

# DEPARTMENT OF STATE - DIVISION OF CEMETERIES

## MEMORANDUM

To: Richard Fishman, Director

From: Leonard Breen, Investigator

Subject: Oakwood Cemetery, #42-034

Re: Application for Repair of Dangerous Monuments

Date: April 4, 2012

Exhibits:     A) Applications for restoration funds  
              B) Estimate from Grethen-Cahrenger for \$13,140.  
              C) Estimate from LaBrake for \$15,000.  
              D) Estimate on foundation work from Oakwood Cemetery for \$13,608.  
              E) Copies of required notice and bill for \$110.87  
              F) Photographs

On March 27, 2012 I received a notarized application (Exhibit A) for the restoration of 25 dangerous monuments at Oakwood Cemetery. This application was submitted by Bernard Vogel, administrator of Oakwood Cemetery. Upon receipt of this application I visited the cemetery and met with Mr. Vogel and was led to the various sections of the cemetery for verification of the monuments in question. I was able to identify 24 monuments as being dangerous and in need of repair. One monument had already fallen and was ineligible for consideration of repair (Roberson).

Included with this application was an estimate from Grethen-Cahrenger for \$13,140. (Exhibit B) for the removal, resetting, and resealing of the memorials in question, an estimate from LaBrake for \$15,000. (Exhibit C) for the removal, resetting, and resealing of the memorials in question, and an estimate from Oakwood Cemetery for \$13,608. (Exhibit D) for foundation work based on a \$22.00 per cubic foot approved service charge. Also included were copies of a required notice and bill for \$110.87 (Exhibit E), and photographs (Exhibit F).

After deducting \$2,044. for the ineligible Roberson monument (\$1,169. foundation, \$875. repair) all papers are in order and this **appears to be a legitimate claim for \$24,814.87.** \$12,265. for the repair work; \$12,439. for the foundation work; \$110.87 for the legal notice.

An Historic "Rural" Cemetery  
**Oakwood Cemetery**

A NONSECTARIAN, NOT-FOR-PROFIT CEMETERY, FOUNDED IN 1848

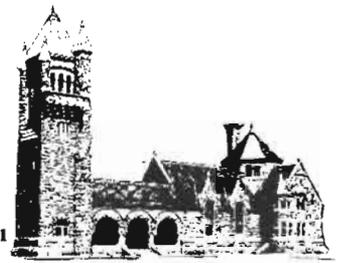
TROY CEMETERY ASSOCIATION, INC.

50 101<sup>ST</sup> STREET, TROY, NY 12180

[518] 272-7520 • oakwood\_cemetery@yahoo.com • FAX [518] 272-7521

www.oakwoodcemetery.org

The Earl Chapel



March 15, 2012

Rensselaer County #42034

NYS Dept. of State Division of Cemeteries  
Attn: Mr. Leonard Breen  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231

Re: Application to the vandalism fund (repair of dilapidated monuments that create a dangerous condition).

Dear Mr. Breen;

Enclosed please find a complete application for funding for correcting cemetery monuments that create a dangerous condition.

1. Application to the vandalism fund.
2. The listing of the legal notice which is being run in our local paper THE RECORD on January 12, 2012, January 19, 2012 & January 26, 2012. The purpose of which-to search for any heirs to the lots in question. An additional (4) letters were sent to the last known addresses of other lot owners. As of March 15, 2012 the cemetery has not had any response
3. Complete photo record of each monument, and a spreadsheet denoting condition, remedy and cost.
4. (2) quotes for the work..

Summary:

**Estimate #1** Grethen-Cahrenger Memorials Inc.

Remove/replace/reseal monuments and shale leveling repairs:	\$13,140.00
Oakwood approved foundation fee's	\$13,608.00
Legal notice:	110.87
TOTAL	<u>\$26,858.87</u>

**Estimate #2** LaBrake Memorials

Remove/replace/reseal monuments and shale leveling repairs:	\$15,000.00
Oakwood approved foundation fee's	\$13,608.00
Legal notice:	110.87
TOTAL	<u>\$28,718.87</u>

It is our hope the Division will look favorably upon our application . if you have any questions, please do not hesitate to call upon me.

Very truly yours

Bernard F. Vogel, Administrator

# 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 <u>26,858.87</u>	COUNTY IN WHICH CEMETERY IS LOCATED <u>Rensselaer</u>
CEMETERY NAME <u>Trinity Cemetery Assoc. Inc. "Oakwood"</u>	CEMETERY ID NUMBER <u>42-034</u>
NAME OF CEMETERY OFFICIAL <u>Bernard F. Vogel</u>	TITLE <u>ADMINISTRATOR</u>
STREET ADDRESS <u>50-101<sup>st</sup> STREET</u>	
CITY/TOWN/VILLAGE <u>Trinity New York</u>	ZIP CODE <u>12180</u>
TELEPHONE NUMBERS: Home [REDACTED]	Work ( ) <u>SAME</u>
E-MAIL ADDRESS <u>OAKWOOD Cemetery@yahoo.com</u>	FAX <u>518-272-7521</u>

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund?  YES\*  NO  
 \*If YES, when? 2006 Amount Received: \$ 21,109.44

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:  
See ATTACHED PHOTO'S & SPREADSHEET

- 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: [Signature] Date: 3-21-12

JILL S. WALSH  
 No. 01WA5056072  
 Notary Public, State of New York  
 Qualified in Rensselaer County  
 My Commission Expires 2-2-14

On this 21st day of March 2012  
 appeared Bernard F. Vogel  
 known to me to be said person.  
[Signature]  
 Notary Public