

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: FAIRVIEW CEMETERY ASSOCIATION, #51-016
RE: HAZARDOUS MONUMENT REPAIR CHECKLIST
DATE: MAY 19, 2020

Application Completed and notarized

11 Monuments Requested

Legal Notice complete and run 3 times in The Steuben Courier Advocate \$172

11 Monuments Appear Hazardous

Estimates: **DC Masonry repair estimate \$12,481 (average (\$1,135/ monument)**

WNY Cemetery Service repair estimate \$12,748 (average \$1,159/ monument)

Repairs Appear Appropriate

Both estimates propose 42-inch foundations. WNY offers a 20-year warranty and DC offers a 10-year warranty

Cemetery Up to Date on Annual Reports and Vandalism Payments

Previous disbursement used appropriately.

Recommend Approval in the amount of \$12,653.

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
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DEPARTMENT OF STATE - DIVISION OF CEMETERIES

MEMORANDUM

TO: New York State Cemetery Board
FROM: Brendon Stanton, Investigator
SUBJECT: Fairview Cemetery Association, #51-016
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) DC Masonry estimate for \$12,481.00
- C) WNY Cemetery Service estimate for \$12,784.00
- D) Invoice and copy from Steuben Courier Advocate legal notice for \$172.00
- E) Completion report for previous hazardous monument work awarded in March 2019

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 11 hazardous monuments located in the Fairview Cemetery of the town of Howard, Steuben County. The application was submitted by Eleanor Silliman, trustee of the Fairview Cemetery Association. Included with this application were two estimates: one from DC Masonry (Exhibit B) totaling \$12,481.00; and one from WNY Cemetery Service (Exhibit C) for \$12,784.00. Also included was an invoice from a Steuben Courier Advocate newspaper legal notice (Exhibit D) that was run for three consecutive weeks for \$172.00.

I recommend approval of this application.



**Department
of State**

The Monuments

I visited the cemetery on April 8, 2020 and found that all 11 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. WNY Cemetery Service offers a twenty-year warranty, while DC Masonry 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. The cemetery previously received a disbursement for hazardous monument work in March 2019, and the funds were spent appropriately (Exhibit E). All documents appear to be in order, and this appears to be a legitimate claim for \$12,653.00. I recommend that this application be approved.

Exhibit A



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.

Form with fields: AMOUNT REQUESTED (\$12,653.00), COUNTY IN WHICH CEMETERY IS LOCATED (Steuben), CEMETERY NAME (Fairview), CEMETERY ID NUMBER (51016), NAME OF CEMETERY OFFICIAL (Eleanor Silliman), TITLE (Trustee), STREET ADDRESS (7456 State Route 54), CITY/TOWN/VILLAGE (Bath), ZIP CODE (14810), TELEPHONE NUMBERS (Home: 607 776-6370), E-MAIL ADDRESS, FAX.

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? [X] YES* [] NO. If YES, when? 2018/2019 Amount Received: \$ 11,383.26. Was proof of completed work forwarded to the Division of Cemeteries? [X] YES [] NO.

- 1. Provide a description of each damaged monument and/or marker and enclose referenced photos:
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: Eleanor Silliman Date: 2-28-2020

MINNIE BRENNAN NOTARY PUBLIC, STATE OF NEW YORK No. 4930764 Qualified in Steuben County Term Expires May 16, 2022

On this 28th day of February 2020 appeared Eleanor Silliman known to me to be said person. Minnie Brennan Notary Public

NAME	LOT
McKibben, Christiann	76
McChesney monument	22
Mattoon, Cory	94
Irvin monument	92
Gay, William	73
Gay, James	69
Carroll, Adelia	29
DeGraff monument	103
OBrien Robert	72
OBrien wife of	52
Daines Nelson	36

Exhibit B

Hazardous Monument Application Spreadsheet

Date:

Cemetery Name & Address
 Name: Fairview
 Address: Howard NY
 Total Number of Stones: 11

