

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
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

CEMETERY BOARD
ROBERT J. RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

TO: NEW YORK STATE CEMETERY BOARD

FROM: MICHAEL D. SEELMAN, INVESTIGATOR II

SUBJECT: NORTH OTTO CEMETERY ASSOCIATION, #05-031

RE: HAZARDOUS MONUMENT CHECKLIST

DATE: NOVEMBER 29, 2022

Application Completed

21 Monuments Requested

Legal Notice complete and run 3 times in The Gowanda Pennysaver for \$222

21 Monuments Appear Hazardous

Western New York Cemetery Services repair estimate \$23,070 (average \$1,099/monument)

Glenn Priest estimate \$29,200 (average \$1,390 / monument)

Repairs Appear Appropriate

WNY Cemetery Services proposes to install foundations to the depth of 42 inches and offers a 20-year warranty

Recommend Approval in the amount of \$23,292.



**Department
of State**

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MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Michael D. Seelman, Investigator II

SUBJECT: North Otto Cemetery Association, #05-031

RE: Application for Repair of Hazardous Monuments

DATE: November 29, 2022

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Western New York Cemetery Services estimate for \$23,070
- C) Glenn Priest estimate \$29,200
- D) Invoice and copy from The Buffalo News (Gowanda Pennysaver) legal notice for \$222

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 21 hazardous monuments located in the North Otto Cemetery, town of Otto, Cattaraugus County. The application was submitted by Keith Carini, President of the North Otto Cemetery Association. Included with this application was an estimate, from Western New York Cemetery Services (Exhibit B) totaling \$23,070 and an estimate from Glenn Priest (Exhibit C) totaling \$29,200. Also included was an invoice from The Buffalo News (Gowanda Pennysaver) for legal notices (Exhibit D) that were run for three consecutive weeks for \$222.00.

I recommend approval of this application.

The Monuments

The North Otto Cemetery was visited, and all 21 monuments were either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. I noted that several of these monuments are very large. The cemetery has had no response to the legal advertisement which it placed, and has no funds dedicated to the restoration of monuments. Mr. Carini stated that the cemetery does not have records of the last known lot owners for these monuments, therefore he could not make notification by mail. I noted that the most recent burial date was 1917. It is the Division's understanding that the cemetery has determined that the lot owners cannot be located.



**Department
of State**

The Estimates

Both contractors 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. Western New York Services offers a twenty-year warranty. Glenn Priest did not include warranty information.

Recommendation

The cemetery is up to date on annual reports and vandalism payments and the previous funds were used appropriately. This appears to be a legitimate claim for \$23,292. I recommend that this application be approved.

EXHIBIT A



Division of Cemeteries

RECEIVED
DIV. OF CEMETERIES

OCT 04 2021

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.

AMOUNT REQUESTED \$ 23,292.00	COUNTY IN WHICH CEMETERY IS LOCATED Cattaraugus
CEMETERY NAME North Otto Cemetery	CEMETERY ID NUMBER # 05-031
NAME OF CEMETERY OFFICIAL Keith C. Carini	TITLE President
STREET ADDRESS [REDACTED]	
CITY/TOWN/VILLAGE [REDACTED]	ZIP CODE [REDACTED]
TELEPHONE NUMBERS: Home ([REDACTED]) Work ([REDACTED])	
E-MAIL ADDRESS [REDACTED]	FAX N/A

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? ☒ YES* ☐ NO

*If YES, when? 3/25/21 Amount Received: \$ 21,864.00

Was proof of completed work forwarded to the Division of Cemeteries? ☒ YES ☐ NO
so far 2nd check

1. Provide a description of each damaged monument and/or marker and enclose referenced photos: not received yet
All monuments leaning with some tiers unattached.

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: Keith C. Carini Date: 9/30/21

COLLEEN C. YOUNG
NOTARY PUBLIC-STATE OF NEW YORK
No. 01YO6016676

On this 30 day of September 2021
appeared Keith C. Carini
Qualified in Cattaraugus County known to me to be said person.
My Commission Expires November 23, 2022
Colleen C. Young
Notary Public

EXHIBIT B

Stake #	Name	Lot	42 INCHES DEEP	Foundation \$	Remove, Repair, Reset	Total	Remove & dispose	Bronze maker	Foundation Cost	Total with Bronze	Remove & dispose	Granite Maker	Foundation Cost	Total with Granite
1	John Lindsey	102-6	20x34	\$645.00	\$525.00	\$1,170.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
2	Edgar Pratt	115-3	24x48	\$1,092.00	\$525.00	\$1,617.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
3	Artie Root	81-4	22x40	\$834.00	\$525.00	\$1,359.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
4	Kelsey Ballard	82-6	18x30	\$512.00	\$525.00	\$1,037.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
5	Willie Hawkins	85-4	18x18	\$307.00	\$525.00	\$832.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
6	George Beverly	68	24x24	\$546.00	\$525.00	\$1,071.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
7	John H Hagan	76-6	22x45	\$938.00	\$525.00	\$1,463.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
8	Jane McMaster	36-4	28x28	\$743.00	\$525.00	\$1,268.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
9	Ephraim Greene	37-4	30x30	\$853.00	\$525.00	\$1,378.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
10	Frances Ingram	23-6	22x22	\$459.00	\$525.00	\$984.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
11	Delotus Babcock	70-2	26x46	\$1,134.00	\$525.00	\$1,659.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
12	Stephen Soule	34-6	29x29	\$797.00	\$525.00	\$1,322.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
13	Freelove Griffith	35-3	12x24	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
14	Jerome Little	55-3	12x24	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
15	Roxsena Bates	58-3	12x24	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
16	Lillian Babcock	74-5	12x24	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
17	Maude Hill Root	81-3	12x24	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
18	Charles Pratt	112-6	24x44	\$1,001.00	\$525.00	\$1,526.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
19	Adelbart Cady	84-3	16x16	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
20	Emmaline Camp	61-2	8x16	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
21	Winfield Camp	61-1	8x16	\$273.00	\$525.00	\$798.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
Total				\$12,045.00	\$11,025.00	\$23,070.00	\$3,465.00	\$27,300.00	\$3,150.00	\$33,915.00	\$3,465.00	\$19,950.00	\$3,150.00	\$26,565.00

