

# 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:** HOWARD CEMETERY ASSOCIATION, #51-031

**RE:** HAZARDOUS MONUMENT REPAIR CHECKLIST

**DATE:** June 18, 2020

Application Completed and notarized

28 Monuments Requested

**Legal Notice complete and run 3 times in The Steuben Courier Advocate \$244.37**

28 Monuments Appear Hazardous

Estimates: **DC Masonry repair estimate \$31,908 (average \$1,140/ monument)**

WNY Cemetery Services repair estimate \$35,420 (average \$1,265/ monument)

Repairs Appear Appropriate

Both contractors propose 42-inch foundations.

DC Masonry offers a verbal lifetime warranty.

WNY Cemetery Services offers a 20-year warranty

The Cemetery is up to Date on Annual Reports and Vandalism Payments

**Recommend Approval in the amount of \$32,152.37. (average \$1,148/monument)**



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

ANDREW M. CUOMO  
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### **DEPARTMENT OF STATE - DIVISION OF CEMETERIES**

#### **MEMORANDUM**

**TO:** New York State Cemetery Board

**FROM:** Brendon Stanton, Investigator

**SUBJECT:** Howard Cemetery Association, #51-031

**RE:** Application for Repair of Hazardous Monuments

**DATE:** June 18, 2020

#### **Exhibits**

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) DC Masonry estimate for \$31,908.00
- C) WNY Cemetery Service estimate for \$35,420.00
- D) Invoice and copy from Steuben Courier Advocate legal notice for \$244.37

#### **Introduction and Recommendation**

I received an application (Exhibit A) for the repair of 28 hazardous monuments located in the Howard Cemetery of the town of Howard, Steuben County. The application was submitted by Barbara Cleeves, secretary of the Howard Cemetery Association. Included with this application were two estimates: one from DC Masonry for \$31,908.00 (Exhibit B); and one from WNY Cemetery Service for \$35,420.00 (Exhibit C). Also included was an invoice from a Steuben Courier Advocate newspaper legal notice (Exhibit D) that was run for three consecutive weeks for \$244.37.

I recommend approval of this application.



**Department  
of State**

## **The Monuments**

I visited the cemetery on April 8, 2020 and found that all 28 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. DC Masonry did not include a written statement of warranty, but by telephone confirmed that they provide a lifetime warranty on their work. WNY Cemetery Service provides 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 \$32,152.37. I recommend that this application be approved.

# Exhibit A



Division of Cemeteries

RECEIVED DIV. OF CEMETERIES

APR 20 2020

ALBANY OFFICE DEPARTMENT OF STATE

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 fields: AMOUNT REQUESTED (\$32,152.37), COUNTY IN WHICH CEMETERY IS LOCATED (Steuben), CEMETERY NAME (Howard Cemetery), CEMETERY ID NUMBER (51031), NAME OF CEMETERY OFFICIAL (Barbara Cleeves), TITLE (Secy.), STREET ADDRESS (3597 Cty. Rt. 70 A), CITY/TOWN/VILLAGE (Hornell, N.Y.), ZIP CODE (14843), TELEPHONE NUMBERS (Home: (607) 566-8327, Work: (607) 382-3348), E-MAIL ADDRESS (Barb Cleeves@gmail.com), FAX.

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? [ ] YES\* [x] 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:

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: Barbara Cleeves Date: 4-10-2020

On this 10th day of April 2020 appeared Barbara Cleeves known to me to be said person.

SANDRA L. FREY Notary Public, State of New York Qualified in Steuben Co. No. 4877292 Commission Expires March 23, 2023

