

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: EAST SIDE CEMETERY ASSOCIATION, #17-007

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: SEPTEMBER 29, 2022

Application Completed and notarized and signed

17 Monuments Requested

Legal Notice listing name and lot number 3 times in The Malone Telegram \$75.33

17 Monuments Appear Hazardous

Estimates: **North Country Masonry repair estimate \$24,000 (average \$1,412/
monument)**

Both St. Lawrence Valley Concrete and Upstate Monument Company declined to bid.

North Country Masonry proposes 48- inch foundations and offers a 10-year warranty.

The cemetery is up to date on Annual Reports and Vandalism Payments

Recommend Approval in the amount of \$24,075.33



**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: East Side Cemetery Association, #17-007

RE: Application for Repair of Hazardous Monuments

DATE: September 29, 2022

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) North Country Masonry repair estimate for \$24,000 (average \$1,412/ monument)
- C) Letter regarding bids
- D) Invoice and copy from The Malone Telegram for \$75.33

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 17 hazardous monuments located in the East Side Cemetery, town of Chateaugay, Franklin County. The application was submitted by Kevin Legacy, president of the East Side Cemetery Association. Included with this application was an estimate, from North Country Masonry (Exhibit B) totaling \$24,000, and a letter stating that Mr. Legacy had contacted both Upstate Monument Company and St. Lawrence Valley Concrete seeking bids (Exhibit C). After several requests, neither contractor submitted a bid. Also included was an invoice from The Malone Telegram for a legal notice (Exhibit D) that was run for three consecutive weeks from, August 6, through August 20, 2019, for \$75.33.

I recommend approval of this application.

The Monuments

The East Side Cemetery was visited, and all 17 monuments were found to be either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. Mr. Legacy stated that the cemetery has no records for the monuments in question and as such, could not contact the last known lot owners by mail, the most recent monument is dated 1982. The cemetery has had no response to the legal advertisements which it placed, and has no funds dedicated to the restoration of monuments. Based upon the information provided, it is the Division's understanding that the cemetery has determined that the monument owners cannot be found.



**Department
of State**

The Estimate

North Country Masonry proposes to: remove the monuments from the existing foundations; dig out existing foundations; place new foundations made of solid concrete poured to a depth of 48 inches and replace the monument, resealing all joints with setting compound or epoxy and offer a ten-year warranty.

Recommendation

The Cemetery is up to date on annual reports and vandalism payments. This appears to be a legitimate claim for \$24,075.33. I recommend that this application be approved.

EXHIBIT A



Division of Cemeteries

DIV. OF CEMETERIES

FEB 28 REC'D

2022

ALBANY OFFICE
DEPARTMENT OF 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 \$ <u>24,075.33</u>	COUNTY IN WHICH CEMETERY IS LOCATED <u>Franklin</u>
CEMETERIAL CEM <u>East Side Cemetery Association</u>	CEMETERY ID NUMBER <u>17007</u>
NAME OF CEMETERY OFFICIAL <u>Kevin Legacy</u>	TITLE <u>President</u>
STREET ADDRESS [REDACTED]	
CITY/TOWN/VILLAGE [REDACTED]	ZIP CODE <u>12920</u>
[REDACTED]	Work ()
E-MAIL ADDRESS [REDACTED]	FAX [REDACTED]

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund?

☐ YES* ☒ NO

*If YES, when? _____ Amount Received: \$ _____

☐ YES ☒ NO N/A

Was proof of completed work forwarded to the Division of Cemeteries?

1. Provide a description of each damaged monument and/or marker and enclose referenced photos:

All 20 stones are leaning on their foundations which has made them unstable and presents a hazard. Please see attached images of stones.

2. Attach copies of bids submitted by at least two contractors for the cost of repairs or removal and replacement.

Please see attached bid (North Country Masonry...) as well as Addendum A

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: Kevin Legacy

Date: 2-24-2022

SHARON L. NEMIER
Notary Public, State of New York
New York State No. 01NE4945801
Qualified in Franklin County
My Commission Expires January 27, 2023

On this 24 day of Feb 20 22
appeared Kevin Legacy
known to me to be said person.
Sharon L. Nemier
Notary Public

SHARON L. NEMIER
Notary Public, State of New York
New York State No. 01NE4945801
Qualified in Franklin County
My Commission Expires January 27, 2023

ADDENDUM A

EASTSIDE CEMETARY



APPLICATION FOR REPAIR REMOVAL OF MONUMENTS-DOS-1585-f-a

ATTEMPTED VENDOR BIDS-NO RESPONSE

VENDOR: UPSTATE MONUMENTS COMPANY
594 EAST MAIN STREET
MALONE, NY 12953
518-483-5811

7/15/2019-Spoke with Brandie, brought initial paperwork seeking quotes.
9/20/2019-Called to check on progress of quote. They've been busy will get to me asap.
6/30/2020-Called to check-in, found out Upstate & SLVC have connection and Upstate can provide estimates for both places.
3/19/2021-Called to check on progress of quote. Talked to owner, Rick, at Plattsburgh office who said he would meet me to look at the stones. Waiting to be contacted.
3/26/2021-Called, left message-no response.
4/13/2021-Called, left message-no response.
5/06/2021-Called, left message-no response.
NO RESPONSE TO DATE

