DIVISION OF CEMETERIES
STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
TELEPHONE: (518) 474-6226
FAX: (518) 473-0876
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

TO: NEW YORK STATE CEMETERY BOARD

FROM: MICHAEL D. SEELMAN, INVESTIGATOR II

SUBJECT: OULEOUT CEMETERY ASSOCIATION, #13-034

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: APRIL 23, 2020

Application Completed and notarized

20 Monuments Requested

Legal Notice complete and run 3 times in The Walton Reporter **$88.14**

20 Monuments Appear Hazardous

Estimates: Barnett Memorials **repair estimate $22,323 (average $1,116/ monument)**

Broome Monument repair estimate $23,750 (average $1,188/ monument)

Repairs Appear Appropriate

Both contractors propose 42-inch foundations

Barnett offers a 10-year warranty

Broome offers a 20-year warranty

Cemetery Up to Date on Annual Reports and Vandalism Payments

Recommend Approval in the amount of $22,413.14

NEW YORK STATE OF OPPORTUNITY. | Department of State

DIVISION OF CEMETERIES
STATE OF NEW YORK
DEPARTMENT OF STATE
STATE OFFICE BUILDING
44 HAWLEY STREET
BINGHAMTON, NY 13901
TELEPHONE: (607) 721-8756
FAX: (607) 721-8753
WWW.DOS.NY.GOV

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DEPARTMENT OF STATE - DIVISION OF CEMETERIES

MEMORANDUM

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

SUBJECT: Ouleout Valley Cemetery Association, #13-034

RE: Application for Repair of Hazardous Monuments

DATE: April 22, 2020

Exhibits

A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
B) Barnett Memorials estimate for $22,325.00
C) Broome Monument Company estimate for $23,750.00
D) Invoice and copy from Walton Reporter legal notice for $88.14

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 20 hazardous monuments located in the Ouleout Valley Cemetery of the town of Franklin, Delaware County. The application was submitted by Sonja Johns, treasurer of the Ouleout Valley Cemetery Association. Included with this application were two estimates: one from Barnett Memorials (Exhibit B) totaling $22,325.00; and one from Broome Monument Company (Exhibit C) for $23,750.00. Also included was an invoice from a Walton Reporter newspaper legal notice (Exhibit D) that was run for three consecutive weeks for $88.14.

I recommend approval of this application.

The Monuments

I visited the cemetery on March 10, 2020 and found that all 20 of the monuments were either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. The cemetery has had no response to the legal advertisement which it placed, and has no funds dedicated to the restoration of monuments. Based on the advanced age of the monuments in question, it is assumed the foundations were laid privately by either the families or by monument contractors.

Both estimates propose to: remove the monuments from the existing foundations; dig out the existing foundation; place a new foundation made of solid concrete poured to a depth of 42 inches; and replace the monument, resealing all joints with setting compound or epoxy. Broome Monument Company offers a twenty-year warranty, while Barnett Memorials offers a ten-year warranty.

Recommendation

The cemetery is current with its payments to the vandalism fund and with the filing of its annual reports. All documents appear to be in order, and this appears to be a legitimate claim for $22,413.14. I recommend that this application be approved.

Exhibit A

13034 ✓

NEW YORK STATE OF OPPORTUNITY. | Division of Cemeteries

New York State
Department of State
DIVISION OF CEMETERIES
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001
Telephone: (518) 474-6226
www.dos.ny.gov

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

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 $22,413.14	COUNTY IN WHICH CEMETERY IS LOCATED Delaware
CEMETERY NAME Outlet Valley Cemetery	CEMETERY ID NUMBER 15-0408845
NAME OF CEMETERY OFFICIAL Sonja Johns	TITLE Sec/Treas
STREET ADDRESS PO Box 62	
CITY/TOWN/VILLAGE Franklin	ZIP CODE 13775
TELEPHONE NUMBERS: Home (607) 829-2515	Work (607) 829-3440
E-MAIL ADDRESS kljohns@citlink.net	FAX

RECEIVED FEB 21 2020 DIV. OF CEMETERIES ALBANY OFFICE DEPARTMENT OF STATE

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:
   attached

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-day 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: Sonja Johns *Date:* 2/14/2020

KIM L HYZER
Notary Public, State of New York
Reg. No. 01HY6303053
Qualified in Delaware County
Commission Expires May 12, 2022

On this 14th day of Feb 2020 appeared Sonja Johns known to me to be said person.