Sandra L. Frey Notary Public

# Exhibit B

# Estimate

Number: E101

Date: February 12, 2020

**Bill To:**

Howard Cemetery

**Ship To:**

David Clancey  
 DC Masonry  
 2329 Chase rd  
 Rock Stream, NY 14878

PO Number	Terms	Sales Rep	Sales Territory	Ship Via	Code

name	remove, reset	new foundation	size	Amount
✓ 1. Peck, George	\$350	\$957	20x43x42	1,307.00
✓ 2. Degroff Monument	\$350	\$1,109	24x40x42	1,459.00
✓ 3. Johnson, Vinnie	\$350	\$1,109	24x40x42	1,459.00
✓ 4. Franklin, Joseph	\$400	\$1,156	32x32x42	1,556.00
✓ 5. Brose, Emily	\$300	\$505	23x23x42	805.00
✓ 6. Parson, David	\$300	\$505	23x23x42	805.00
✓ 7. Goff, William	\$300	\$505	23x23x42	805.00
✓ 8. Rathbun, Isaac	\$300	\$436	22x22x42	736.00
✓ 9. Higgins, Charlie	\$350	\$930	29x29x42	1,280.00
✓ 10. Sharp, Abram	\$300	\$551	20x28x42	851.00
✓ 11. Bennett, Benjamin	\$400	\$1,156	32x32x42	1,556.00
✓ 12. Rose, Samuel	\$300	\$575	20x12x42	875.00
✓ 13. Higgins, Sherman	\$400	\$880	29x29x42	1,280.00
✓ 14. Graves, G.C.	\$300	\$672	20x32x42	972.00
✓ 15. Patterson, Jane	\$300	\$650	28x12x42	950.00

# Estimate

Number: E101

Date: February 12, 2020

**Bill To:**

Howard Cemetery

**Ship To:**

David Clancey  
 DC Masonry  
 2329 Chase rd  
 Rock Stream, NY 14878

PO Number	Terms	Sales Rep	Sales Territory	Ship Via	Code
name	remove, reset	new foundation	size	Amount	
✓ 16. Patterson, W.	\$200	\$441	28x12x42	641.00	
✓ 17. Patterson M.	\$200	\$441	28x12x42	641.00	
✓ 18. Lane, Ira	\$350	\$677	26x26x42	1,027.00	
✓ 19. Taylor, Bennett	\$400	\$1,357	34x34x42	1,757.00	
✓ 20. Stewart, May	\$325	\$1,180	22x45x42	1,505.00	
✓ 21. Campbell, Gracie	\$300	\$575	24x24x42	875.00	
✓ 22. Brasted, Nicholas	\$325	\$1,280	44x24x42	1,605.00	
✓ 23. Ford, Bacon	\$300	\$770	32x22x42	1,070.00	
✓ 24. Graves, Almond	\$300	\$436	22x22x42	736.00	
✓ 25. Guernsey	\$350	\$1,018	30x30x42	1,368.00	
✓ 26. Graves, Amy	\$350	\$600	25x25x42	950.00	
✓ 27. Bullard Monument	\$400	\$1,357	34x34x42	1,757.00	
✓ 28. Goodrich Dr	\$400	\$880	29x29x42	1,280.00	
				<b>Total</b>	<b>\$31,908.00</b>

# Exhibit C

Stake #	Name 1-7-2020	Lot	DEEP	Foundation \$	Remove, Repair, Reset	Total	Remove & dispose	Bronze marker	Foundation Cost	Total with Bronze	Remove & dispose	Granite Marker	Foundation Cost	Total with Granite
1	Peck, George	2	20 x 43	\$319.00	\$525.00	\$1,344.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
2	DeGraf Monument	14	24 x 40	\$525.00	\$525.00	\$1,421.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
3	Johnson, Yvonne	13	24 x 40	\$895.00	\$525.00	\$1,421.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
4	Franklin, Joseph	84	32 x 32	\$1,008.00	\$525.00	\$1,533.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
5	Bose, Emily	65	23 x 23	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
6	Parsons, David	65	23 x 23	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
7	Goff, William	66	23 x 23	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
8	Barbun, Isaac	59	22 x 22	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
9	Higgins, Charlie	58	29 x 29	\$700.00	\$525.00	\$1,225.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
10	Sharp, Abram	47	20 x 28	\$660.00	\$525.00	\$1,085.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
11	Bennett, Benjamin	35	32 x 32	\$750.00	\$525.00	\$1,275.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
12	Boe, Samuel	18	20 x 12	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
13	Higgins, Sherman	12	29 x 29	\$700.00	\$525.00	\$1,225.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
14	Genes, G. C.	"L"	20 x 32	\$660.00	\$525.00	\$1,085.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
15	Genes, G. C.	"L"	28 x 12	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
16	Patterson, Jane	"L"	28 x 12	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
17	Patterson, Wm.	"L"	28 x 12	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
18	Lane, Ira	"B"	26 x 26	\$910.00	\$525.00	\$1,135.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
19	Taylor, Bennett	37	34 x 34	\$1,008.00	\$525.00	\$1,425.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
20	Stewart, May	9	22 x 45	\$600.00	\$525.00	\$1,425.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
21	Campbell, Gracie	10	24 x 24	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
22	Borstad, Nicholas	75	44 x 24	\$866.00	\$525.00	\$1,421.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
23	Ford, Benson	15	32 x 22	\$672.00	\$525.00	\$1,197.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
24	Greves, Alford	1	22 x 22	\$460.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
26	Gretnsey, Lulice	69	30 x 30	\$700.00	\$525.00	\$1,225.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
28	Greves, Amy	88	25 x 25	\$470.00	\$525.00	\$995.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
27	Bullard Monument	51	34 x 34	\$1,008.00	\$525.00	\$1,533.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
28	Goodrich, Dr.	33	29 x 29	\$700.00	\$525.00	\$1,225.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
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TOTAL \$18,353.00 \$14,700.00 \$39,053.00 \$4,620 \$36,400.00 \$4,200.00 \$46,220.00 \$4,620 \$28,000.00 \$4,200.00 \$35,420.00

