suggested we put this into the bylaws now. He doesn't want this large mausoleum. He wants to pass an ordinance today.

D. Scott Murphy explained that in order to change an ordinance, a meeting for public comment, must be warned with 30 days' notice. He said that tonight, they are restricted to the current bylaws. They could put off the vote and warn a meeting.

E. Lou Gabranski said that they should put this off 30 days.

F. Bruce Schmidt said he disagrees with Lou Gabranski. He said doing that would be similar to spot zoning. He said that the owner purchased these lots under specific guidelines. Our guidelines are silent with regard to mausoleums and there is another mausoleum there. He added that there are also monuments in the cemetery that are higher than this mausoleum

- would be. He said this board's responsibility is to make sure that our bylaws are up to date. This request is legal under our existing bylaws.
- G. Lou Gabranski said we should change the bylaws.
- H. Bruce Schmidt said to do that; we would have to warn and hold a public hearing, and then vote on it. We have to give people the opportunity to make comments on the proposed changes. We have nothing in the bylaws that says he can't build that mausoleum.
- I. Scott Murphy said he looked at the bylaws and sent them to Steve Ankuda. Mr. Ankuda reviewed them and checked with the state. There is nothing in our bylaws that would allow this board to deny this request. Mr. Ankuda said that you can allow for future care and maintenance. Scott Murphy added that this request has been in for a few months and at some point, you must address it.
- J. Lou Gabranski said that townspeople with whom he has spoken do not want this. It will block view of other stones. He asked if we would have to pay to move other peoples' stones so they can be seen. We can vote to disapprove this.
- K. Herb Van Guilder said it would not be fair to surrounding graves to allow for such a monster as this thing to be put there. We have a precedent for a 2-person mausoleum and we should stick to it. We can set another meeting and add to the bylaws that anything out of the standard monuments need approval from the commissioners. They already have one mausoleum there.
- L. Doug Sheehan said that is only a one person.
- M. Herb Van Guilder said we require certain size for bases for monuments and we do the work. We need to update the bylaws.
- N. Lou Gabranski suggested that this mausoleum could possibly be built down by the fence where there would be nothing in back of it.
- O. Herb Van Guilder suggested negotiating with the owner to take a section in the new section of the cemetery and allow these types of mausoleums to be built.
- P. Doug Sheehan said we have only sold 4 lots in the new section, but Mr. Gendron wants to put the mausoleum where he owns the lots. Doug Sheehan said 2 lots have been sold at the beginning of the next row. He said he would prefer the mausoleum in a different location, but he can't say no.
- Q. Bruce Schmidt asked if 2 people could be buried in the same lot.
- R. Brett Sanderson said no – one person and one cremation or 2 cremations.
- S. Doug Sheehan said that Mr. Gendron has 16 lots, so may have 16 full burials or 32 cremations. He said there is one casket in the middle and 10 on either side. His lots together measure 40' x 20'.
- T. Herb Van Guilder said the mausoleum will not meet the standards.
- U. Brett Sanderson said it would fit within his lots.
- V. Doug Sheehan said there are monuments that are wider than 5 feet.
- W. Herb Van Guilder said we need to make sure they meet certain criteria.
- X. Bob Brandt said it would be nice if it were in another location, but if he meets the criteria, we can't deny it. We should change the regulations. Just because we don't like it, we can't stop it.
- Y. Bruce Schmidt asked Herb Van Guilder what regulations would not be followed.
- Z. Herb Van Guilder said the lot size allows 1 full burial or 2 cremations on a 5' x 10' lot. The mausoleum will exceed the lot size. It's not legal.
- AA. Bruce Schmidt asked Herb Van Guilder if it is his opinion that you can't combine lots. Are you saying that you can't add the lots together?
- BB. Herb Van Guilder said the regulations do not say you can add them together.
- CC. Bruce Schmidt said that the regulations do not say that you can't add them together.
- DD. Lou Gabranski asked what the deed says.
- EE. Doug Sheehan said that the deed says 16 lots. He added that none of the deeds say the size.
- FF. Brett Sanderson said he can go in and put 16 double high on each lot.
- GG. Herb Van Guilder said we have allowed that. He suggested they stake out the proposed size and post a notice to other lot owners for their comments.
- HH. Bruce Schmidt said that would be a slippery slope if we ask people their opinions of what other monuments look like. There are all shapes and sizes. We would not be doing ourselves any favors. He has 16 lots and is allowed one full burial and one cremation or two cremations on each lot.
- II. Herb Van Guilder said if we pass an ordinance not, it would not be much different than what the town did with the fast food place.
- JJ. Bruce Schmidt said if it were 6' high, you would have to be a distance away from it to see around it. In the lower section, there are monuments much taller.
- KK. Lou Gabranski said that the base doesn't extend out from the monument and he doesn't know how they mow.
- LL. Herb Van Guilder asked about future maintenance and upkeep of the mausoleum.
- MM. Doug Sheehan said it wouldn't be any different from any other stone. He said the mausoleum will have a foundation, 6-foot-deep and with a 2 to 4-inch border around it.
- NN. Lou Gabranski asked about upkeep after the family is gone and it starts to deteriorate.
- OO. Doug Sheehan said the old deeds say we maintain the stones.