Kim L. Hyzer
Notary Public
Kim L. Hyzer

OULEOUT VALLEY CEMETERY **ASSOCIATION MONUMENT RESTORATION**

ST HWY 357, Franklin, NY 13775

NO.	NAME		SECTION	LOT	GRAVE
1	Marshall/ Rutherford		468	E	
2	Jester		505	E	
3	Arthur Hopkins		516	E	
4	John Whigham		513	E	
5	Martha Barnes		526	E	
6	William Barnes		526	E	
7	George Decker		556	E	
8	Isaac Buell		593½	F	
9	John Mellor		212	E	
10	Ann Mellor		212	E	
11	Daniel Rowe		104	E	
12	Samuel Miller		78	D	
13	Frank Lambrecht		5	B	
14	Frank Burdick		30	Pond Plot	
15	Frank Phillips		245	A	
16	A. Smith Parsons		278	A	
17	George Latham		284	A	
18	Arthur Baker		285½	A	
19	George Grant		529	E	
20	William Strader / Wright		220	E	
21					
22					

Contacts: Sonja Johns 607-829-2515 or 607-434-7120

Donna Whitbeck 607-829-2112

Exhibit B

Barnett Memorials

236 East Main St.

Elbridge, NY 13060

315-689-3813 T

315-689-5241 F

Tax ID # 27-3016873

Barnettmemorials1@gmail.com

December 5,2019

Ouleout Valley Cemetery

PO Box 62

ST Hwy 357

Franklin, NY 13775

Sonja,

Thank you for thinking of our company for the restoration project at Ouleout Valley cemetery.

Accompanying this letter, you will find a detailed listing of the monuments in question and the cost to repair them. Our quote for this project is $22325.00. This quote includes tear down of said monuments, replacing all foundations indicated, then resetting and cleaning of all monuments. Monuments requiring a new foundation will have a minimum 10-year warranty.

This quote will expire December 2020. If you have any further questions, do not hesitate to contact us.

Thank you,

Bill @Barnett Memorials

Hazardous Monument Application Spreadsheet

Date:12/5/2019

Cemetery Name & Address	Contractor or Monument Company Name & Address
Name: OULEOUT VALLEY CEMETERY Address: PO BOX 62 STATE HWY 357, FRANKLIN NY 13775 Phone: 607-829-2515 Contact Person: SONJA JOHNS (Please Print Clearly)	Name: BARNETT MEMORIALS Address: 236 EAST MAIN ST ELBRIDGE, NY 13060 Phone: 315-689-3813 Contact Person: BILL RINALDI

Total # of Stones: 20

1	2	3	4	5		6	7	8	9	10	11	12
Name on Monument Last Name, First Name	Location / Section Plot/ Lot	Cost to Remove, Repair & Reset Monument	Cost of Foundation with 3 Dimensions inches	Foundation size All 36" deep	Total Cost of Repair & Foundation	Estimate to Remove & Dispose	Cost to Lay Smaller Monuments Flat	Cost of BRONZE Replacement Marker	Cost of GRANITE Replacement Marker	Cost of Foundation including Dimensions for Flat Marker	Total to Remove, Destroy Monument & Replace with BRONZE Marker & Foundation	Total to Remove, Destroy Monument & Replace with Granite Marker & Foundation
RUTHERFORD, MARSHALL	468 E	400.00	980.00	24X48	1380.00							
JESTER	505 E	400.00	620.00	27X27	1020.00							
HOPKINS, ARTHUR	516 E	750.00	532.00	25X25	1282.00							
WHIGHAM, JOHN	513 E	600.00	765.00	30X30	1365.00							
BARNES, MARTHA	526 E	300.00	436.00	16X32	736.00							
BARNES, WILLIAM	526 E	300.00	531.00	16X39	831.00							
DECKER, GEORGE	556 E	400.00	375.00	21X21	775.00							
BUELL, ISAAC	593 ½ F	250.00	505.00	18X33	755.00							
MELLOR, JOHN	212 E	300.00	449.00	16X33	749.00							
MELLOR, ANN	212 E	250.00	449.00	16X33	699.00							

ROWE, DANIEL	104 E	800.00	1042.00	35X35	1842.00							
MILLER, SAMUEL	78 D	800.00	1228.00	38X38	2028.00							
LAMBRECHT, FRANK	5 B	750.00	690.00	29X28	1440.00							
BURDICK, FRANK	30 POND PLOT	400.00	518.00	21X29	918.00							
PHILLIPS, FRANK	245 A	400.00	667.00	28X28	1067.00							
PARSONS, A SMITH	278 A	300.00	321.00	29X13	621.00							
LATHAN, GEORGE	284 A	500.00	1224.00	30X48	1724.00							
BAKER, ARTHUR	285 ½ A	600.00	715.00	29X29	1315.00							
GRANT, GEORGE	529 E	400.00	412.00	22X22	812.00							
STRADER, WRIGHT, WILLIAM	220 E	400.00	566.00	18X37	966.00							
TOTAL												
20		**$9300.00**	**$13025.00**		**$22325.00**							

Exhibit C

October 29, 2019

Ouleout Valley Cemetery
St Hwy 357
Franklin, NY. 13775

Dear Sonja,

Attached is a spreadsheet on the repairs as requested on 20 monuments in your cemetery. We have looked at each location and determined that all appear to be able to be reset. Should any unforeseen issues arise we will discuss it with the cemetery to find a solution.

