

Cemetery Department
Minutes of Regularly Scheduled Meeting – July 12, 2022

Present:

James Burlingame, Supt.
Donna Neylon, Member & Vice Chair & Clerk
Willis Bond, Member

Absent/Excused:

Kristen Russell-May, Member & Chair

Public Present:

None

NOTE: The minutes below reflect the order of the agenda and may not be the order taken during the meeting.

Approval of Minutes:

Vice Chairman Donna called the meeting to order at 1:00 pm in the Cemetery Garage at Westridge Cemetery and entertained the motion to approve the minutes of the May 16, 2022 as amended; Willis so moved and Donna seconded; it was so voted. Willis then initialed the minutes to indicate that they were approved.

Signing of Deeds:

There were five deeds presented (both were for cremation lots):

Thomas D. O'Malley & Jane V. O'Malley: \$3,450 at Northside Cemetery Annex, Row 7, Lot 4 with \$2,250 allocated for Perpetual Care;

Nicholas C. Nickerson & Sabrina D. Nickerson: \$3,400 at Westridge Cemetery, Section B-2, lot 20, #3 – 6 with \$2,250 allocated for Perpetual Care.

Howard O. Lunn and B. Carol Lunn: \$850 at Westridge Cemetery, Section H, Row 3, Numbered 7 on the West side of Underhill Street with \$550 allocated for Perpetual Care.

John R. Petrelli and Jane M. Petrelli: \$2,250 for Westridge Cemetery, Section D, Row C, Numbered 15A on the North side of Dexter Road and with \$1,600 allocated for Perpetual Care.

Richard E. Barnes, Jr. and Cynthia M. Barnes: \$850 for Westridge Cemetery, Lots F-1, Row 3, Lot 2 on the north side of Fay Lane with \$550 allocated for Perpetual Care.

Monthly Burial Count:

May: 4 cremation burials and 1 full burial = 5 total

June: 4 cremation burials and 3 full burials = 7 total

July (to date): 1 full burial (infant)

Review of prior month's expenses: (NOTE: all purchases were from the Expense Account unless otherwise noted) Note that June 30th was the end of the fiscal year.

Jim advised us that we were \$340.36 over in our Expense Account due to the charges for transfer of the two-way radio from one vehicle to the other. The \$340.36 was transferred from unused funds in our Temporary Salary Employee Account

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We also went over \$235.70 in our Overtime Account due to three extra burials. This amount was transferred from unused funds in our Supervisory Salary Account.

It is very unusual for us to “go over” in any account, much less two but we were able to transfer available funds from other of our accounts, with the approval of the Town’s Financial Department.

Warrant Date 5/31/2022:

Amazon Business (2 sets of John Deere Mower blades & 20’ x 20’ tarp)	\$192.34
Amazon Business (refunds on parts not received)	(\$29.98)
James Burlingame (two Ergo trimmer handles)	\$118.05

Warrant Date 6/07/2022:

Advance Auto Parts (oil and supplies)	\$65.27
Ready Refresh (bottled water)	\$21.36
Stevens Construction (one grave opening)	\$250.00 (Revolving Account)

Warrant Date 6/14/2022:

James Burlingame (Shindaiwa EB-910 Backpack Blower)	\$639.00
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Warrant Date 6/21/2022:

Home Depot (Milwaukee hedge trimmer, trimmer head kits)	\$231.41
Amazon Business (hoisting/rigging supplies, blade balancer)	\$504.12

Warrant Date 6/28/2022:

Stevens Construction (two grave openings)	\$500.00 (Revolving Account)
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Warrant Date 6/28/2022:

Amazon Business (blades, line, supplies)	\$386.55
Amazon Business (credit memo for blades)	(195.00)
Amazon Business (trimmer parts)	\$46.19
Amazon Business (brush cutter guard)	\$9.99
L.B. Communications (removal & install 2-way radio)	\$350.00
Home Depot (four trimmer heads and motor oil)	\$170.60
McMaster-Carr (power tool bits)	\$30.42

Donna entertained the motion to ratify the payments made on behalf of the Cemetery Commissioners; Willis so moved and Donna seconded; it was so voted.

ATTACHMENT #1: (2 pages) Departmental request to transfer funds within budget.

Old Business:

Continued discussion of incident that took place on October 5th burial service in Westridge Cemetery:

In review: The court date (Dudley District Court) has been set for a trial/hearing which, hopefully, will result with the Town (Cemetery Department) being reimbursed for the

damages done to the asphalt during above incident. Donna and Mr. Eastman will attend on August 18, 2022 at 1:00 pm in Small Claims, Magistrate Session.

