

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

BARBARA D. UNDERWOOD
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

To: New York State Cemetery Board

From: Michael D. Seelman, Investigator II

Subject: Town of Cicero, Cicero Cemetery

Re: Application for Funds for Maintenance of Abandoned Cemeteries

Date: July 23, 2020

Exhibits

- A) Application for restoration funds
- B) Cemetery and town resolutions
- C) Mower Estimate
- D) Accounting of Funds

Introduction

This office has received an application for maintenance of abandoned cemeteries from Jody Rogers, Town of Cicero, Parks and Recreation Director. The Cicero Cemetery, Onondaga County, is a small 2-acre cemetery that was abandoned by a unanimous vote of the trustees on October 16, 2018. It was conveyed to the Town of Cicero on November 15, 2018. The Town received a total of \$6,688.08 at the time of conveyance, which it placed in a NYCLASS savings account. To date, no funds have been expended from this account. The Town decided not to sell graves and they have made no interments since conveyance.

Request

This application includes requests for funds in the amount of **\$5,599.44** for a Toro 74465 48" mower at the OGS contract price of \$5,599.44. The mower will be used to cut the grass at the Cicero Cemetery as the Town does not have a mower dedicated for use at this cemetery. The Town will not use this mower for any other location.

Recommendation

The Division recommends that the Board approve a total of **\$5,599.44**.

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 Funds for Maintenance of Abandoned Cemeteries

Section 1507(h) of the Not-for-Profit Corporation Law creates a fund which will provide for the maintenance of abandoned cemetery property. Cemetery Board Rule of Procedure 200.11 defines the terms and procedures to be followed to apply for these monies. In order to be eligible for funds for the maintenance of abandoned cemeteries, a municipality must show that the cemetery was once organized pursuant to the NPCL or existing by virtue of the Membership Corporation Law. A copy of the certificate of incorporation of the cemetery must be attached to this application.

AMOUNT REQUESTED	\$ 5,599.44	COUNTY IN WHICH CEMETERY IS LOCATED	Onondaga
\$6600 (quote \$6559.44)			
CEMETERY NAME	Cicero Cemetery (disbanded Association 11/15/19)		
NAME OF MUNICIPALITY	Town of Cicero		
CONTACT PERSON - NAME & TITLE	Jody L. Rogers, Director		
ADDRESS OF MUNICIPALITY	8236 Brewerton Rd., Cicero, NY 13039		
TELEPHONE NUMBER	315-699-5233	FAX NUMBER	315-699-5234

1. Describe any cemetery trust funds or endowments on hand:

The cemetery was abandoned by the trustees and turned over to the Town November 2018. Cemetery is in reasonably good shape and will be maintained by Town of Cicero - including mowing, weed eating and monument rehabilitation as needed. The cemetery is two (2) acres.

2. Describe current status of cemetery with respect to abandonment (what maintenance is performed, size of Cemetery, general condition, etc.): Use additional sheets if necessary.

The cemetery was abandoned by the trustees and turned over to the Town November 2018. Cemetery is in reasonably good shape and will be maintained by Town of Cicero - including mowing, weed eating and monument rehabilitation as needed. The cemetery is two (2) acres.

3. Specific purpose for which these funds will be used (provide estimates where applicable):

To purchase a 48" toro mower from NYS contract PC66756 (Group 40625)

~~To purchase a 48" toro mower from NYS contract PC66756 (Group 40625)~~ ✓

~~To purchase a 48" toro mower from NYS contract PC66756 (Group 40625)~~ ✓

4. Does this cemetery perform interments or cremations?

Yes

No

I hereby certify that the above information is true and correct to the best of my knowledge. I further acknowledge that the responsibility for restoration and future care, preservation and maintenance of the above mentioned cemetery has been assumed by this municipality.

