

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: LAKEWOOD CEMETERY ASSOCIATION, #39-016

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: JULY 23, 2020

Application Completed and notarized

Voucher included

33 Monuments Requested

Legal Notice complete and run 3 times in The Oneonta Daily Star \$107.73

33 Monuments Appear Hazardous

Estimates: **Humphrey Memorials repair estimate \$47,300 (average \$1,433/ monument)**

McFee Memorials repair estimate \$52,972 (average \$1,605/ monument)

Repairs Appear Appropriate

Both contractors propose 42-inch foundations **and offer a 10-year warranty**

Cemetery Up to Date on Annual Reports and Vandalism Payments

Recommend Approval in the amount of \$47,407.73

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: Lakewood Cemetery Association, #39-016

RE: Application for Repair of Hazardous Monuments

DATE: July 21, 2020

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Humphrey Memorials estimate for \$47,300.00
- C) McFee Memorials estimate for \$52,972.00
- D) Invoice and copy from Oneonta Daily Star legal notice for \$107.73

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 33 hazardous monuments located in the Lakewood Cemetery of the town of Middlefield, Otsego County. The application was submitted by Milo Stewart, secretary of the Lakewood Cemetery Association. Included with this application were two estimates: one from Humphrey Memorials for \$47,300.00 (Exhibit B); and one from McFee Memorials for \$52,972.00 (Exhibit C). Also included was an invoice from a Oneonta Daily Star newspaper legal notice (Exhibit D) that was run for three consecutive weeks for \$107.73.

I recommend approval of this application.



Department
of State

The Monuments

I visited the cemetery on June 24, 2020 and found that all 33 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. Both estimates provide 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 \$47,407.73. I recommend that this application be approved.

Exhibit A



Division of Cemeteries

RECEIVED
DIV. OF CEMETERIES

APR 08 2020

ALBANY OFFICE
DEPARTMENT OF STATE

Brandon

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 \$47,407.73	COUNTY IN WHICH CEMETERY IS LOCATED OTSEGO
CEMETERY NAME LAKEWOOD CEMETERY	CEMETERY ID NUMBER 39-016
NAME OF CEMETERY OFFICIAL MILO V. STEWART JR.	TITLE PRESIDENT
STREET ADDRESS 15 CHURCH STREET	
CITY/TOWN/VILLAGE COOPERSTOWN NY	ZIP CODE 13326
TELEPHONE NUMBERS: Home (607) 435-9276 Work (607) 547-0376	
E-MAIL ADDRESS mstewart@baseballhalloffame.org	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: \$ _____

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:
All monuments in the attached photos showing leaning stones and sliding sections present a hazard to cemetery visitors and the public.

- 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.
- 4. Attach LCA Policy regarding replacement of monuments with markers.

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: *Milo V. Stewart Jr.* Date: 4/3/20

On this 3rd day of April 2020
 appeared Milo V. Stewart
 known to me to be said person.
Mary J. Earl
 Notary Public

MARY J. EARL
 Notary Public, State of New York
 Equal. in Otsego Co. No. 01EA5056484
 My Commission Expires March 4, 2022

Lakewood Cemetery Association

P. O. Box 1314, Cooperstown, NY 13326

(607) 547-9662

Lakewoodcemetery13326@gmail.com www.cooperstownlakewoodcemetery.com

LAKEWOOD CEMETERY, incorporated in 1857, was created in response to the mid-nineteenth century Rural Cemetery Movement whose advocates promoted rural cemeteries in park-like settings to overcome crowded and unsanitary conditions in urban burying grounds. The Cemetery is the resting place of notable national, state and local persons whose monuments are works of art and epitaphs are eloquent. Lakewood Cemetery is listed on the National Register of Historic Places.

Therefore, it is the policy of Lakewood Cemetery Association not to make changes to monuments and gravestones by replacing them with flush bronze or granite markers whenever lot owners cannot be located in order to preserve the natural and historical character of the Cemetery.

September 30, 2019

Exhibit B

Humphrey Memorials, Inc.

3051 State Rt. 28

Herkimer, NY 13350

315-866-4471*humphreymemorials@gmail.com

Dec. 20, 2019

Lakewood Cemetery
c/o Merrilyn O'Connell
PO Box 1314
Cooperstown, NY 13326

The attached bid sheet being submitted by Humphrey Memorials, Inc. will include the following work to be performed:

- Remove Memorials from existing foundation
- Disassemble Memorials if necessary
- Remove existing foundations
- New concrete foundations poured as stated dimensions
- Reset Memorials on new foundations
- Reassemble and repair Memorials as needed
- Clean & Seal all joints of the Memorials
- Clean up of materials & repairing of affected grounds

The Memorials will be sealed with a Thirty(30) year silicone caulk. If any monument needs structural repairs, we will use a two part epoxy and/or mortar to make those repairs. New foundations and repairs completed will have a warranty of Ten(10) years. If any foundation or monument repair fails within those Ten(10) years, Humphrey Memorials, Inc. will make repairs or replace at no cost to the cemetery. If you have any further questions, please contact us at anytime.