Contractor or Monument Company Name & Address
 Name: DK Masonry
 Address: 2329 Chase rd
 Phone: 607-738-0730
 Contact Person: David Clancey

1	2	3	4	5	6	7	8	9	10	11	12
Name on Monument	Location/Section	Cost to Remove, Repair & Reset Monument	Cost of Foundation with 3 Dimensions	Cost of Foundation to be applied	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 BRONZE Marker & Monument & Replace with Foundation	Total to Remove, Destroy GRANITE Marker & Monument & Replace with Foundation
McKibben, Christina	74	\$250	20x30x42	\$730	\$980						
Mc Chesney Monument	28	\$350	26x48x62	\$1160	\$1810						
Mattson, Cory	94	\$350	16x58x82	\$902	\$1252						
Irvin Monument	92	\$350	26x48x82	\$1209	\$1659						
Gay, William	73	\$200	20x32x42	\$728	\$928						
Gay, James	69	\$200	14x16x42	\$734	\$934						
Pipe, Adelia	29	\$200	20x30x82	\$670	\$870						
DeGruff Monument	103	\$250	21x38x62	\$907	\$1157						
O'Brien, Robert	72	\$350	20x44x82	\$936	\$1286						
O'Brien wife of	52	\$200	21x32x42	\$440	\$640						
Daines, Nelson	36	\$200	21x32x42	\$775	\$975						

Total - \$12,481.00

Fairview

Each monument will be moved off it's existing foundation. The old foundation will be removed and excavated down to a depth of 42" and new footer mix concrete will be poured for each monument.

The warranty for the monument work will cover the foundation free from defect for a period of 10 years. The warranty will not cover acts of nature nor will excavating next to the foundation causing them to shift.

Monuments will be placed back on the new foundation and epoxyed together.

DC Masonry

A handwritten signature in black ink, appearing to be "D. H. G.", written over the printed name "DC Masonry".

Exhibit C

STAKE	NAME 1-7-2020	LOT	42 INCHES DEEP	Foundation	Remove, Repair, Total	Remove &	Bronze maker	Foundation Cost Total with	Remove & dispo Granite Marker	Foundation Cost Total with
1	McKibben	Christian	76 26x26	\$ 527.00	\$ 525.00	\$ 1,052.00	\$1,300.00	\$150.00	\$165	\$1,615.00
2	McChesney	Monument	22 26x48	\$ 972.00	\$ 525.00	\$ 1,497.00	\$1,300.00	\$150.00	\$165	\$1,615.00
3	Mattom	Cory	94 16x54	\$ 670.00	\$ 525.00	\$ 1,195.00	\$1,300.00	\$150.00	\$165	\$1,615.00
4	Irvin	Monument	92 26x44	\$ 872.00	\$ 525.00	\$ 1,397.00	\$1,300.00	\$150.00	\$165	\$1,615.00
5	Gay	William	73 26x32	\$ 512.00	\$ 525.00	\$ 1,037.00	\$1,300.00	\$150.00	\$165	\$1,615.00
6	Gay	James	69 14x46	\$ 524.00	\$ 525.00	\$ 1,049.00	\$1,300.00	\$150.00	\$165	\$1,615.00
7	Carroll	Adella	29 26x30	\$ 512.00	\$ 525.00	\$ 1,037.00	\$1,300.00	\$150.00	\$165	\$1,615.00
8	DeGraff	Monument	103 21x38	\$ 650.00	\$ 525.00	\$ 1,175.00	\$1,300.00	\$150.00	\$165	\$1,615.00
9	O'Brien	Robert	72 20x44	\$ 720.00	\$ 525.00	\$ 1,245.00	\$1,300.00	\$150.00	\$165	\$1,615.00
10	O'Brien	Wife of	52 21x21	\$ 450.00	\$ 525.00	\$ 975.00	\$1,300.00	\$150.00	\$165	\$1,615.00
11	Daines	Nelson	36 21x32	\$ 600.00	\$ 525.00	\$ 1,125.00	\$1,300.00	\$150.00	\$165	\$1,615.00
			TOTAL	\$ 7,008.00	\$ 5,775.00	\$ 12,784.00	\$14,300.00	\$1,650.00	\$1,815	\$17,765.00

Western New York Lawn Service, Inc. DBA WNY Cemetery Service offers written warranty for our foundation work for stone repairs for cemetery jobs are guaranteed for 20 years (Twenty), we dig below frost level stones and foundation will not move.