Jody L. Rogers
Signature of Town Official:

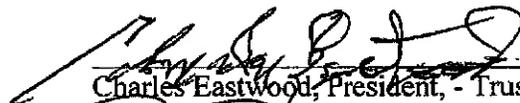
9/9/19
Date:

EXHIBIT B

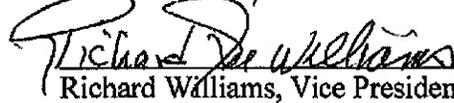
RESOLUTION

I/We, (see Trustees named below), the sole remaining trustee(s) of the Cicero Cemetery Association of Cicero, do hereby resolve to request the Town of Cicero, County of Onondaga, New York, to assume the maintenance and administrative duties of the subject cemetery. I/We further agree that upon formal acceptance of the cemetery and the aforementioned responsibilities, I/we will turn over to the Town of Cicero all records and assets of the subject cemetery. This action is taken in recognition of the fact that a town takeover is the only reasonable course of action to preserve and protect the best interest of the cemetery and the families buried in the cemetery.

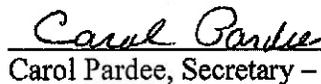
DATED: OCTOBER 16, 2018



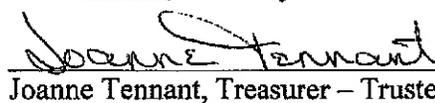
Charles Eastwood, President, - Trustee



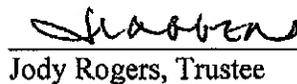
Richard Williams, Vice President - Trustee



Carol Pardee, Secretary - Trustee



Joanne Tennant, Treasurer - Trustee



Jody Rogers, Trustee

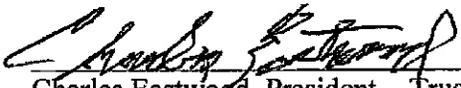


Glen Sotherden, Trustee

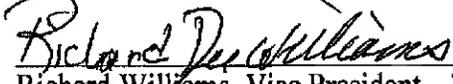
RESOLUTION

I/We, (see Trustees named below), in recognition of the acceptance by the Town of Cicero, County of Onondaga, New York, of the Cicero Cemetery Association, do hereby convey the assets and property of said Cemetery Association to the town for their management and maintenance.

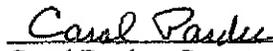
DATED: NOVEMBER 14, 2018



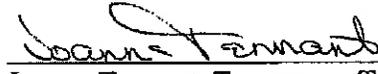
Charles Eastwood, President, - Trustee



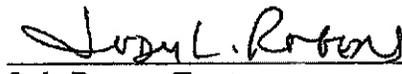
Richard Williams, Vice President - Trustee



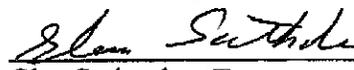
Carol Pardee, Secretary - Trustee



Joanne Tennant, Treasurer - Trustee



Jody Rogers, Trustee



Glen Sotherden, Trustee

Town Council
Vern Conway, Deputy Supervisor
Dick Cushman
Jonathan Karp
Judy A. Boyke

Supervisor
Mark Venesky
(315) 699-1414

Highway Superintendent
Christopher J. Woznica
(315) 699-2745
Fax (315) 699-2746

Town Clerk
Tracy M. Cosillmon
(315) 699-8109



Receiver of Taxes
Nicole M. Walsh
(315) 699-2756
Fax (315) 699-9562

TOWN OF CICERO

COUNTY OF ONONDAGA

8236 Brewerton Road, Cicero, New York 13039 • FAX 315-699-0039 • e-mail: mvenesky@ciceronewyork.net

STATE OF NEW YORK
COUNTY OF ONONDAGA
TOWN OF CICERO

The Town Board of the Town of Cicero adopted and read in its entirety the following Resolution at the Cicero Town Board Meeting held on November 14, 2018, as follows:

Councilor Karp moved for the adoption of a resolution that was read in its entirety as follows:

WHEREAS, there has been established in the town a cemetery known as the CICERO CEMETERY ASSOCIATION, and,

WHEREAS, the Association owns and maintains a public cemetery on Brewerton Road in the Town, and,

WHEREAS, the Association has under its care certain funds for perpetual care, permanent maintenance, special trust and general expenses, which it would like to transfer to the Town of Cicero, and,

