

To: Richard Fishman, Director

From: Michael D. Seelman, Senior Investigator 

Subject: Talcottville Cemetery Association, #25-019

Re: Application for repair of dangerous monuments

Date: February 1, 2012

Exhibits:     A)     Application for restoration funds  
              B)     Lewis County Monument estimate for \$49,010 (\$45,830)  
              C)     Savicki Estimate for \$41,650 (\$32,100)  
              D)     Miller estimate for \$ 44,725 (\$34,750)  
              E)     Copies of required notice and bill \$62.31  
              F)     Photographs

I received an application (Exhibit A) for the repair of 41 dangerous monuments from Steven Fox, president of Talcottville Cemetery Association. Included were two estimates to repair the monuments, one from Lewis County Monuments and one from North Country Memorials. It was determined that both of these monument companies were owned by the same person and as such, the estimates were not competitive. I requested that competitive bids be submitted.

I received two more estimates from separate contractors and deemed the application complete. The Lewis County Monuments estimate (Exhibit B) was for \$49,010 (adjusted to \$45,830) This estimate was based upon the cemetery installing foundations per the approved charge of \$0.50 per inch. The Savicki estimate (Exhibit C) was for \$41,650 (adjusted to \$32,100) The Miller estimate (Exhibit D) was for \$44,725 (adjusted to \$34,750). Both Miller and Savicki's foundation charges were less than the cemetery's and contained monuments that were not included in the original application. These extra monuments did not appear dangerous, so they were removed and the estimates were adjusted. Also included with this application were the required legal notice (Exhibit E) and photos of the dangerous monuments (Exhibit F).

I visited the cemetery and inspected the monuments in question. At that time I noted 38 monuments that were in such a state of disrepair that they appeared to pose a danger. All of these monuments are tipping to various degrees and many of them are loose on their bases. I also noted that three monuments that were included in this application were either too small to be considered dangerous or appeared stable. The Drake, Hailer and Talcott monuments have been removed from consideration and the estimates have been adjusted to reflect this.

As all of these monuments are extremely old, it does not appear that they were installed by the cemetery. It is logical to assume that many of them were installed by lot owners or monument dealers. Talcottville Cemetery is up to date on its vandalism payments and all papers are in order. **This appears to be a legitimate claim for \$32,162.**

Exhibit A

# Application for Repair or Removal of Dilapidated or Disrepaired Monuments That Create a Dangerous Condition

NYS Department of State  
DIVISION OF CEMETERIES  
41 State Street  
Albany, NY 12231  
(518) 474-6226

This application applies only to Not-for-Profit Cemetery Corporations and must be completed in full and signed before a notary public. Funds may be allocated for the above-captioned purposes in accordance with 19 NYCRR §200.11 (statutory authority: Not-for-Profit Corporation Law, §1510-a). The full text of this Cemetery Board Directive appears on the reverse.

AMOUNT REQUESTED <u>49,010.00</u> <u>\$32,162</u>	COUNTY IN WHICH CEMETERY IS LOCATED <u>LEWIS</u>
CEMETERY NAME <u>TALCOTTVILLE CEMETERY</u>	CEMETERY ID NUMBER <u>25-019</u>
NAME OF CEMETERY OFFICIAL <u>STEVEN M. FOX</u>	TITLE <u>PRESIDENT</u>
STREET ADDRESS [REDACTED]	
CITY/TOWN/VILLAGE <u>BOONVILLE, NY</u>	ZIP CODE <u>13309</u>
TELEPHONE NUMBERS:	
Home [REDACTED]	Work [REDACTED]
E-MAIL ADDRESS [REDACTED]	FAX [REDACTED]

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? ..... YES\*  NO

\*If YES, when? \_\_\_\_\_ Amount Received: \$ \_\_\_\_\_

Was proof of completed work forwarded to the Division of Cemeteries? ..... YES  NO

\* \* \*

1. Provide a description of each damaged monument and/or marker and enclose referenced photos:  
- separate sheets
2. Attach copies of bids submitted by at least *two* contractors for the cost of repairs or removal and replacement.
3. Attach proof that the cemetery corporation has given not less than 60-days notice to the last known owner to repair or remove the monument or marker and that said owner has failed to do so within the time prescribed in that notice.

\* \* \*

I, the undersigned, duly authorized, swear or affirm under the penalties of perjury that the above-named cemetery has not been able to obtain sufficient funds from the family of the deceased, that the proposed costs of the repairs or removals and replacements are fair and reasonable and that the above-described monuments and/or markers are so badly out of repair or dilapidated as to create a dangerous condition. I further swear or affirm that the information contained in this application is true and correct. I agree that, upon receipt of monies for the repair or removal of dilapidated or disrepaired monuments that create a dangerous condition, such repairs will be made as quickly as possible and documentation (receipts and statements) of the repairs and removals will be submitted to the Division of Cemeteries within 90 days following completion of work.