It is not possible to take apart each of the 20 monuments before bidding on this job. However, we did our best to look for obvious signs of deterioration. But if we remove any of the monuments that are deteriorated beyond reasonable repair, our price will revert to the replacement price bid per form.

Since it is impossible to view these monuments from underneath as well as where they are structurally connected, we must have this contingency.

All issues will be presented to the cemetery if they should arise.

There are several mitigating factors in our bid. This is a very labor-intensive project and will take up to 45 days to complete dependent upon weather. Each of the sites share a few characteristics, mainly because of the age and material used in the first installation and interment. Extra manpower and hand digging will have to be used because there may be human remains(bones) that will have to be reinterred.

Our resetting products include, setting cushions, setting compound and Pro-poxy 20, Hilti 500 hit and metro grip epoxy as usable supplies. We will engage the use of our setting truck and crane.

The standard warranty on our set is 20 years not to tip or deteriorate unless weather or other natural causes create the issue. Poor cemetery drainage and other factors could cause frost heaves and other issues which are not covered

under our sets. We also do not guarantee any issues with monuments that are existing in the cemetery that may happen, such as re-deterioration and so on. Concrete foundations are guaranteed for 20 years but are only warranted to the same standards as above.

We will supply the cemetery association with a certificate of liability naming them as additional insured should we win the bid.

All work will be completed by NAMB (North American Monument Builders) setting standards which we are a member of. The concrete will be 3500 PSI – ¾" crushed stone.

Our total bid to complete the project is $23,750. We would require a 25% deposit before work would begin and the balance due within 30 days of completion.

We do appreciate the opportunity to earn your business and confidence. Should you have any questions and/or concerns, please do not hesitate to call me personally at 607-797-0779 or you may also email me at: rspear@myermemorials.com .

Respectfully submitted,

Rocky Spear
Broome Monument Company
93 Glenwood Avenue
Binghamton, NY 13905
607-797-0779
rspear@myermemorials.com

Hazardous Monument Application Spreadsheet

Date: 10/ /19

Concrete Foundation

Cemetery Name & Address

Name: Oulout Valley Cemetary
Address: St Hwy 357
Franklin, N.Y. 13775
Phone: 607-829-2515
Contact Person: Sonja Johns
(Please print clearly)

Total Number of Stones: 20

Contractor or Monument Company Name & Address

Name: Broome Monument
Address: 93 Glenwood Avenue
Binghamton, New York 13905
Phone: 607-797-0779
Contact Person: Rocky Spear

1	2	3	4	5		6	7	8	9	10	11	12			
Name on Monument Last Name, First Name	Location/ Section Plot/Lot	Cost to Remove, Repair & Reset Monument	Cost of Foundation with 3 Dimensions	Cost of Foundation to Be Capped A	Total Cost of Repair & Foundation B	Estimate to Remove & Dispose	Cost to Lay Smaller Monuments Flat	Cost of BRONZE Replacement Marker	Cost of GRANITE Replacement Marker	Cost of Foundation Including Dimensions for Flat Marker	Total to Remove, Destroy Monument & Replace with BRONZE Marker & Foundation	Total to Remove, Destroy Monument & Replace with GRANITE Marker & Foundation	L	W	D
Rutherford, Metcalf	E468	550	630	720	1180	1005	860	1875	3650	630	2505	4280	27	51	42
Jesters	E505	550	465	565	1015	925	750	1725	3300	465	2190	3765	30	30	42
Hopkins, Arthur	E516	525	490	620	1015	925	750	1720	3400	490	2210	3590	28	28	42
Whitham, John	E513	550	600	750	1150	1050	830	1800	3400	600	2400	4000	32	34	42
* Barnes, Martha	E526	550	485	585	1035	835	750	1825	3330	485	2310	3815	20	37	42
* Barnes, William	E526	550	560	750	1110	970	805	1860	3700	560	2420	4260	20	41	42
Decker, George	E556	525	465	565	990	790	725	1700	3400	465	2165	3565	24	24	42
Burell, Isaac	F513½	575	540	680	1115	975	805	1800	3250	540	2340	3790	22	39	42
Mellor, John	E212	550	575	700	1125	1000	830	1800	3250	575	2375	3825	20	37	42
Mellor, Ann	E212	550	575	700	1125	1000	830	1750	3350	575	2325	3925	20	37	42
Rowe, Daniel	E-104	550	630	760	1180	1005	850	1875	3750	630	2505	4380	39	39	42
* Miller, Samuel	D-78	985	640	777	1625	1825	900	1900	3800	640	2540	4440	42	42	42
* Lambrecht, Frank	B-5	985	620	780	1605	1500	900	1900	3400	620	2520	4020	34	34	42
* Burdick, Frank	Parlot-30	985	485	585	1470	1270	860	1830	3780	485	2315	4265	24	33	42
Phillips, Frank	A-245	550	500	625	1050	875	750	1750	3275	500	2250	3775	31	31	42
Parsons, Smith A	A-278	550	485	585	1035	850	740	1800	3350	485	2285	3835	17	33	42
* Lathan, George	A-284	995	630	760	1625	1825	900	1900	3900	630	2530	4530	32	52	42
Baker, Arthur	A-285½	575	600	750	1175	1010	820	1770	3290	600	2370	3890	33	33	42