WHEREAS, the association has dwindling membership and is unable to procure sufficient income from investments, the members of the association and from the representatives of the deceased persons interred in the cemetery, and,

WHEREAS, the Cemetery Association has requested the Town of Cicero, pursuant to Section 1506(j) of the Not-for Profit Corporation Law, accept the conveyance of the cemetery premises in accordance with the survey dated January 8, 1997, completed by Robert C. Goodeve, and transfer of assets, it is Hereby,

RESOLVED, that the Town of Cicero agrees to accept the conveyance of the cemetery premises and the transfer of the assets from the Cemetery Association, such conveyance shall be subject to all agreements as to lots sold and all trust, restrictions and conditions upon the title or use of the real property or assets.

This resolution also authorizes the Supervisor to execute any and all documents necessary to complete this transfer and any subsequent deed transfer is subject to the approval of the Town Attorney as to form and content.

Youth Bureau
Parks and Recreation
(315) 699-5233

Comptroller
(315) 699-2759

Assessor
(315) 699-1410
Fax (315) 699-2758

Zoning and Planning
(315) 699-2201
Fax (315) 699-2265

Town Council
Vern Conway, Deputy Supervisor
Dick Cushman
Jonathan Karp
Judy A. Boyke

Supervisor
Mark Venesky
(315) 699-1414

Highway Superintendent
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Town Clerk
Tracy M. Cosilmon
(315) 699-8109



Receiver of Taxes
Nicole M. Walsh
(315) 699-2756
Fax (315) 699-9562

TOWN OF CICERO

COUNTY OF ONONDAGA

8236 Brewerton Road, Cicero, New York 13039 • FAX 315-699-0039 • e-mail: mvenesky@ciceronewyork.net

Motion was second by Councilor Cushman.

Supervisor Venesky asked the Town Clerk, Tracy Cosilmon to take a roll call vote. The results were as follows :

Councilor Boyke	VOTING	Aye
Councilor Cushman	VOTING	Aye
Councilor Conway	VOTING	Aye
Councilor Karp	VOTING	Aye
Supervisor Venesky	VOTING	Aye

Ayes - 5, Noes - 0 and Abstentions - 0. Motion carried.

I, Tracy M. Cosilmon, Clerk of the Town of Cicero, in the County of Onondaga, New York, DO HEREBY CERTIFY that I have compared the preceding resolution, excerpted from the Town Board minutes of the regular meeting held on November 14, 2018 with the original thereof filed in my office, and that the same is a true and correct copy of said original and of the whole thereof so far as the same relate to the subject matters referred to therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Cicero, the day and year above written.

Dated: November 15, 2018
Cicero, New York

Town Clerk

(SEAL)

Youth Bureau
Parks and Recreation
(315) 699-5233

Comptroller
(315) 699-2759

Assessor
(315) 699-1410
Fax (315) 699-2758

Zoning and Planning
(315) 699-2201
Fax (315) 699-2265

THIS INDENTURE,

QUIT CLAIM DEED

made the 23 day of January, Two Thousand and Nineteen

BETWEEN

CICERO CEMETERY ASSOCIATION of 5977 McKinley Road, Brewerton, New York 13029, Grantor

AND

TOWN OF CICERO of 8236 Brewerton Road, Cicero, New York 13039, Grantee

WITNESSETH that the Grantor, in consideration of One Dollar (\$1.00) lawful money of the United States, and other good and valuable consideration paid by the Grantee, does hereby grant and release unto the Grantee, his/her/their heirs and assigns forever,

e/ ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cicero, County of Onondaga and State of New York being part of Military Lot Number 41 in said Town and being more particularly bounded and described as follows:

BEGINNING AT a point in the southerly line of lands of Cicrock, LLC, as recorded in the Onondaga County Clerk's Office in Book 5224 of Deeds at Page 822, located 237.48 feet easterly from the east boundary of U.S. Route 11 as measured along the southerly line of lands of Cicrock, LLC; thence N 84° 51' 57" E, continuing along the south line of said lands of Cicrock, LLC, a distance of 23.75 feet to an angle point in the south line of said lands of Cicrock, LLC (said angle point being designated as Point "A" for future reference); thence N 06° 30' 31" W, continuing along the boundary of said lands of Cicrock, LLC, a distance of 166.92 feet to an angle point therein; thence N 85° 50' 40" E, continuing along the boundary of said lands of Cicrock, LLC, a distance of 198.31 feet to an angle point therein; thence S 06° 39' 14" E, continuing along the boundary of said lands of Cicrock, LLC, a distance of 163.54 feet to an angle point therein; thence N 84° 51' 57" E, continuing along the southerly line of said lands of Cicrock, LLC, a distance of 135.72 feet to a point therein being a northwesterly corner of lands of Trestan, Inc., as recorded in the Onondaga County Clerk's Office in Book 2467 of Deeds at Page 674; thence S 08° 49' 22" E, along a westerly line of said lands of Trestan, Inc., a distance of 178.39 feet to a point; thence S 83° 21' 41" W, continuing along the boundary of said lands of Trestan, Inc., a distance of 237.41 feet to a point; thence N 40° 48' 04" W, continuing along the boundary of said lands of Trestan, Inc., a distance of 226.79 feet to the point and place of beginning; containing 1.995 acres of land, more or less.

TOGETHER WITH a 12 foot wide right of way from U.S. Route 11 to the herein above described parcel. The southerly line of said 12 foot wide right of way being described as follows:

BEGINNING AT Point "A" referenced above; thence S 84° 51' 57" W, a distance of 261.23 feet to a point in the east boundary of U.S. Route 11; together with an ingress-egress easement bounded and described as follows:

BEGINNING AT a point in the east boundary of U.S. Route 11 at the intersection of said east boundary of U.S. Route 11 with the south line of aforesaid lands of Cicrock, LLC (said point being the southwesterly corner of the above described 12 foot right of way); thence N 84° 51' 57" E, along the south line of said lands of Cicrock, LLC, a distance of 237.48 feet to a point; thence S 40° 48' 04" E, along the boundary of aforesaid lands of Trestan, Inc., a distance of 61.33 feet to a point therein; thence N 84° 10' 04" W, through said lands of Trestan, Inc., a distance of 128.05 feet to a point; thence S 86° 07' 46" W, continuing through said lands of Trestan, Inc., a distance of 145.08 feet to a point in the aforesaid east boundary of U.S. Route 11; thence N 11° 29' 53" W, along the east boundary of U.S. Route 11, a distance of 22.4 feet to the point and place of beginning.

SUBJECT TO any and all covenants, restrictions, encumbrances, rights of way, public utility, highway, and other easements of record.

TOGETHER with the appurtenances and all the estate and rights of property of the first part in and to said premises,

TOGETHER with the right, title and interest of the Grantor, if any, in and to the strips and gores of land adjacent to or adjoining said premises in the land lying in the bed of any street, road, land or right of way as they now exist or formerly existed, including in front of or adjoining said premises.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, his/her/their heirs and assigns forever,

AND said Grantor covenants as follows:

FIRST, That the Grantee shall quietly enjoy the said premises;

SECOND, That said Grantor will forever WARRANT the title to said premises.

THIRD, That, in Compliance with § 13 of the Lien Law, the Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her/their hand(s) and seal(s) the day and year first above written.

IN PRESENCE OF

CICERO CEMETERY ASSOCIATION

Carol A. Pardo

BY:

State of New York)
County of Onondaga) ss.:

On the 23rd day of January, 2019, before the undersigned, personally appeared Carol A. Pardo, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individuals executed the instrument.