- PP. Herb Van Guilder said if allowed, it must have a foundation.
- QQ. Brett Sanderson said it will have a foundation.
- RR. Doug Sheehan said that all monuments are required to have foundations, except ground markers.
- SS. Herb Van Guilder said there are no foundations for the veterans' plaques and they are sinking into the ground.
- TT. Bruce Schmidt said he is struggling with this. He understands their concerns, but the bylaws allow it. He asked if the owner would change the location.
- UU. Brett Sanderson said originally, the owner requested 3 high instead of 2.
- VV. Herb Van Guilder said the owners should come to a meeting. The commissioners make the decisions.
- WW. Bruce Schmidt suggested that Scott Murphy or Doug Sheehan have a conversation with the owner about the location. It is a very personal thing up there to people.
- XX. Bob Brandt said that last year, when he asked for 3 high, we could have said no. It will be fitting into the space he has. We should have decided at that time to change the rules. He said he doesn't like it, but if it is in line with others stones and not 2 feet away from another gravestone.
- YY. Brett Sanderson said that he will recuse himself from the vote as he is a friend of the owner and will do the site work.
- ZZ. Scott Murphy said if there is no motion on the floor, he will reach out to the owner.
- AAA. Brett Sanderson said he has already done that and the owner will not change his mind.
- BBB. **MOTION by Herb Van Guilder and seconded by Lou Gabranski to study the situation further and come up with permanent regulations for mausoleums.**
- CCC. Brett Sanderson said we have been putting him off for several months and it is not fair. We've had plenty of time to make a decision.
- DDD. Herb Van Guilder said we knew about this in the fall and had all winter to solve it. We should have acted sooner.
- EEE. **Motion failed, 2 in favor (Herb Van Guilder and Lou Gabranski) 2 against (Bruce Schmidt and Bob Brandt), one recuse.**
- FFF. **MOTION by Bruce Schmidt and seconded by Bob Brandt to approve the request as presented.**
- GGG. **Motion failed, 2 in favor (Bruce Schmidt and Bob Brandt) 2 against (Herb Van Guilder and Lou Gabranski), one recuse.**
- HHH. Bruce Schmidt said that we will have to have a conversation with Mr. Gendron and tell him we are deadlocked.
- III. Scott Murphy said either he or Doug Sheehan will reach out to him.
- JJJ. Herb Van Guilder suggested contacting the Secretary of State and other cemetery associations. He will call Tom Giffin of the Old Time association.
- KKK. Scott Murphy said he will check with other cemetery associations.
- LLL. Bruce Schmidt said at this point, there is no approval given and therefore, it becomes a denial. Mr. Gedron needs to know this. We can look for a compromise.

