

To: Richard Fishman, Director

From: Michael D. Seelman, Sr. Investigator 

Subject: Nelson Rural Cemetery Association, #27-018

Re: Application for repair of dangerous monuments

Date: April 23, 2012

Exhibits: A) Application for restoration funds
 B) Estimate from Savicki for \$4,165
 C) Estimate from Kevin's Repair for \$4,000
 D) Legal notice and bill for \$55.58
 E) Photos

I received an application for the repair of 18 dangerous monuments from Fay Lyon, president of Nelson Rural Cemetery Association. Included were two estimates to repair the monuments. The Ed Savicki estimate (Exhibit B) is for \$4,165, and the Kevin's Repair estimate (Exhibit C) is for \$4,000. Also included with this application were the required legal notice (Exhibit D) with bill for \$55.58, and photos of the dangerous monuments (Exhibit E).

I visited the cemetery and inspected the monuments in question. At that time I noted 13 monuments that were in such a state of disrepair that they appeared to pose a danger, all of these monuments are tipping to various degrees and many of them are loose on their bases. The Mowrey, Sizer, Bumpus, Hyatt and Smith monuments did not appear to pose a hazard as they were small tablets without bases. I recommended that these monuments be laid flat and have removed them from consideration in this application.

There has been no response to the legal notice that was posted. The Nelson Rural Cemetery does not install foundations. It is presumed, due to the advanced age of the monuments in question that the foundations were installed either by family members or by monument dealers. This claim is for repair of monuments in the historic section of the cemetery, as such, it was requested that the monuments be repaired not replaced in order to preserve the original appearance of the cemetery. Upon speaking to Sr. Accountant Cosco, it was discovered that the Nelson Rural Cemetery was delinquent on several annual reports and behind on vandalism payments. I brought this to the attention of Mr. Lyon who agreed to cooperate with Cosco to bring the cemetery into compliance with the law. As the original estimates were prepared in 2007, I requested updated estimates to reflect current prices.

Nelson Rural Cemetery is up to date on all assessments and appears to be in compliance with the law. All papers are in order and this appears to be a legitimate claim for \$4,055.58.

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) 474-8226

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 2750 \$4,055.58	COUNTY IN WHICH CEMETERY IS LOCATED Madison
CEMETERY NAME Nelson Rural Cemetery	CEMETERY ID NUMBER Madison Co 27-018
NAME OF CEMETERY OFFICIAL M. Fay Lyon	TITLE Bd. Chairman
STREET ADDRESS 3133 Lyon Rd.	
CITY/TOWN/VILLAGE Cazenovia N.Y.	ZIP CODE 13055
TELEPHONE NUMBERS:	
Home [REDACTED]	Work ()
E-MAIL ADDRESS [REDACTED]	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:
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: M. Fay Lyon Date: March 23, 09

On this 23 day of March 2009
 appeared Merritt F. Lyon
 known to me to be said person.

JOANNE L. MIDDLETON 4973647
 Notary Public, State of New York
 Qualified in Oneida County
 Commission Expires 10/29/2010
Joanne L. Middleton

Receipt

EAGLE
NEWSPAPERS

Date 12/21/07 ck# 501

Received of Nelson Rd Amalery Assoc.
8/22/07 legal notice for Cazenovia
Republicans dollars \$ 55.⁵⁸

Signed [Signature] A/R

227389