Thank you,
CJ Karker
Humphrey Memorials, Inc.

Hazardous Monument Application Spreadsheet

Date:

Cemetery Name & Address
 Name: Lakeview Cemetery
 Address: P.O. Box 1314
Copakestown NY 13326
 Phone: (607) 547-9662
 Contact Person: Merrilyn O'Donnell
 (Please print clearly) (607) 547-9315

Contractor or Monument Company Name & Address
 Name: HUMPHREY MEMORIALS, INC
 Address: 3051 State Route 28
HERKIMER NY 13350
 Phone: (315) 866-4471
 Contact Person: CJ Barker

Total Number of Stones:
33

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 Capped	Total Cost of Repair & Foundation	Estimates 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
	Last Name, First Name											
BARNUM, Abigail	95	975	36x38x42 1080	-	2055	N/A	N/A	N/A	N/A	N/A	N/A	N/A
BARNUM, Linus	95	925	31x31x42 880	-	1445							
Bassett, Rev. Edward	54	650	30x32x42 770	-	1420							
BEGGS	82	500	29x29x42 630	-	1130							
BIRGE	60B	1300	34x31x42 860	-	8065							
CLARK, Henry	90	1050	36x36x42 970	-	2020							
Coffin, Edwin	86	2250	31x39x42 1140	-	3390							
COBY	27	1050	36x36x42 970	-	2020							
COX	32	700	28x28x42 590	-	1290							
Dutcher, Jane	E/4 33	1500	108x18x42 1460	-	3960							
Dutcher, Israel	E/4 33			-								
Dutcher, Philo	E/4 33			-								
FAULKNER	78	900	34x34x42 860	-	1765							
Farquhar, Alexander	29	400	35x35x42 770	-	870							
Hall, Dr. Caleb G.	56	400	29x44x42 470	-	870							
INGALLS, Evander	37	1000	30x32x42 770	-	1770							
IRVING, Jacob's Dutch	12	650	44x36x42 730	-	1375							
KEYES	70	650	28x28x42 590	-	1240							
MARVIN	34	900	36x36x42 970	-	1870							

HUMPHREY MEMORIALS, INC.
 3051 STATE ROUTE 28
 HERKIMER, NY 13350
 315.866.4471
 humphreymemorials@gmail.com

LAKEWOOD CEMETERY
 P.O. BOX 1314
 COOPERSTOWN, NY 13326
 MERRILYN O'CONNELL
 607.547.9515/607.547.9662

#	Monument Name	Location Sec Lot	Remove, Repair, Reset Cost	New Foundation L" x W" x D"	New Foundation Cost	Foundation Cap Cost	Removal & Disposal Cost	Granite marker Replace & Install	Total Cost
1	A.BARNUM	95	975	38X38X42	1,080	-	-	-	2,055
2	L.BARNUM	95	925	31X31X42	720	-	-	-	1,645
3	REV.BASSETT	54	650	32X32X42	770	-	-	-	1,420
4	BEGGS	82	500	29X29X42	630	-	-	-	1,130
5	BIRGE	60B	1,200	34X34X42	865	-	-	-	2,065
6	H.CLARK	90	1,050	36X36X42	970	-	-	-	2,020
7	E.COFFIN	86	2,250	39X39X42	1,140	-	-	-	3,390
8	CORY	27	1,050	36X36X42	970	-	-	-	2,020
9	COX	32	700	28X28X42	590	-	-	-	1,290
10	J.,I.,P.DUTCHER	33	1,500	108X18X42	1,460	-	-	-	2,960
11	FAULKNER	78	900	34X34X42	865	-	-	-	1,765
12	A.FEAGLES	29	400	25X15X42	470	-	-	-	870
13	DR.C.HALL	56	400	29X14X42	470	-	-	-	870
14	E.INGALLS	37	1,000	32X32X42	770	-	-	-	1,770
15	J.,S.IRVING	12	650	44X22X42	725	-	-	-	1,375
16	KEYES	70	650	28X28X42	590	-	-	-	1,240
17	MARVIN	34	900	36X36X42	970	-	-	-	1,870
18	L.MASTERS	29	650	36X18X42	485	-	-	-	1,135
19	OSBORN	59	650	35X35X42	920	-	-	-	1,570
20	A.PHINNEY	10	550	34X20X42	510	-	-	-	1,060
21	J.PHINNEY	10	400	32X18X42	430	-	-	-	830
22	M.PHINNEY	11	550	48X16X42	575	-	-	-	1,125
23	H.PHINNEY	12	650	44X22X42	725	-	-	-	1,375
24	E.SMITH	41	1,000	29X29X42	630	-	-	-	1,630