VENDOR: ST. LAWRENCE VALLEY CONCRETE (SLVC)
1600 STATE ROUTE 11
BRUSHTON, NY 12916
518-529-7866

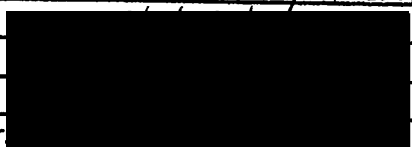
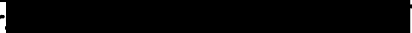

7/11/2019 – Spoke with Cinnamon and Scott, brought initial paperwork seeking quotes.
9/20/2019 – Called to check on progress of quotes. Found out SLVC and Upstate can provide estimates for both (Upstate Monuments and SLVC).
NO RESPONSE TO DATE

EXHIBIT B

* 16 stones @ \$1411.00 = \$22,576
 1 stone @ \$1424.00 = 1,424
 Total Estimate \$24,000.

Hazardous Monument Application Spreadsheet

updated
 Date: 9/26/22

Cemetery Name & Address - Cemetery ID # 17007				Contractor or Monument Company Name & Address			
Name: <u>Eastside Cemetery Association</u>				Name: <u>North Country Masonry & Remodel LLC</u>			
Address: 				Address: <u>1442 County Route 8</u>			
Phone: 				Phone: <u>Nd. Bangor, NY 12966</u>			
Contact Person: 				Contact Person: <u>Nathan Zimmerman</u>			
(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											
Barnes, Ernest	Sec F/76 ^W	\$ 950.00	14x45x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Bush, Leslie	Sec C/17	\$ 950.00	14x40x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Humbert, Louis	Sec G/15	\$ 950.00	16x24x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Banbury, Abram	Sec G/14	\$ 950.00	16x32x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Drew, Arison	Sec G/23	\$ 950.00	24x24x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Ashline, Anthony	Sec G/25	\$ 950.00	24x24x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Hollister, Marion	Sec G/28	\$ 950.00	12x28x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Parmeter, Tina	Sec G/7	\$ 950.00	16x28x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Boardman, Martha	Sec None	\$ 950.00	27x27x48	N/A	\$ 1,424.00		N/A	N/A	N/A		N/A	N/A
Roberts, John	Sec None	\$ 950.00	24x24x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Roberts, Michael	Sec None	\$ 950.00	24x28x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Roberts, Nathan	Sec None	\$ 950.00	14x28x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Roberts, Mary	Sec None	\$ 950.00		N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Fall, Raymond	Sec A/35	\$ 950.00	13x48x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Humphrey, Henry	Sec F/86	\$ 950.00	24x32x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Alcher, Ransom	Sec F/118	\$ 950.00	14x28x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A
Kennan, Albert	Sec F/104	\$ 950.00	21x32x48	N/A	\$ 1,411.00		N/A	N/A	N/A		N/A	N/A

EXHIBIT C

MALONE NEWSPAPER CORPORATION
469 E MAIN ST STE 4
MALONE, NY 12953
(518) 483-4700

ADVERTISING INVOICE

BILLING PERIOD	ADVERTISER/CLIENT NAME
08/20/19 - 08/20/19	EAST SIDE CEMETERY ASSOCIATION
TOTAL AMOUNT DUE	INVOICE NUMBER
75.33	114228
DUE UPON RECEIPT	

PAGE #	BILLING DATE	BILLED ACCOUNT NUMBER
1	08/20/19	86614

BILLED ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

DONALD GILLETTE
EAST SIDE CEMETERY ASSOCIATION
[REDACTED]

JOHNSON NEWSPAPER CORPORATION
260 WASHINGTON ST
WATERTOWN NY 13601

PL CK-1160

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

DATE	NEWS PREFERENCE	DESCRIPTION/OTHER COMMENTS/CHANGES	CLASS/TYPE BILLED UNITS	TIMES RUN DAILY	GROSS AMOUNT	NET AMOUNT
08/06	PUBLICATION: AD CLASS: 20429981 08/06	MALONE TELEGRAM - FULL RUN LEGALS LEGAL NOTICE-EASTSID E CEMETERY To: The 1 MARY LEGACY Affidavit Fee	1x0L 67L	1		25.80
08/13	20429981 08/13	LEGAL NOTICE-EASTSID E CEMETERY To: The 1 MARY LEGACY	1x0L 67L	1		10.00 19.77
08/20	20429981 08/20	LEGAL NOTICE-EASTSID E CEMETERY To: The 1 MARY LEGACY Ad Class Totals: Publication Totals:	1x0L 67L \$75.33 \$75.33	1 201.000 line		19.76

S&I™

TOTAL AMOUNT DUE
75.33

MALONE NEWSPAPER CORPORATION (518) 483-4700

A FINANCE CHARGE OF 1.5% PER MONTH, WHICH IS AN ANNUAL RATE OF 18% (MINIMUM \$1.00) WILL BE ADDED TO ACCOUNTS OVER 28 DAYS.

