

**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:** SENECA CEMETERY ASSOCIATION, #35-036  
**RE:** HAZARDOUS MONUMENT REPAIR CHECKLIST  
**DATE:** APRIL 21, 2020

Application Completed and notarized

Voucher included

40 Monuments Requested

**Legal Notice complete and run 3 times in The Finger Lakes Times**

**\$159.30**

40 Monuments Appear Hazardous

Estimates: **Wolcott Grass Farm repair estimate \$41,071 (average \$1,027/ monument)**

Empire Cemetery Service declined to bid

Repairs Appear Appropriate

Wolcott proposes 42-inch foundations and offers a 20-year warranty

Cemetery Up to Date on Annual Reports and Vandalism Payments

**Recommend Approval in the amount of \$41,230.30.**



**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:** Michael D. Seelman, Investigator II  
**SUBJECT:** Seneca Cemetery Association, #35-036  
**RE:** Application for Repair of Hazardous Monuments  
**DATE:** April 21, 2020

**Exhibits**

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Wolcott Grass Farm estimate for \$41,071
- C) Letter of declination from Empire Cemetery Service
- D) Invoice and copy from Finger Lakes Times legal notice for \$159.30

**Introduction and Recommendation**

I received an application (Exhibit A) for the repair of 40 hazardous monuments located in the Seneca Cemetery of the town of Seneca, Ontario County. The application was submitted by Roger Wallace, president of the Seneca Cemetery Association. Included with this application were two estimates but they were outdated, and current estimates were requested. A current bid was submitted by Wolcott Grass Farms (Exhibit B) totaling \$41,071. The cemetery was unable to get a second bid but included a letter of declination from Empire Cemetery Service. Also included was an invoice from a newspaper legal notice (Exhibit D) that was run for three consecutive weeks in the Finger Lakes Times for \$159.30 and photos.

I recommend approval of this application.



### **The Monuments**

I visited the cemetery on October 31 and found that all 40 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 either legal advertisement that 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.

The sole bidder proposes 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 below the frost line (42") and replace the monument, resealing all joints with setting compound or epoxy and offers a 20-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 \$41,230.30. I recommend that this application be approved.

# EXHIBIT A

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

NYS Department of State  
 DIVISION OF CEMETERIES  
 One Commerce Plaza  
 99 Washington Avenue  
 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 (2 Bids Attached) \$ 41,230.30	COUNTY IN WHICH CEMETERY IS LOCATED Ontario
CEMETERY NAME Seneca Cemetery Association	CEMETERY ID NUMBER 35-036
NAME OF CEMETERY OFFICIAL Roger Wallace	TITLE President
STREET ADDRESS 4213 Number Nine Rd.	
CITY/TOWN/VILLAGE Stanley, N.Y.	ZIP CODE 14561
TELEPHONE NUMBERS: Home (585) 526-5133	Cell Work (585) 313-4947
E-MAIL ADDRESS Mreddsoxx@gmail.com	FAX

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? .....  YES\*  NO  
 \*If YES, when? \_\_\_\_\_ Amount Received: \$ \_\_\_\_\_ 0 -  
 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:
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: Jean Sloth Date: 5-1-18

**RECEIVED**  
 DIV. OF CEMETERIES  
 MAY 07 2018

On this 1<sup>st</sup> day of May 2018  
 appeared Jean M. Sloth  
 known to me to be said person.  
Walter L. Thibault  
 Notary Public, State of New York  
 Ontario County, No. 01TH6352486  
 Commission Expires December 27, 2020

# **EXHIBIT B**

*Bid #1*

Wolcott Grass Farm, Inc  
Dba- Wolcott Lawn and Cemetery Maintenance  
Tina Wolcott

4085 Quakertown Rd.  
Phone: 585-786-3504  
Email: [wolcottfarms@gmail.com](mailto:wolcottfarms@gmail.com)

Warsaw, NY 14569  
Fax: 585-786-0911

Wolcott 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.

Thank You,

Wolcott Grass Farm Inc.