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 Howard Cemetery, Town of Howard, in Steuben County, New York, and all persons having or claiming to have an interest in said burial lots:

Name	PROBLEM	MEASUREMENTS	LOT
PECK, GEORGE	foundation	20X43	2
DEGROFF MONUMENT	foundation	24X40	14
JOHNSON, VINNIE	leaning	24X40	13
FRANKLIN, JOSEPH	leaning	32X32	84
BROSE, EMILY	tilting	23X23	65
PARSONS, DAVID	leaning	23X23	65
GOFF, WILLIAM	failing foundation	23X23	66
RATHBUN, ISAAC	leaning	22X22	59
HIGGINS, CHARLIE	bad foundation	29X29	58
SHARP, ABRAM	leaning	20X28	47
BENNETT, BENJAMIN	leaning	32X32	35
ROSE, SAMUEL	tilting	20X12	18
HIGGINS, SHERMAN	failing foundation	29X29	12
GRAVES, G.C.	leaning	20X32	"I"
PATTERSON,	leaning	28X12	"L"
PATTERSON, JANE	tilting	28X12	"L"
PATTERSON, WM.	tilting	28X12	"L"
LANE, IRA	leaning badly	26X26	"B"
TAYLOR, BENNETT	all unstable-top badly	34X34	37
STEWART, MAY	leaning	22X45	9
CAMPBELL, GRACIE	leaning	24X24	10
BRASTED, NICHOLAS	almost down	44X24	75
FORD BACON	starting to tip	32X22	15
GRAVES ALMOND	leaning on foundation	22X22 base	1
GUERNSEY EUNICE	leaning badly	30X30 base	69
GRAVES AMY	foundation unstable	25X25 BASE	68
BULLARD MONUMENT	leaning	34X34 base	51
GOODRICH Dr	leaning	29X29 base	33

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 Howard 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 Bob Cleaves at (607) 566-8327  
prior to (date 60 days after last publication 12/22/19)

AFFP  
Howard Cemetery Legal

## Affidavit of Publication

STATE OF NEW YORK }      SS  
COUNTY OF STEUBEN }

Hope A. Hatch  
being duly sworn, says:

That she is The Authorized Designee of the Publisher of the The Steuben Courier Advocate, a weekly newspaper of general circulation, printed and published in Corning, Steuben County, New York; that the publication, a copy of

December 08, 2019, December 15, 2019, December 22, 2019

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Hope A. Hatch

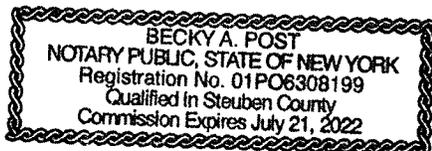
Subscribed to and sworn to me this 22nd day of December 2019.

Becky A. Post  
Becky A. Post, Notary Public, Steuben County, New York

My commission expires: July 21, 2022

02129648 00217651

Bob Cleaves  
Bob Cleaves  
3597 Ct RT 70  
Hornell, NY 14843



pd. Nov. 20, 2019

**STEBEN COURIER ADVOCATE**

**INVOICE / STATEMENT**

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

BILL TO: **Bob Cleeves**

Invoice # 02129648

Invoice Date                  Date Due

Account  
Number

DATE	TRANS ID #	DESCRIPTION	RUNS	SIZE	UNITS	TOTAL
Balance Forward						
10/6		Howard Cemetery Legal	1			\$ 73.29
10/13		Howard Cemetery Legal	1			\$ 73.29
10/20		Howard Cemetery Legal	1			\$ 73.29
			1			
			1			
			1			
			1			
		Affidavit	1			\$25.00
			1			
			1			

Subtotal

BALANCE DUE

244.37

*DP*

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