21625

Total Bid 23,750.00

Exhibit D

INVOICE

THE REPORTER

97 Main Street #5, Delhi, New York 13753

FOR BILLING INQUIRIES PLEASE CALL 607-464-4009

FEDERAL I.D. #16-0995785

TO: ^OULEOUT VALLEY CEMETERY ASSOC.
PO BOX 62
FRANKLIN, NY 13775

INVOICE DATE	INVOICE NO.	CUSTOMER ID#	PO #	TERMS
10/30/2019	01411266	*None		Net 28th

DESCRIPTION	AMOUNT
10/16/2019 - LEGAL AD, MONUMENT REPAIR/REMOVAL	$28.88
10/23/2019 - LEGAL AD, MONUMENT REPAIR/REMOVAL	$22.13
10/30/2019 - LEGAL AD, MONUMENT REPAIR/REMOVAL	$22.13
AFFIDAVIT	$15.00
TOTAL AMOUNT	$88.14
PREPAID	$0.00
TOTAL	$88.14

REMITTANCE STUB

Please Return This Portion With Your Payment

^OULEOUT VALLEY CEMETERY ASSOC.
PO BOX 62
FRANKLIN, NY 13775

Thank You!
The Reporter

INVOICE # 01411266

CUST ID# *None

LEGAL AD, MONUMENT REPAIR/REMOVAL

TOTAL $88.14

AFFIDAVIT OF PUBLICATION

State of New York, }
County of Delaware } ss:

The undersigned is the authorized designee of DECKER ADVERTISING INC, the publisher of THE REPORTER, a weekly newspaper published in Delhi, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates: 10/16, 10/23, 10/30, 2019. This newspaper has been designated by the County Clerk of Delaware County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Signature Lorraine Francisco

Printed Name Lorraine Francisco }

Subscribed and sworn to before me,
This 30 day of October 2019

Kimberley A Shepard
Notary Signature

KIMBERLEY A. SHEPARD
Notary Public, State of New York
No. 01SH6223212
Qualified in Delaware County
Commission Expires June 7, 2022

To: The last know owner or owners of the following burial lots located in the Ouleout Valley Cemetery, town of Franklin, in Delaware County New York, and all persons having an interested in said burial lots:

Marshall/Rutherford Lot E Section 468
Jester Lot E Section 505
Arthur Hopkins Lot E Section 516
John Whigham Lot E Section 513
Martha Barnes Lot E Section 526
William Barnes Lot E Section 526
George Decker Lot E Section 556
Isaac Buell Lot F Section 593 1/2
John Mellor Lot E Section 212
Ann Mellor Lot E Section 212
Daniel Rowe Lot B Section 104
Samuel Miller Lot D Section 78
Frank Burdick Pond Lot Section 30
Frank Phillips Lot A Section 245
A. Smith Parsons Lot A Section 278
George Lathan Lot A Section 284
Arthur Baker Lot A Section 285 1/2
George Grant Lot E Section 529
William Strader Lot E Section 220
Frank Lambrecht Lot B Section 5

Please take notice: That (1) the monument or markers 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 after the third publication of this notice or by December 29, 2019 and (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after December 29, 2019, the Ouleout Valley Cemetery Association may remove or repair said monuments without further notice to the persons to whom this notice is addressed.

If you have any questions they can be directed to Sonja Johns (607)434-7120 prior to December 29, 2019.