Signature of Cemetery Official: [Signature] Date: Oct. 6, 2010

On this 6<sup>th</sup> day of October 2010  
appeared Steven M. Fox  
known to me to be said person.  
[Signature]  
Notary Public

CIARA R. STOCKLOSA  
Notary Public, State of New York  
Registration No. 01ST6215389  
Qualified in Oneida County  
Commission Expires 12/28/2013

Exhibit E

The Boonville Herald & The Griff  
P.O. Box 372  
Boonville, NY 13309  
Phone 315-942-4449

INVOICE 07/29/10 H 74686

PAYMENT TERMS: Net 30 days  
Payment due by 08/31/10

Talcottville Cemetery Association  
c/o STEVEN FOX  
[REDACTED]  
BOONVILLE, NY 13309

Advertiser code: TALC  
Your sales representative is:  
House Accounts

Date	Invoice #	Description	Amount
In Boonville Herald:			
07/14/10	H 74686	LEGAL NOTICE-BURIAL LOTS 1ST PRINTING	\$ 24.49
07/21/10	H 74686	LEGAL NOTICE-BURIAL LOTS 2ND PRINTING	\$ 18.91
07/28/10	H 74686	LEGAL NOTICE-BURIAL LOTS 3RD PRINTING	\$ 18.91
TOTAL THIS MONTH ----->			\$ 62.31
BALANCE DUE ----->			\$ 62.31
Prev. Bal. + New Charges - Pmts. & Credits = Balance Due			
8.40 +	62.31 -	8.40 =	62.31

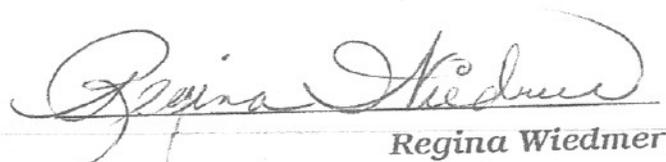
1 TEARSHEET ENCLOSED

Current	30 Days	60 Days	90 Days	120+ Days
62.31	0.00	0.00	0.00	0.00

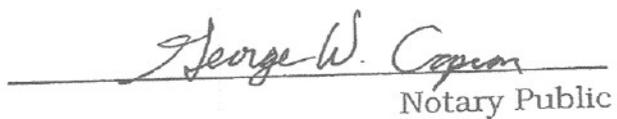
# AFFIDAVIT OF PUBLICATION

State of New York }  
 County of Oneida } ss:

**REGINA WIEDMER**, being duly sworn, deposes and says that she is, and during the time hereinafter mentioned, was secretary/receptionist at the **BOONVILLE HERALD**, a newspaper published in the County of Oneida, State of New York, aforesaid, and that the annexed notice was published in said newspaper on the following dates, to wit:

  
 Regina Wiedmer

Sworn to before me this  
29<sup>th</sup> day of July 2010

  
 Notary Public

George W. Capron  
 Notary Public State of NY  
 Residing in Oneida County  
 Commission Ex. 1-31-2011

### LEGAL NOTICE

TO: The last known owner or owners of the following burial lots located in the Talcottville Cemetery, Rt. 12D, Talcottville, NY, and all persons having or claiming to have an interest in said burial lots:

Family Name	Section	Family Name	Section
PARKHURST	D	BROOKS	D
HALL	D	BRAINARD	D
RANDALL	D	RANDALL	D
POTTER/SINCLAIR	C	COE	D
PARSONS	D	COE	D
COE	D	TOPPING	D
PARSONS	D	GOFF	D
MILLER	D	WAHL	C
WEIST	D	BAILEY	B
TALCOTT	B	DRAKE	B
MONEY	B	BASSETT	B
BELKNAP	B	THAYER	B
JENKS	B	HALL	B
TYLER	A	OWENS	A
PARSONS	A	THOMAS	A
ZUFELT	A	PARSONS	A
TALCOTT	A	THAYER	A
EDDIE	A	BURNHAM	A
HALLER	A	KENT	A
RAUSCHER	A	TALCOTT	A
BARRUS	A	BROOK	A

PLEASE TAKE NOTICE that (1) the monuments or markers located at said burial lots are so badly out of repair or dilapidated as to create a dangerous condition, (2) the persons to whom this notice is addressed must repair or remove said monuments or markers within 60 days of the date of the third publication of this notice, and (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers within such 60 day time period, the Talcottville Cemetery may remove or repair said monuments or markers without further notice to the persons to whom this notice is addressed.

Talcottville Cemetery  
 Rt. 12D, Talcottville, NY  
 Steve Fox at (315) 225-5673  
 2350 West Road, Boonville, NY 13309

DATED: JULY, 2010  
 PUB. DATES: JULY 14, 2010, JULY 21,  
 2010, JULY 28, 2010