In preparation for this event, Donna had a set of nine (9) photographs made up of the event and the resulting condition of the black top at Westridge. Some of the pictures were taken from the Facebook page of Alfred Aubin, a relative of the deceased Michael Nardone, Sr., and some were pictures that Donna had taken on site herself the day after the burial service.

On June 8th Donna emailed the below five questions to James Burlingame and Andrew Golas with copies to Kristen Russell-May and Willis Bond. No reply has yet been received from Mr. Golas, Town Administrator.

Our comments/discussion follow each question and are in bold and italics.

1. Will we have legal representation? ***We decided that, since this is just a Hearing, we will probably not have legal representation.***
2. If this goes into negotiations, what would be the minimal terms acceptable to the Commissioners? (We need to discuss this and a possible payment plan at our July meeting.) ***We agreed that the payment plan, if to be set up, would probably be set by the Clerk Magistrate, Jennie L. Caissie. We have two quotes (one for \$3,600 in writing from Mason Paving and one for \$4,000 verbal from the Charlton Highway Superintendent. Jim agreed to ask for a printed quote from the Highway Department that Donna can take to the Hearing. We agreed, but did not vote, that we need the \$3,600 as quoted, to adequately repair the damage.***
3. Is there an appeal option – for either the plaintiff or the defendant? If so, how does that work and when should the appeal be filed? ***It seems that this question may be pre-mature but hopefully, information will be given at the time of the Hearing.***
4. If more than one Commissioner is in attendance, should this be posted under the Open Meeting Law? ***Everyone agreed that this was a good question but no one thought that any other Commissioner, other than Donna, would be attending. We also agreed that decisions made, if any, would be made by the Clerk Magistrate and that Donna and Mr. Eastman would only be giving testimony.***
5. If there's negotiations, would that be done on the 18th? ***It is our understanding that the Hearing is the negotiation process. Therefore, the entire matter could be resolved on this date.***

Jim said that the court costs would be borne by the defendant so, in this first visit, the defendant (Mr. Nardone) would be liable. If the case doesn't go in our favor and we need to appeal, then we (The Town) would have to cover the court costs.

See the attachments to the minutes of our previous meeting for a copy of STATEMENT OF SMALL CLAIM AND NOTICE, Docket Number 2264SC217.

Continued Discussion on stone wall repair/restoration in Bay Path Cemetery:

Jim presented us a quote from Mr. Bruce L. Johnson doing business as Cape Ann Stone, Inc. of 9 Sandy Bay Terrace, Rockport, MA. Mr. Johnson's "Estimate for Wall restoration at Bay Path Cemetery" was for approximately 750 linear feet of border wall repair/restoration at a cost of \$165/linear feet for an approximate total of \$123,750 and six-week time period. The estimate was based on the current state prevailing wage.

It wasn't known if the estimate included the Town Pound or not. Jim will have to contact Mr. Johnson prior to our next meeting. We also need to if the Historical Commission

controls the Town Pound and if they are interested in being part of this project. Donna said that she would try to find out who is in charge of the Historical Commission and contact them. Note: The Historical Commission (elected) is different from the Historical Society (volunteer and not part of town government).

ATTACHMENT #2: May 11, 2022 Estimate for wall restoration at Bay Path Cemetery from Cape Ann Stone, Inc. (owned and operated by Mr. Bruce Johnson)

Continued discussion on proposed cemetery maintenance garage:

Jim received correspondence from Ashley Obrzut, Finance Director/Town Accountant requesting our updated capital numbers for our needs for Fiscal Year 23. She is preparing an updated Capital Plan for the Fall Special Town Meeting and an email from Ashley stating that she and the Town Administrator are considering funding a design study with free cash this fall that could fund a new maintenance garage for the Cemetery.

Donna noticed a new metal building built on Route 20 in Charlton and Willis said that he believed the building was owned by Mr. Boria. Jim will contact the owner and get information about the current cost of such a building. The new one on Route 20 is a bit larger than what we need as we only need a 30 x 50 with a single overhead door, two individual entries and a small office.

Jim will also locate the original specifications for our proposed maintenance garage from a few years ago so that we can discuss them and get more up-to-date information to the Town Administrator and Finance Director to be used at the Special Town Meeting. In the meantime, Jim has given them the placeholder number of \$60,000.

ATTACHMENT #3: E-mail entitled "Updated Capital Plan Numbers" dated May 26, 2022

ATTACHMENT #4: Correspondence to/from James Burlingame, Cemetery Superintendent and Ashley Obrzut, Finance Director/Town Accountant dated June 7 & 8, 2022.

