

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: ONEIDA CEMETERY ASSOCIATION, #27-022

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: MARCH 29, 2022

Application Completed and notarized and signed

60 Monuments Requested

Legal Notice complete and run 3 times in The Oneida Daily Dispatch \$139.69

60 Monuments Appear Hazardous

Estimates: **Pexton memorials repair estimate \$52,296 (average \$872/ monument)**

Kellogg Memorials repair declined to submit a bid.

Pexton proposes 42-48-inch foundations and offer a 6-year warranty.

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

Recommend Approval in the amount of \$52,435.36.



**Department
of State**

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COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Michael D. Seelman, Investigator II

SUBJECT: Oneida Cemetery Association, #27-022

RE: Application for Repair of Hazardous Monuments

DATE: March 21, 2022

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Pexton Memorials repair estimate for \$52,296 (average \$872/ per monument)
- C) Kellogg Memorials letter declining to bid
- D) Invoice and copy from The Oneida Daily Dispatch for \$139.69

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 60 hazardous monuments located in the Oneida Cemetery, City of Oneida, Madison County. The application was submitted by O.Perry Tooker III, president of the Oneida Cemetery Association. Included with this application was an estimate, from Pexton Memorials (Exhibit B) totaling \$52,296 and a letter from Kellogg Memorials (Exhibit C) declining to submit a bid. Also included was an invoice from The Oneida Daily Dispatch for a legal notice (Exhibit D) that was run for three consecutive weeks for \$139.69.

I recommend approval of this application.

The Monuments

The Oneida Cemetery was visited, and all 60 monuments were found to be either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. The cemetery has had no response to the legal advertisements which it placed, and has no funds dedicated to the restoration of monuments. It was 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 1941. 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 Estimates

Pexton Memorials 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 42-48 inches and replace the monument, resealing all joints with setting compound or epoxy and offer a six-year warranty. The estimate averages \$872 per monument, which is average for the Central Region.

A second estimate requested from Kellogg Memorials and they responded with a letter declining to bid, citing: "so much work and we are backed up".

Recommendation

The Cemetery is up to date on annual reports and vandalism payments. This appears to be a legitimate claim for \$52,435.69. I recommend that this application be approved.

EXHIBIT A



Division of Cemeteries

RECEIVED
DIV. OF CEMETERIES

NOV 1 2021

ALBANY OFFICE

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 <u>\$52,510.51</u>	COUNTY IN WHICH CEMETERY IS LOCATED <u>Madison</u>
<u>\$52,435.69</u>	CEMETERY ID NUMBER <u>27022</u>
NAME OF CEMETERY OFFICIAL <u>O. PERRY Tooker III</u>	TITLE <u>Board President</u>
STREET ADDRESS <u>[REDACTED]</u>	
ZIP CODE <u>Oneida, New York 13421</u>	
TELEPHONE NUMBERS: Cell Home <u>[REDACTED]</u> Work <u>[REDACTED]</u>	<u>O. Perry Tooker III</u>
E-MAIL ADDRESS <u>OPUS@TWCNYCRR.COM</u>	FAX <u>[REDACTED]</u>

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

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

☐ YES* ☒ NO
☐ YES ☐ NO

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:

pictures sent to Alicia Young digitally at new york
State Division of Cemetery's request plus flashdrive incl'd

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: [Signature]

Date: 10-29-21

LORELIE L. GRABOSKE
Notary Public, State of New York
Reg. No. 01GR6288457
Qualified in Madison County
My Commission Expires Sept. 3, 2025

On this 29 day of October 2021
appeared O. Perry Tooker III
known to me to be said person.

[Signature]
Notary Public

EXHIBIT B

Glenwood Cemetery
Attn: O. Perry Tooker, III
[REDACTED]
Oneida, NY 13421

Contractor Name Pexton Cemetery Management, Inc.
PO Box 405
Canastota, NY 13032

Oneida Cemetery Assoc.