6. Possibly Approve Monument Repair Work

- A. Scott Murphy said this contractor did some work for us 2 years ago and did a good job, Doug Sheehan contacted him and sent him pictures. The contractor GCB looked at them and estimated on a Time and Material basis about \$12,000 to \$15,000 for 5 to 7 days work. He is willing to start next week. Doug Sheehan can show him the layout and monitor the time.
- B. Herb Van Guilder said the price looks reasonable.
- C. **MOTION by Herb Van Guilder and seconded by Bob Brandt to approve GCB to do the repair work on the monuments.**
- D. Bruce Schmidt asked if we had found any other companies that do this work. Did we get prices.
- E. Doug Sheehan said there are others, but they are in the Northeast Kingdom and have much higher pricing.
- F. Bruce Schmidt said he would like to have a level of transparency. It is better to go through the bid process.
- G. Scott Murphy said that he does agree about the bidding, but that we have used this company before.
- H. Doug Sheehan said that last time, we did put it out to bid.
- I. Herb Van Guilder said we have used him before and tried to get bids before. It is the same thing as the tree service we use. We had gone through the bid process and used him again. He agrees that we should do bids in the future.
- J. Lou Gabranski asked if the town does bids for all projects.
- K. Bruce Schmidt said any project or purchase over \$5,000. He added that we can say in the bid for a 3 year period. He would prefer to see competitive bids.

- L. **Motion passed unanimously.**

7. **Determine Goals for Capital Projects**

- A. Scott Murphy said that he included a list, in their packets, of projects that were discussed last year.
- B. Bob Brandt said that he has noticed sections of the fence that are in bad shape and cannot be repaired. He measured them out. He suggests a 4' chain link fence. There is a section by Doug's office to the electric box that is about 245' long. There is another section by High Street that is about 80 feet long. We would have to get pricing. He noted that they should fix the gravel patch at the intersection in the upper level.
- C. Herb Van Guilder said he likes those suggestions. He added that we need to keep the brush cut. That is part of the reason the fences are ruined. The brush hasn't been cut in 2 to 3 years. We also need to clean out the leaves by the house and keep the fence lines clear.
- D. Bob Brandt said brush cutting is not a capital project.
- E. Herb Van Guilder said we started the flag station and while it looks beautiful, we have not completed the landscaping. We have a landscape plan and need to complete it. He said we put in some plants and he thinks they were weed-whacked. We also need to continue the fertilizer program and have not done it in 2 years. Staff should do it in the fall each year.
- F. Bob Brandt said that he agrees with the brush cutting, but is not sold on the plantings. He said the deer are pretty heavy up there and eat everything in sight. He said that's probably what happened to the plants that were there. He is not sure we should put more plants there.
- G. Herb Van Guilder said the Garden Club had given us some plants that were never planted and died.
- H. Bruce Schmidt said the location directory should be a priority. We did put money in the budget for it. It may be a phased project.
- I. Scott Murphy said it would be great to get it started.
- J. Lou Gabranski asked Doug Sheehan when he is up at the cemetery. He added that he should be there all the time.
- K. Scott Murphy said people call the office when he is here and he can talk them and help them over the phone. If needed, he can go up there to help.
- L. Lou Gabranski said someone should be there full time.
- M. Scott Murphy said the computer up there isn't great.
- N. Doug Sheehan said the system he uses is at town hall.
- O. Scott Murphy said Doug Sheehan can get his work done here and go up there when people call.
- P. Doug Sheehan said there are people mowing up there and they call me when someone comes and has a question.
- Q. Bruce Schmidt said that it is not the commissioners' responsibility to tell the employees what they should be doing. That is the responsibility of the town manager. Bruce Schmidt suggested that we make boxes that we can put handouts in with an email or phone number listed. We would put a box on each of the two buildings up there. If staff members are there, they will also try to help people. The computer system is better here. He encouraged Scott Murphy and Doug Sheehan to find a way to leave contact information.
- R. Herb Van Guilder said the directory is a good idea, but that he was disappointed with the sign that was up there. It was blown down by the wind. We need to make sure the directory is wind, rain and snow resistant. We need to have someone in the office. We spent thousands of dollars for the office. When people come, someone should be in the office. You should resolve the computer issues.
- S. Doug Sheehan said the sign was not blown down. It was ripped off by someone who was told that he had to keep his dog on a leash.
- T. Herb Van Guilder said there is an issue with the tomb, the roof is deteriorating. He thinks it could be covered with a seamless roof.