Tracy M. Coshmon
Notary Public

TRACY M. COSHMON
01C0601707
Notary Public, State of New York
Qualified in Onondaga County
Commission Expires May 05, 2019

Record & Return to: Robert M. Germain, Esq., 314 E. Fayette Street, Syracuse, New York 13202

Lisa Dell, County Clerk
401 Montgomery Street
Room 200
Syracuse, NY 13202
(315) 435-2229

Onondaga County Clerk Recording Cover Sheet

Received From :
GERMAIN & GERMAIN
314 E FAYETTE ST
SYRACUSE, NY 13202

Return To :
GERMAIN & GERMAIN
314 E FAYETTE ST
SYRACUSE, NY 13202

First PARTY 1

CICERO CEMETERY ASSOCIATION

First PARTY 2

TOWN OF CICERO

Index Type : Land Records

Instr Number : 2019-00007433

Book : Page :

Type of Instrument : Deed

Type of Transaction : Deed Comm Or Vacant

Recording Fee: \$310.50

Recording Pages : 3

The Property affected by this instrument is situated in Cicero, In the County of Onondaga, New York

Real Estate Transfer Tax

RETT # : 7901

Deed Amount : \$0.00

RETT Amount : \$0.00

Total Fees : \$310.50

State of New York

County of Onondaga

I hereby certify that the within and foregoing was recorded in the Clerk's office for Onondaga County, New York

On (Recorded Date) : 02/25/2019

At (Recorded Time) : 3:44:19 PM



Doc ID - 034192600003

Lisa Dell
Lisa Dell, County Clerk



This sheet constitutes the Clerk's endorsement required by Section 319 of Real Property Law of the State of New York

Entered By: EWRIGHT Printed On : 02/25/2019 At : 3:44:44PM

From: Jody Rogers
To: [Seelman, Michael \(DOS\)](mailto:Michael.Seelman@dos.ny.gov)
Subject: RE: Disbanding of Cicero Cemetery
Date: Friday, October 19, 2018 9:29:16 AM
Attachments: [image002.png](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Yes we advertised for 3 weeks about the meeting and it was agreed to abandon and transfer to Town. Thank you.

From: Seelman, Michael (DOS) [mailto:Michael.Seelman@dos.ny.gov]

Sent: Friday, October 19, 2018 8:44 AM

To: Jody Rogers <jrogers@ciceronewyork.net>

Subject: RE: Disbanding of Cicero Cemetery

Sorry to hear that. You should advertise for a lot owner meeting and notify them that there will be a vote to abandon it. (Unless you already had a lot owners meeting) Then , if the lot owners agree to abandon them use the attached resolutions. Please send us the completed resolutions.

From: Jody Rogers [mailto:jrogers@ciceronewyork.net]

Sent: Thursday, October 18, 2018 4:04 PM

To: Seelman, Michael (DOS) <Michael.Seelman@dos.ny.gov>

Subject: Disbanding of Cicero Cemetery

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good afternoon Mike,

The Cicero Cemetery Association meet on October 16th and upon a unanimous vote of the trustees decided to disband and turn their property and assets over to the Town of Cicero. With that said I wondered if you have a standard sample resolution that they could all sign to formally turn the property and assets over to the Town.

Thanks

Jody L. Rogers, Director

Cicero Youth Bureau, Parks & Recreation

8236 Brewerton Rd.

Cicero, NY 13039

315-699-5233

315-699-5234 fax



Visit our new website for program information and our new online registration

<https://cicero.recdesk.com/recdeskportal/>

CanTeen - Community Teen Center Website

www.canteency.com



[Follow Us Here!](#)

Receive email updates and advance notification of upcoming programs from our department.

Register [here!](#)

EXHIBIT C



315 Commerce Blvd.
Liverpool, New York
Phone: 1-315-457-0181
Parts Fax: 1-800-950-4342
Office Fax: 1-315-457-0312

892-898 Troy Schenectady Rd Latham, New York
Phone: 1-518-785-5841
Parts Fax: 1-800-950-4342
Office Fax: 1-518-785-5740



QMS Quote #	
Date:	8-May-20
Inquiry Date:	
Prices Good Until:	6-Aug-20
Estimated Delivery:	
Terms:	
F.O.B.:	Delivered
Shipped Via:	Truck
Height of Cut:	
Purchase Order #	
Ship to Zip Code	13039

To: Customer Name: Cicero Parks and Rec
Address: 8236 Brewerton RD
City State Zip: Cicero NY 13039
Attn:
Phone: Mike Hogan

Salesman	Ian MacArthur
Cell Phone	315-374-8444
Email	imacarthur@grasslandcorp.com

In Response to your inquiry, we submit the following Quotation;
Orders should list the Vendor as Grassland Equipment & Irrigation Corp.