New Business:

Lot buyback request Norma Stranding:

We received a request from Alan M. Standring and Norma J. Standring for us to buy back their lot in Westridge Cemetery (E-1, Row 6, North side of Morton Rd). In October 2019, they paid \$1,500. During discussion of this request, we learned that the lot has stainless steel pins/boundary markers. We agreed that we do not want to encourage buy back but we do have some money in an account that could be used for this.

Willis moved, Donna seconded to allow the buy-back, as long as the Standrings agree to the price of \$1,400; it was so voted. The \$100 difference attempts to cover the cost of the paperwork and the boundary markers.

ATTACHMENT #5: (2 pages) Copy of request from Norma & Alan Standring for buyback and copy of their original deed

Lot transfer request from Henry Brogna to Brenda Powers:

Jim explained that there is no relationship between Mr. Brogna and Ms. Powers as is sometimes the case in a lot transfer. Mr. Henry Brogna had ownership of the lots in question transferred to him in 2008 by his father Robert Brogna who had purchased the lots for \$100 in 1974. At that time, the entire \$100 went into the Perpetual Care Account.

The lots are identified as Section D (formerly 6A), Row C in Westridge Cemetery and abut lots currently owned by Brenda Powers' sister, Clara (Fitts) Kubert.

Willis moved and Donna seconded to allow the transfer of the four lots from Henry Brogna to Brenda Powers, pending receipt of original deeds from Henry Brogna and that the Town receives the cost of \$50 for the new deed and \$50 for the new lot pins; it was so voted.

ATTACHMENT #6: (4 pages) Documents from Henry Brogna needed regarding his lots at Westridge Cemetery.

Discussion on proposed walking trails near Cranberry Meadow Cemetery property as presented by Charlton Heritage Preservation Trust (CHPT):

We agreed to hold off on this discussion until next meeting.

Discussion on increased clothing allowance for Cemetery Superintendent:

We learned that under the new union contract the Highway employees each (union and non-union) receive a \$1,000 clothing allowance per each year of employment. Jim said that we have \$14,000 allocated in our current fiscal year budget (an increase over \$3000.00 from the year prior) so we should be all set.

Review updated Compact Excavator quotes:

We reviewed and discussed the following quotes. Jim will attempt to get at least one additional quote before we make any decisions:

Barry Equipment (Webster, MA & S. Windsor, CT) (with hydraulic main pin thumb)	\$56,950.00
Barry Equipment (Webster, MA & S. Windsor, CT) (without hydraulic main pin thumb)	\$53,450.00
Ahearn Equipment, Inc. (Spencer, MA) (with hydraulic main pin thumb)	\$56,776.06

The quotes from Barry Equipment are for equipment of the Yanmar Brand and the Ahearn quote is Kubota Brand. The Yanmar equipment has a 4 year/4,000-hour full machine warranty; the Kubota quote doesn't mention any warranty. Both brands have an enclosed cab with heat and air conditioning. Jim said that of the two brands, he personally prefers the Yanmar.

ATTACHMENT #7: (3 Pages) quotes from Barry Equipment and Ahearn Equipment, Inc.

Open forum:

Jim said that he had been contacted by the Selectmen's Secretary to find out if we follow the Open Meeting Law and he replied to her in the affirmative indicating how and when the Commission was established.

Next Meeting:

Our next meeting was tentatively scheduled for August 8th. It is important that we hold our August meeting prior to the Civil Court date of August 18th.

As there was no further business before the Commission, at 2:45 pm Donna entertained a motion to adjourn, Willis so moved; Donna seconded; it was so voted.

Respectfully submitted: Donna L. Neylon, Vice Chair & Clerk

Approved by the Commission



Attachments:

- 1: (2 pages) Departmental request to transfer funds within budget.**
- 2: May 11, 2022 Estimate for wall restoration at Bay Path Cemetery from Cape Ann Stone, Inc. (owned and operated by Mr. Bruce Johnson)**
- 3: E-mail entitled "Updated Capital Plan Numbers" dated May 26, 2022**
- 4: Correspondence to/from James Burlingame, Cemetery Superintendent and Ashley Obrzut, Finance Director/Town Accountant dated June 7 & 8, 2022.**
- 5: (2 pages) Copy of request from Norma & Alan Standring for buyback and copy of their original deed**
- 6: (4 pages) Documents from Henry Brogna needed regarding his lots at Westridge Cemetery.**
- 7: (3 Pages) quotes from Barry Equipment and Ahearn Equipment, Inc.**