8. **Sexton's Report**

- A. **MOTION by Herb Van Guilder and seconded by Bob Brandt to accept the Sexton's Report as presented. Motion passed unanimously.**

9. **Buildings & Grounds Report**

- A. Bruce Schmidt said the report looks good.
- B. **MOTION by Bob Brandt and seconded by Bruce Schmidt to accept the Buildings' and Grounds' Report as presented. Motion passed unanimously.**
- C. Herb Van Guilder complimented staff of the great job they have been doing.

10. **Review Cemetery Staffing**

- A. Scott Murphy said that due to the pandemic, they have put a freeze on hiring. The town is working to augment the cemetery staff with town staff. If you want to hire someone, you have to wait until the hiring freeze is lifted. At that time, you would have to hire the person who worked at the cemetery last year who was furloughed.

11. **New Business**

- A. There was no new business.

12. **Other Business**

- A. There was no other business.

13. **Set Date for Next Meeting**

- A. Scott Murphy suggested that there may be a special meeting to discuss the mausoleum
- B. Next regular meeting - Wednesday, June 15, 2020 at 5:00 p.m.

14. **Sign Warrant Orders**

- A. The warrant orders have been signed.

15. **Possible Executive Session/Personnel/Contracts/Legal Issues - The evaluation of an employee per 1. VSA § 313(a)(3)**

- A. **MOTION by Herb Van Guilder and seconded by Bob Brandt to enter into Executive Session**
- B. Bruce Schmidt asked what are we going to talk about in Executive Session; legal or personnel.
- C. Scott Murphy said that Herb Van Guilder requested it.
- D. Herb Van Guilder said employees and staff.
- E. Bruce Schmidt said that he is not going into Executive Session to listen to complaints about employees. That is for the town manager to resolve. Has the town manager been notified. Is it about something in the personnel manual.
- F. Herb Van Guilder said it is about staff and personnel.
- G. Bruce Schmidt asked where it falls.
- H. Scott Murphy said it sounds like evaluation or termination.
- I. Bruce Schmidt said there have been too many issues in Executive Session that shouldn't have been.
- J. Scott Murphy said he agrees and really does not know the details.
- K. Bruce Schmidt suggested that Herb Van Guilder discuss his concerns with Scott Murphy.
- L. Brett Sanderson said he has not heard of an issue at this time.
- M. Scott Murphy said he would talk to the employee, then come back to this board.
- N. Herb Van Guilder said he was advised that any thoughts about personnel be done in Executive Session.
- O. Scott Murphy said we need a specific reason.
- P. Herb Van Guilder said removal from position.
- Q. Scott Murphy said that can be discussed in Executive Session.
- R. Lou Gabranski asked about pay increases.
- S. Scott Murphy said that is a matter of public record. He added that you would discuss a particular person pay in Executive Session and then bring it back to open meeting.
- T. Herb Van Guilder asked how you would let other commissioners know about issues.
- U. Scott Murphy said you would first come to him. Then it may possibly be discussed in Executive Session. He asked Herb Van Guilder to come in and talk to him tomorrow.
- V. Lou Gabranski said that the commissioner hired the town and the town is a subcontractor to the commissioners.
- W. Scott Murphy said that the town will hire staff according to town policy.
- X. Lou Gabranski voiced his concern about a paper the commissioners signed when Frank Heald was still here and changes that were supposed to have been made, were not made.
- Y. Scott Murphy said there are new commissioners on the board now and we can relook at this.

- Z. Lou Gabranski said that the contract could be terminated with 30 days' notice and he wants 6 months. He said they are doing a good job.

16. **Adjourn**

- A. **MOTION by Bruce Schmidt and seconded by Bob Brandt to adjourn. Motion passed unanimously.**
- B. Meeting adjourned at 6:36 p.m.

Respectfully submitted,

Lisha Klaiber

Brett Sanderson, Chairman

Bruce Schmidt

Bob Brandt

Herb Van Guilder

Lou Gabranski