Purchase

**Group 40625 Heavy Equipment. Award PGB-22792,
Contract: PC68896 Now to August 18, 2021**

Qty	Model Number	Description	2020 Sugg. Retail Price	NYS Contract Price	Extension
1	74465	24.5 HP Toro V-Twin HDAC w/ 48" TF 5" Deck MyRIDE (LTD QTY)	\$7,777.00	\$5,599.44	\$5,599.44



Model Shown 74465

NOTES		TOTALS	
Delivery Contact Name		Equipment Total @ MSRP	\$7,777.00
Delivery Contact Phone Number		Discount	(\$2,177.56)
		Total Equipment	\$5,599.44
		Toro Protection Plus	\$ -
		Trade Ins	\$ -
		Set Up	\$ -
		Delivery Charges	\$ -
		Total	\$5,599.44
Customer Acceptance	Date:		\$5,599.44

EXHIBIT D

Town Council
Jonathan Karp
Judy Boyke
Mike Becallo
Nancy White

Supervisor- Bill Meyer
Deputy Supervisor- Dick Cushman
Ext.505

Highway Superintendent
Christopher J. Woznica
(315) 699-2745

Town Clerk
Tracy M. Cosilmon
Ext. #501



Receiver of Taxes
Nicole M. Walsh
Ext. # 503
Fax (315) 699-9562

TOWN OF CICERO

COUNTY OF ONONDAGA

8236 Brewerton Road, Cicero, New York 13039 PHONE (315)-752-1180 • FAX (315)-699-0039 • e-mail: bmeyer@ciceronewyork.net

May 5, 2020

Mr. Michael Seelman
Division of Cemeteries
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-001

To Whom It May Concern:

The Members of the Cicero Cemetery Association resolved to disband on October 16, 2018. The Town of Cicero accepted the Cicero Cemetery at their Town Board meeting on November 15, 2018. With the acceptance of the cemetery the Association conveyed their assets totaling \$6,688.08 of Perpetual Care funds to the Town of Cicero. Those funds were received on January 7, 2019 and placed in a NYCLASS Savings Account account with the Town.

The Town of Cicero officially accepted the cemetery property with a quick claim deed signed on January 23, 2019.

To date no funds have been expended from the perpetual care fund established with the Cicero Cemetery Association assets.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Shirlie Stuart", written in a cursive style.

Shirlie Stuart
Town of Cicero Comptroller

Youth Bureau
Parks and Recreation
Ext. # 502

Comptroller
Ext. #506

Assessor
Ext. # 500
Fax (315) 699-2758

Zoning and Planning
Ext. #504
Fax (315) 699-2265

Town Council

Jonathan Karp
Judy Boyke
Mike Becallo
Nancy White

Supervisor- Bill Meyer
Deputy Supervisor- Dick Cushman
Ext.505

Highway Superintendent
Christopher J. Woznica
(315) 699-2745

Town Clerk

Tracy M. Cosilmon
Ext. #501



Receiver of Taxes
Nicole M. Walsh
Ext. # 503
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TOWN OF CICERO

COUNTY OF ONONDAGA

8236 Brewerton Road, Cicero, New York 13039 PHONE (315)-752-1180 • FAX (315)-699-0039 • e-mail: bmeyer@ciceronewyork.net

May 14, 2020

Mr. Michael Seelman
Division of Cemeteries
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-001

To Whom It May Concern:

The Cicero Cemetery was accepted by the Town of Cicero Town Board on November 15, 2018 and to date the Town has not had any burials. Upon accepting the cemetery the Town decided they would not be selling any lots.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Jody L. Rogers".

Jody L. Rogers
Town of Cicero Director of Parks and Recreation

Youth Bureau
Parks and Recreation
Ext. # 502

Comptroller
Ext. #506

Assessor
Ext. # 500
Fax (315) 699-2758

Zoning and Planning
Ext. #504
Fax (315) 699-2265