**Tina Wolcott**

Tina Wolcott

Stake #	Name	Lot	42 INCHES DEEP	Foundation \$	Remove, Repair, Reset	Total	Remove & dispse	Bronze maker	Foundation Cost	Total with Bronze	Remove & dispse	Granite Maker	Foundation Cost	Total with Granite
1	JAMES HOLLAND	171-5	20x38	\$531.00	\$525.00	\$1,056.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$185	\$950.00	\$150.00	\$1,265.00
2	GEORGE ANSLEY	150-6	34x34	\$794.00	\$525.00	\$1,319.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
3	MARY E WILSON 96-5	96-5	22x34	\$501.00	\$525.00	\$1,026.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
4	NANCY E MCMASTER	95A-5	18x28	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
5	HERMAN-EMMA ONDERDONK	3A 3+4	20x40	\$556.00	\$525.00	\$1,081.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
6	GEORGE - SARAH CONE	56A 1 +2	22x40	\$566.00	\$525.00	\$1,091.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
7	MOSES READ	91A-2	12x28	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
8	MEALANGTUN S READ	91 A-1	14x30	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
9	ELIZABETH BROWN	105A 2	12x24	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
10	WILLIAM GRANT	88-4	20x30	\$525.00	\$525.00	\$1,050.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
11	JAMES MCLAURY	56-4	30x48	\$960.00	\$525.00	\$1,485.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
12	THOMAS A CARSON	39A 4	28x28	\$500.00	\$525.00	\$1,025.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
13	GEORGE R MILLER	42-1	20x40	\$550.00	\$525.00	\$1,075.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
14	ANN HEWSON	24x28	24x28	\$480.00	\$525.00	\$1,005.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
15	MARY	12x24	12x24	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
16	PETER MOCANDISH	16x32	16x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
17	JOHN BEATTIE	22x50	22x50	\$680.00	\$525.00	\$1,205.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
18	SAMUEL TOPPING	18x32	18x32	\$475.00	\$525.00	\$1,000.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
19	PHILENA-ROBERT BLACK	16x60	16x60	\$600.00	\$525.00	\$1,125.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
20	LUCINA DIXON	16x32	16x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
21	JOHN DIXON	16x32	16x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
22	DANIEL J HAINES	24x24	24x24	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
23	MARGARET MCPHERSON	12x30	12x30	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
24	JOHN RICE	32x32	32x32	\$698.00	\$525.00	\$1,223.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
25	THOMAS MCAULLEY	30x30	30x30	\$660.00	\$525.00	\$1,185.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
26	MARGARET E STANLEY	16x32	16x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
27	STANLEY LUCIUS	16x32	16x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
28	WILSON RIPPEY	16x32	16x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
29	WILLIAM KIRKPATRICK	16x32	16x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
30	ELIZABETH	14x28	14x28	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
31	GEORGE-SARAH LELFORD	16x64	16x64	\$620.00	\$525.00	\$1,145.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
32	ELJAH W BLACKMER	28x28	28x28	\$500.00	\$525.00	\$1,025.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
33	JANE BURRELL	16x30	16x30	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
34	JANE BEATTIE	24x24	24x24	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
35	CHARLES WHEADEN	12x24	12x24	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
36	VALENTINE BROTHER	24x24	24x24	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
37	SUSAN LATTA	12x24	12x24	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
38	JOHN F HILL	16x30	16x30	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
39	WILLIAM E HAINES	14x32	14x32	\$425.00	\$525.00	\$950.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
40	WILLIAM PITT	20x30	20x30	\$525.00	\$525.00	\$1,050.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
	<b>Total</b>			\$20,071.00	\$21,000.00	\$41,071.00	\$5,600.00	\$52,000.00	\$6,000.00	\$64,600.00	\$6,600.00	\$38,000.00	\$6,000.00	\$50,600.00

# EXHIBIT C

Tim O'Hora  
Empire Cemetery Service  
6 Canandaigua Street  
Shortsville, NY 14548

To whom it may concern;

I hereby decline to pursue a bid in the restoration project for Number Nine Cemetery and the Seneca Cemetery Association. Thank you for your consideration.

Timothy J. O'Hora

A handwritten signature in black ink, appearing to read "Timothy J. O'Hora". The signature is written in a cursive style with a large initial 'T' and 'O'.

# EXHIBIT D

FINGER LAKES TIMES

# Order Receipt

PO Box 393  
Geneva NY 14456

Phone: 315-789-3333  
Fax: 315-789-3376

URL: WWW.FLTIMES.COM

Tina Wolcott  
SENECA CEMETERY ASSOC.  
1974 LAKE TO LAKE RD.  
STANLEY, NY 14581

Acct #: 00087463  
Phone: (585)786-3504  
Date: 08/24/2017  
Ad #: 00164713  
Salesperson: 5SARA Ad Taker: 5SARA

Class: F105

Ad Notes:

Description	Start	Stop	Ins.	Cost/Day	Extras	Amount
Legal 908 Seneca Cemetary	08/25/2017	09/08/2017	3	53.10	31.86	159.30