Exhibit C

To: Lakewood Cemetery
P. O. Box 1314
Cooperstonw NY 13326
c/o M. O'Connell

From: McFee Memorials
65 Hancock St.
Fort Plain NY 13339
Marianne McFee

Pic	Monument name	section	Pieces	amountper	repair reset	l x w x h	sq in	\$	cost of found	stone total
1	Barnum, Abijah	95	6	\$250.00	\$1,500.00	38x38x42	1444	0.75	\$1,083.00	\$2,583.00
2	Barnum, Linus	95	4	\$250.00	\$1,000.00	31x31x42	961	0.75	\$720.75	\$1,720.75
3	Bassett, Rev. Edward	54	3	\$250.00	\$750.00	32x32x42	1024	0.75	\$768.00	\$1,518.00
4	Beggs	82	5	\$250.00	\$1,250.00	29x29x42	841	0.75	\$630.75	\$1,880.75
5	Birge	60B	6	\$250.00	\$1,500.00	34x34x42	1156	0.75	\$867.00	\$2,367.00
6	Clark, Henry	90	5	\$250.00	\$1,250.00	36x36x42	1296	0.75	\$972.00	\$2,222.00
7	Coffin, Edwin	86	3	\$250.00	\$750.00	39x39x42	1521	0.75	\$1,140.75	\$1,890.75
8	Cory	27	6	\$250.00	\$1,500.00	36x36x42	1296	0.75	\$972.00	\$2,472.00
9	Cox	32	4	\$250.00	\$1,000.00	28x28x42	784	0.75	\$588.00	\$1,588.00
10	Dutcher, Jane	E1/233	2	\$250.00	\$500.00	108x18x42	1944	0.75	\$1,458.00	\$1,958.00
11	Dutcher, Israel	E1/233	2	\$250.00	\$500.00	" "	" "	0.75	\$0.00	\$500.00
12	Dutcher, Pilo	E1/233	2	\$250.00	\$500.00	" "	" "	0.75	\$0.00	\$500.00
13	Falkner	78	5	\$250.00	\$1,250.00	34x34x42	1156	0.75	\$867.00	\$2,117.00
14	Feagles, Alexander	29	2	\$250.00	\$500.00	25x15x42	375	0.75	\$281.25	\$781.25
15	Hall, Dr Caleb G.	56	2	\$250.00	\$500.00	29x14x42	406	0.75	\$304.50	\$804.50
16	Ingalls, Evander (apart)	37	5	\$250.00	\$1,250.00	32x32x42	1024	0.75	\$768.00	\$2,018.00
17	Irving, Jacob/susan	12	2	\$250.00	\$500.00	44x22x42	968	0.75	\$726.00	\$1,226.00
18	Keys	70	5	\$250.00	\$1,250.00	28x28x42	784	0.75	\$588.00	\$1,838.00
19	Marvin (apart)	34	4	\$250.00	\$1,000.00	36x36x42	1296	0.75	\$972.00	\$1,972.00
20	Masters, Levi	29	3	\$250.00	\$750.00	36x18x42	648	0.75	\$486.00	\$1,236.00
21	Osborn	59	4	\$250.00	\$1,000.00	35x35x42	1225	0.75	\$918.75	\$1,918.75
22	Phinney, Anne W.	10	3	\$250.00	\$750.00	34x20x42	680	0.75	\$510.00	\$1,260.00
23	Phinney, John T.	10	2	\$250.00	\$500.00	32x18x42	576	0.75	\$432.00	\$932.00
24	Phinney Ml / A	11	2	\$250.00	\$500.00	48x16x42	768	0.75	\$576.00	\$1,076.00
25	Pinney H/F/C	12	2	\$250.00	\$500.00	44x22x42	968	0.75	\$726.00	\$1,226.00
26	Smith, Erastus (apart)	41	4	\$250.00	\$1,000.00	29x29x42	841	0.75	\$630.75	\$1,630.75
27	Terry, Annie	38	4	\$250.00	\$1,000.00	20x20x42	400	0.75	\$300.00	\$1,300.00
28	Waterman	31	5	\$250.00	\$1,250.00	32x32x42	1024	0.75	\$768.00	\$2,018.00
29	Watkins, Abiathas	48	2	\$250.00	\$500.00	30x16x42	480	0.75	\$360.00	\$860.00
30	Weeks, Ulysses	23	3	\$250.00	\$750.00	29x29x42	841	0.75	\$630.75	\$1,380.75
31	Whitwell	81	5	\$250.00	\$1,250.00	35x35x42	1225	0.75	\$918.75	\$2,168.75
32	Wilson	59	4	\$250.00	\$1,000.00	38x38x42	1444	0.75	\$1,083.00	\$2,083.00
33	Winslow (w/ obelisk)	53	5	\$250.00	\$1,250.00	30x30x42	900	0.75	\$675.00	\$1,925.00