Exhibit D

LEGAL NOTICE

To: The last known owner or owners of the following burial lots located in the Fairview Cemetery, Town of Howard, in Steuben County, New York, and all persons having or claiming to have an interest in said burial lots:

<u>Last Name</u>	<u>First Name</u>	<u>Lot #</u>
McKibben	Christiann	76
McChesney monument		22
Mattoon	Cory	94
Irvin monument		92
Gay	William	73
Gay	James	69
Carroll	Adelia	29
DeGraff monument		103
O'Brien	Robert	72
O'Brien wife of		52
Daines	Nelson	36

PLEASE TAKE NOTICE: That (1) the monuments 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 (date 60 days after the third publication) and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after (date 60 days after the third publication), the Fairview Cemetery Association may remove or repair said monuments without further notice to the persons to whom this notice is addressed.

If you have questions they can be directed to
Eleanor Silliman at (607) 776-6370 prior to
(date 60 days after last publication 12/15/19)

STEBEN COURIER ADVOCATE

INVOICE / STATEMENT

10 W. Steuben St., Bath, NY 14810 Phone (607) 776-2121 Fax (607) 776-3967

BILL TO: Eleanor Silliman
Fairview Cemetery
7546 St Route 54
Bath, NY 14810

Invoice # 02126325	
Invoice Date	Date Due
Account Number	

DATE	TRANS ID #	DESCRIPTION	RUNS	SIZE	UNITS	TOTAL
Balance Forward						
9/29		Fairview Cemetery, Town of Howard	1			\$41.00
10/6		Fairview Cemetery, Town of Howard	1			\$41.00
10/13		Fairview Cemetery, Town of Howard	1			\$41.00
			1			
			1			
			1			
			1			
		Affidavit	1			\$8.00
			1			
			1			
Subtotal						
BALANCE DUE						172.00

Please return the completed portion below with your payment. If payment has already been made, please disregard and we thank you.

REMITTANCE

Invoice #	
Account Number	
Amount Enclosed	
Check Number	
Date	

Steuben Courier Advocate
10 W. Steuben St
Bath, NY 14810

PHONE (607) 776-2121
FAX (607) 776-3967
WEB SITE www.steubencourier.com

J Silliman
E Silliman
7456 State Route 54
Bath, NY 14610

1212
50-8038/2223

Nov 14 2019

Pay to the Order of Steuben Courier Advocate \$ 172.00
One hundred seventy-two and 00/100 Dollars



Servu Federal Credit Union

For Fairview Comm. 3020 Eleanor Silliman

⑆ 222380388⑆ ⑆ 222000088 ⑆ 525⑆ ⑆ 2⑆ ⑆ 2

SCROU

Exhibit E

DIVISION OF CEMETERIES
STATE OF NEW YORK
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STATE OFFICE BUILDING
44 HAWLEY STREET
BINGHAMTON, NY 13901
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COMMISSIONER OF HEALTH

DEPARTMENT OF STATE - DIVISION OF CEMETERIES

MEMORANDUM

TO: Lewis Polishook, Director
FROM: Brendon Stanton, Investigator
SUBJECT: Fairview Cemetery Association, #51-016
RE: Repair of Hazardous Monuments
DATE: December 30, 2019

By application dated June 28, 2018, the Fairview Cemetery Association of the town of Howard, Steuben County, applied for funds for the repair of 12 hazardous monuments. The State Cemetery Board approved this application in its meeting on March 12, 2019, in the amount of \$11,383.26. The contract was awarded to Western New York Cemetery Service. Having been informed that the work had been completed, I inspected the work on September 18, 2019, and found it satisfactory.



**Department
of State**