Ad Text:

LEGAL NOTICE  
To: Name Lot and Grave Number  
JAMES HOLLAND (LOT171-GRAVE 5)  
GEORGE ANSLEY (150-6)  
MARY E WILSON 98-5  
NANCY E MCMASTER 95A -5  
HERMAN-EMMA ONDERDONK 3A 3+4  
GEORGE -SARAH CONE 56A 1+2  
MOSES READ 91A -2  
MEALANGTUN S READ 91 A 1  
ELIZABETH BROWN 105A 2  
WILLIAM GRANT 88-4

Payment Reference:

Check #1070 \$-159.30

Total:	159.30
Tax:	0.00
Net:	159.30
Prepaid:	-159.30

**Total Due 0.00**

LEGAL NOTICE

To: Name Lot and Grave Number

- JAMES HOLLAND (LOT171-GRAVE 5)
- GEORGE ANSLEY (150-6)
- MARY E WILSON 96-5
- NANCY E MCMAS- TER 95A -5
- HERMAN-EMMA ONDERDONK 3A 3+4
- GEORGE -SARAH CONE 56A 1+2
- MOSES READ 91A - 2
- MEALANGTUN S READ 91 A 1
- ELIZABETH BROWN 105A 2
- WILLIAM GRANT 88-4
- JAMES MCLAURY 56-4
- THOMAS A CAR- SON 39A 4
- GEORGE R MILLER 42-1
- Old section of cemetery
- ANN HEWSON
- MARY
- PETER MC- CANDISH
- JOHN BEATTIE
- SAMUEL TOPPING
- PHILENA-ROBERT BLACK
- LUCINA DIXON
- JOHN DIXON
- DANIEL J HAINES
- MARGARET MCPH- ERSON
- JOHN RICE
- THOMAS MCAUL- LEY
- MARGARET E STANLEY
- STANLEY LUCIUS
- WILSON RIPPEY
- WILLIAM KIRK- SPATRICK
- ELIZABETH
- GEORGE-SARAH LELFORD
- ELJAH W. BLACK- MER
- JANE BURRELL
- JANE BEATTIE

C H A R L E S  
W H E A D E N  
V A L E N T I N E  
B R O T H E R  
S U S A N L A T T A  
J O H N F H I L L  
W I L L I A M E H A I N E S  
W I L L I A M P I T T

This notice is ad-  
dressed to the last  
known owner or  
owners of the follow-  
ing burial lot located  
at SENECA  
Cemetery ASSOC.  
and to all persons  
having or claiming in-  
terest in or to said  
burial lot sections lis-  
ted above. PLEASE  
TAKE NOTICE  
THAT (1) The monu-  
ment or marker loca-  
ted at said burial lot  
is so badly out of re-  
pair or dilapidated as  
to create dangerous  
condition, (2) the  
persons to whom this  
notice is addressed  
to must repair or re-  
move said monu-  
ment or marker with  
60 days of the date  
this notice is mailed,  
and (3) if the per-  
sons to whom this  
notice is addressed  
fail to repair or re-  
move said monu-  
ment or marker with-  
in such 60 day time  
period, the SENECA  
Cemetery ASSOC.  
may remove or re-  
pair said monument  
or marker without  
further notice to the  
persons to whom this  
notice is addressed.  
Very truly yours,  
SENECA Cemetery  
ASSOC.  
LINDA C JENSEN  
5087 COUNTY RD 6  
GENEVA NY 14456 908

8B

Friday, August 25, 2017

LEGAL NOTICE

To: Name Lot and Grave Number

- JAMES HOLLAND (LOT171-GRAVE 5)
- GEORGE ANSLEY (150-6)
- MARY E WILSON 96-5
- NANCY E MCMAS- TER 95A -5
- HERMAN-EMMA ONDERDONK 3A 3+4
- GEORGE -SARAH CONE 56A 1+2
- MOSES READ 91A - 2
- MEALANGTUN S READ 91 A 1
- ELIZABETH BROWN 105A 2
- WILLIAM GRANT 88-4
- JAMES MCLAURY 56-4
- THOMAS A CAR- SON 39A 4
- GEORGE R MILLER 42-1
- Old section of cemetery
- ANN HEWSON
- MARY
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- JOHN BEATTIE
- MARGARET E STANLEY
- STANLEY LUCIUS
- WILSON RIPPEY
- WILLIAM KIRK- SPATRICK
- ELIZABETH
- GEORGE-SARAH LELFORD
- ELJAH W BLACK-