One Foundation

\$30,250.00 Cost for Foundation

\$22,722.00 \$52,972.00

Total Cost to you for the 33 monuments for restoration

Exhibit D

STATE OF NEW YORK
COUNTY OF OTSEGO, SS

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

Abijah, Linus M., & Laura Barnum (Lot 93-95), Hannah Beggs (Lot 82), Delos L. Birge (Lot 60B), Henry Clark (Lot 90), Edwin Coffin (Lot 86), Ellery & Holder Cory (Lots 24-27), Harriet E. Cox (Lot 32H), Debra Dutcher (Lot 33 E½), Judson Faulkner (Lot 78), W S G Hall (Lot 56), Evander Ingalls (Lot 37), Webster C. Keyes (Lot 70), Henry Marvin (Lot 34), George Masters (Lot 29), Daniel M. Morse (Lot 54), Elihu & Henry Phinney (Lots 10-12), Erastus Smith (Lot 41), John F. Scott (Lot 38), Rensselaer Waterman (Lot 31), Abiathar Hubbard Watkins (Lot 48), Marion Weeks (Lot 23), Thomas Whitwell (Lot 81), William Wilson (Lot 59), Seth T. Winslow (Lot 53).

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 the notice or by April 30, 2020 and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after April 30, 2020, the Lakewood Cemetery Association may remove or repair said monuments without further notice to the persons to whom this notice is addressed.

Ashley Hogan of Delhi, NY
in Delaware County, being duly
sworn, deposes and says that she is an
Accounting Clerk for the newspaper
called The Daily Star, printed and
published in Oneonta, NY aforesaid,
and that the advertisement of which the
annexed is a printed copy has been
published in the said newspaper on the

13 20, 27
Day(s) of February 2020

Ashley Hogan

Sworn to before me the 3
Day of March 2020

Pamela R. Ferguson
NOTARY PUBLIC

PAMELA R. FERGUSON
Notary Public, State of New York
No. 01FE6300655
Qualified in Delaware County
My Commission Expires April 14, 2022

THE DAILY STAR
102 CHESTNUT STREET
ONEONTA NY 13820

(800) 721-1000

Fax(607) 432-5847

Advertising Invoice

1 Billing Period 02/2020		2 Advertiser/Client Name LAKEWOOD CEMETERY ASSOCIATION	
23 Total Amount Due 107.73		Unapplied Amount	3 Terms of Payment
21 Current Net Amount Due 107.73	22 30 Days .00	60 Days .00	Over 90 Days .00
4 Page Number 1	5 Billing Date 02/29/20	6 Billed Account Number 58792	7 Advertiser/Client Number CHRIS. 58792

8 Billed Account Name and Address LAKEWOOD CEMETERY ASSOCIATION PO BOX 1314 COOPERSTOWN NY 13326		Amount Paid: <hr/>
		Comments:

Please Return Upper Portion With Payment

10 Date	11 Reference	12 13 14 Description-Other Comments/Charges	15 SAU Size 16 Billed Units	17 Times Run 18 Rate	19 Gross Amount	20 Net Amount
02/27/20	379463 LEGL	TO: THE LAST KNOWN OWN 02/13,20,27 DS IN	3.0X38.00 114.00	3 0.32	107.73	107.73

Statement of Account - Aging of Past Due Amounts

Due date: 03/15/20

21 Current Net Amount Due 107.73	22 30 Days 0.00	60 Days 0.00	Over 90 Days 0.00	Unapplied Amount	23 Total Amount Due 107.73
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THE DAILY STAR
(800) 721-1000

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

24 Invoice Number 022058792	25 Billing Period 02/2020	6 Billed Account Number 58792	7 Advertiser/Client Number 58792	2 Advertiser/Client Name LAKEWOOD CEMETERY ASSOC
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