NorthOttoCemetery\StoneJob6 6.2021.xlsx

Printed on 06/11/2021

EXHIBIT C

Hazardous Monument Application Spreadsheet

Date: 11/10/22

Cemetery Name & Address

Name: North Otto Cemetery
Address: N. OTTO RD.
Cattaraugus, NY 14719
Phone: [REDACTED]
Contact Person: Keith Carnell, President

Total Number
of Stones:

21

Contractor or Monument Company Name & Address

Name: Glenn Priest, Alex Priest
Address: [REDACTED]
Phone: [REDACTED]
Contact Person: Glenn or Alex

(Please print clearly)

Contact Person: _____
(Please print clearly)

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	Estimate 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	Plot/Lot											
Lyndsiey, John	102-6				1200							
Camp, Emmeline	61-2				800							
Camp, Winfield	61-1				800							
Ingraham, Frances	23-6				1200							
Beverly, John H	68				1300							
Babcock, Deloris	70-2				2000							
Soule, Stephen	34-6				1700							
Little, Jerome	55-3				1000							
Griffith, Fred Love	35-3				1200							
Hagen, John H	76-6				2000							
Greene, George	36-4				1700							
Bates, Roxsena	58-3				1700							
Babcock, Lillian	74-5				1000							
Hawkins, Willie	85-4				1100							
Carly, Adelbert	84-3				1000							
Ballard, Kelsey	82-6				1400							
Proot, Maude Hill	81-3				1000							
Proot, Adrian, Lillie	81-4				2000							

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Article

RECEIVED
NOV 18 2022
ALBANY OFFICE
DEPARTMENT OF STATE

Date:

[illegible]

EXHIBIT D

THE BUFFALO NEWS

-Receipt-

Your ad

REQUIRED LEGAL NOTICE
To: The last known owner or owners of the following burial lots located in the North Otto Cemetery, town of Otto, in Cattaraugus County, New York, and all persons having or claiming to have an interest in said burial lots:

Lot numbers and name as follows:

102-6 Lyndsley, John; 115-3 Pratt, Edgar; 81-4 Root, Artie; 82-6 Ballard, Kelsey; 85-4 Hawkins, Willie; 68 Beverly, John; 76-6 Hagen, John H.; 36-4 McMaster, Jane; 37-4 Greene, George; 23-6 Ingraham, Frances; 70-2 Babcock, Delotus; 34-6 Soule, Stephen; 35-3 Griffith, Frelove; 55-3 Little, Jerome; 58-3 Bates, Roxsena; 74-5 Babcock, Lillian; 112-6 Pratt, Charles; 84-3 Cady, Adelbert; 61-2 Camp, Emmaline; 61-1 Camp, Winfield; 81-3 Root, Maude Hill

PLEASE TAKE NOTICE: That (1) the monument 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 North Otto Cemetery Association may remove or repair said monuments without further notice to the persons to whom this notice is addressed. If have questions they can direct to Keith Carini, [REDACTED] President of the North Otto Cemetery Association prior to (date 60 days of the last publication).

Date:	09/01/21
Account #:	599618
Company Name:	North Otto Cemetery Association
Contact:	Keith Carini
Address:	[REDACTED]
Telephone:	[REDACTED]
Fax:	[REDACTED]

Ad ID:	1646346
Run Dates:	09/11/21 to 09/25/21
OC_Flag3:	N
# of Inserts:	0
Columns wide:	1
Total # of Lines:	71
Total Cost:	\$183.00
Ad Class:	7700
Account Rep:	Matthew Donnelly
Phone #	(716) 849-4068
Email:	mdonnelly@buffnews.com

Payments:	Method	Card Type	Name on Card	Last 4 Digits	Expire Date	Check Number	Amount Paid
	CC	VISA		[REDACTED]			\$183.00

Gross: \$183.00

Paid Amount: - \$183.00

Amount Due: \$0.00

THE BUFFALO NEWS

-Receipt-

Date:	07/06/21
Account #:	599618
Company Name:	North Otto Cemetery Association
Contact:	Keith Carini
Address:	[REDACTED]
Telephone:	[REDACTED]
Fax:	[REDACTED]

Ad ID:	1636947
Run Dates:	07/10/21 to 07/24/21
OC_Flag3:	N
# of Inserts:	0
Columns wide:	1
Total # of Lines:	10
Total Cost:	\$39.00
Ad Class:	7250
Account Rep:	Matthew Donnelly
Phone #:	(716) 849-4068
Email:	mdonnelly@buffnews.com

Your ad

North Otto Cemetery on 9576 North Otto Road, in the Town of Otto, is soliciting bids for the repair of 19 dilapidated, disrepaired, or vandalized monuments. If interested, please call Keith Carini at [REDACTED]

Payments:	Method	Card	Name	Last 4	Expire	Check	Amount
		Type	on Card	Digits	Date	Number	Paid
	CC	VISA		[REDACTED]			\$39.00

Gross: \$39.00

Paid Amount: - \$39.00

Amount Due: \$0.00

Expense to get additional
brds for N. Otto Cemetery
from local pennysaver.