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

ISSUE NUMBER	BILLING PERIOD	ADVERTISER INFORMATION	BILLED ACCOUNT NAME
114228	08/20/19 - 08/20/19	86614	EAST SIDE CEMETERY A

MALONE NEWSPAPER CORPORATION
Legal Advertisement Affidavit
STATE OF NEW YORK
FRANKLIN COUNTY

MALONE TELEGRAM

DONALD GILLETTE
EAST SIDE CEMETERY ASSOCIATION
[REDACTED]

REFERENCE: 86614
20429981 LEGAL NOTICE-EASTSID

Nicole Lamica, being duly sworn, says that she is a principal clerk of Malone Newspaper Corporation, a corporation duly organized and existing under the laws of the State of New York, and having its principal place of business in the Village of Malone, New York, and the said Corporation is the publisher of the MALONE TELEGRAM, a newspaper published in the Village of Malone, Franklin County, and State of New York, and that a LEGAL NOTICE, of which the annexed is a printed copy has been published in said newspaper on the dates listed below;

Nicole Lamica
Nicole Lamica, Principal Clerk

PUBLISHED ON: 08/06 08/13 08/20

TOTAL COST: 75.33 AD SPACE: 67 LINE
FILED ON: 08/20/19

Sworn to before me this

28 day of August 2019
George McLaughlin
GEORGE MCLAUGHLIN
Notary Public, State of New York
Franklin County No. 4731796
My Commission Expires March 2023

Johnson Newspaper Corporation

Client:	5059077	EAST SIDE CEMETERY ASSOCIA-	Phone:	
Class.:				
Ad #	20429981	Requested By: MARY LEGACY	Fax:	
Sales Rep.:	MT04	Nicole Lamica	Phone:	(518) 483-4720
		nlamica@mtelegram.com	Fax:	(518) 483-8579
Class.:	0110	Public Notices		
Start Date:	08/06/2019	End Date:	08/20/2019	Nb. of Inserts: 3
PO #:		Entered By:	NLAMIC	
Publications:	Malone Telegram			
Paid Amount:	\$0.00	Balance:	\$75.33	
Total Price:		\$75.33		Page 1 of 1

**LEGAL NOTICE-EASTSIDE
CEMETERY**

To: The last know owner or owners of the following burial lots located in the Eastside Cemetery, Franklin County, New York, and all person having or claim to have an interest in said burial lots:

Barnes, Ernest & Elizabeth - Lot# 76 West, Section F

Bush, Leslie & Jessie - Lot# 7 Section C LaGrave, Rachel

& Ernest - Lot# 34 Section H

Humbert, Louis - Lot# 15

Section G Banbury, Abram -

Lot# 14 Section G Drew, Ab-

yah & Arrison - Lot# 23 Sec-

tion G Ashline, Anthony &

Catherine - Lot# 25 Section

G Towne, Elmer & Genevia -

Lot# 9 Section G Hollinster,

Marion - Lot# 28 Section G

Hill, Arthur, (Parmeter, Tina) -

Lot# 7 Section G Patterson,

F.H. Boardman, Martha -

Lot# None, Section None

Roberts, John - Lot# None,

Section None Roberts, Mi-

chael - Lot# None, Section

None Roberts, Nathan - Lot#

None, Section None Roberts,

Mary - Lot# None, Section

None Fall, Raymond & Bes-

sie - Lot# 35 Section A Mur-

ray, Owen & Myrtle - Lot#

12B Section I Humphry,

Henry & Alice - Lot# 86 Sec-

tion F Neher, Ransom - Lot#

118 Section F Kennan Albert,

Hawksby, Caroline - Lot#

104 Section F. PLEASE TAKE

NOTICE: That (1) the monu-

ments or markers are so

badly out of repair or dilapi-

dated as to create a danger-

ous condition, (2) the per-

sons to whom this notice is

addressed must repair or

remove said monuments or

markers after the third publi-

cation of this notice or by

October 23, 2019 and, (3) if

the persons to whom this

notices is addressed fail to

repair or remove said monu-

ments or markers after Octo-

ber 23, 2019, the Eastside

Cemetery Association may

remove or repair said monu-

ments without further notice

to the persons to whom this

notjce is addressed. If you

have questions they can be

directed to Kevin Legacy at

██████████ prior to Octo-

ber 23, 2019.