Denny Pexton 315-420-9504

NYS ID# 27022

Madison County

NYS Monument Grant Repair September 2021

n#	Name	Section A	Remove, Repair, Reset	Foundation	Problem	Total Cost of Repair	
	Beckwith, James	A	\$75.00		Top Loose	\$75.00	
	Ackley, JM	54 x 24	\$350.00	842	Leaning	1192	
	Lewis, Horace	26 x 42	\$265.00	709	Leaning	\$974.00	
	Radley, Edward	44 x 24	\$245.00	686	Leaning	\$931.00	
	Bortle, Henry	40 x 40	\$475.00	1040	Leaning	\$1,515.00	
	Adle, John	32 x 18	\$185.00	374	Leaning	\$549.00	
	Kilts, Morris	60 x 36	\$575.00	1404	Leaning	\$1,979.00	
	Alis, Bethia	38 x 20	\$165.00	364	Leaning, Loose Top	\$529.00	move location
	McKelvey, Johnston	42 x 24	\$325.00	655	Leaning	\$980.00	
	Hawks, WR	42 x 24	\$275.00	655	Leaning	\$930.00	
	Parmelee, Charles	42 x 24	\$275.00	655	Leaning	\$930.00	
	Smith, Herbert	36 x 22	\$285.00	504	Leaning	\$789.00	
	Burkhart, Martin	52 x 22	\$375.00	743	Leaning	\$1,118.00	
	Nodecker, Peter	A	\$75.00		Top Loose	\$75.00	
	Snyder, Charles	30 x 30	\$275.00	585	Top Loose	\$860.00	
	Cross, Edward	26 x 14	\$185.00	236	Top Loose	\$421.00	
	Section SML A						
	Dean, Elodsit	36 x 36	\$425.00	842	Leaning	\$1,267.00	
	Section F						
	Hollenbeck, Hubert	36 x 20	\$185.00	468	Leaning	\$653.00	
	Hartson, Charles	40 x 18	\$185.00	468	Leaning	\$653.00	
	Childs, Charles	40 x 20	\$285.00	520	Leaning	\$805.00	
	Lloyd, George	68 x 36	\$875.00	1591	Leaning	\$2,466.00	
	Johnson, William	40 x 20	\$245.00	520	Leaning	\$765.00	
	Bolles, George	42 x 18	\$275.00	491	Leaning	\$766.00	
	Ferguson, William	36 x 16	\$165.00	374	Leaning	\$539.00	
	Section J						
	Vedder, John	46 x 46	\$475.00	1375	Leaning	\$1,850.00	
	Gaul, Jacob	48 x 24	\$375.00	748	Leaning	\$1,123.00	
	Chafee, Arthur	60 x 24	\$325.00	936	Leaning	\$1,261.00	
	Thurston, Job H.	42 x 22	\$365.00	600	Leaning	\$965.00	
	Bliskey, John	28 x 28	\$225.00	509	Leaning	\$734.00	
	Ferry, Caroline	36 x 14	\$165.00	327	Leaning	\$492.00	
	Hamlin, Nettie	22 x 22	\$314.00	75	cross monument	\$389.00	
	Purdy, Albert G	32 x 20	\$416.00	200	Leaning	\$616.00	
	Bannister, Charles	24 x 12	\$187.00	125	Leaning	\$312.00	
	Buyea, Delia	30 x 20	\$390.00	195	Leaning	\$565.00	
	Section K						
	Lindsley, Charles	30 x 30	\$285.00	585	Leaning	\$870.00	
	Jones, Lanev	30 x 30	\$310.00	624	Leaning	\$934.00	

Foster, Homer	48 x 24	\$285.00	748 Leaning	\$1,033.00
Peckham, Rufus	32 x 32	\$225.00	665 Leaning	\$890.00
Ashtenau, Henry	28 x 28	\$265.00	509 Leaning	\$774.00
Potter, Rev. John	66 x 40	475	1716 Leaning Loose Top	2191
Carroll, Martin	48 x 24	\$285.00	748 Leaning	\$1,033.00
Dewey, Nancy S.	24 x 14	\$65.00	218 Leaning Loose	\$283.00
Dewey, Millie D.	24 x 14	\$65.00	218 Leaning Loose	\$283.00

Name	Section	Remove, Repair, Reset	Foundation	Problem	Total Cost of Repair
Section W					
Punké, Caroline	26 x 16	\$125.00	270	Fallen over	\$395.00
Defrees, Lucinda	30 x 20	\$485.00	390	Leaning Loose	\$875.00
DeVisser, Joseph	40 x 24	\$275.00	390	Leaning	\$665.00
Gifford, Adelbert	32 x 20	\$175.00	748	Leaning	\$923.00
Stich, George	46 x 24	\$325.00	717	Leaning	\$1,042.00
Snyder, Minnie	42 x 24	\$325.00	655	Leaning	\$980.00
Perling, Carl	42 x 22	\$325.00	600	Leaning	\$925.00
Buhlauer, Clayton	60 x 32	\$445.00	1248	Leaning	\$1,693.00
Rose, Charles	40 x 22	\$225.00	572	Leaning	\$797.00
Uebelacker, Joseph	36 x 16	\$185.00	374	Leaning	\$559.00
Goakes, Matthew	36 x 16	\$285.00	374	Leaning	\$659.00
Joslyn, B	30 x 16	\$175.00	312	Leaning	487
Seeber, Oscar	40 x 18	\$225.00	468	Leaning	\$693.00
Brookes/Bliss, George	52 x 16	\$200.00	540	Leaning	\$740.00
Smith, Alfred	24 x 14	\$125.00	218	Leaning	\$343.00
Churchill, Frank	60 x 24	\$350.00	936	Leaning	\$1,286.00
Barrick, William	42 x 22	\$275.00	600	Leaning	\$875.00

\$17,067.00 \$35,259.00 Total \$52,296.00

All debris will be removed from cemetery and disposed. All areas will be cleaned and topsoiled and seeded as needed.

All foundations are warranted for 6 years unless damaged by weather or other climate conditions.

Shepard D. Pexton, President

Pexton Cemetery Management, Inc.

From: [Lois Pexton](#)
To: mtpleasantcemetery@gmail.com
Cc: [Seelman, Michael \(DOS\)](#)
Subject: Pexton Cemetery Management, Inc. - Glenwood Cemetery
Date: Tuesday, March 29, 2022 1:08:36 PM

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

To whom it may concern:

Re: Regarding Glenwood Cemetery/Oneida Cemetery Association - NYS Grant Proposal

Pexton Cemetery Management, Inc, will install concrete foundations to the depth of 42 - 48 inches unless a burial or vault interferes.

Thank you. Denny Pexton

EXHIBIT C

jody kelloggmemorials.com <jody@kelloggmemorials.com>
To: mary ann mt pleasant cemetery <mtpleasantcemetery@gmail.com>

Thu, Sep 23, 2021 at 2:10 PM

Hi, Mary Ann –

I received your message yesterday and wanted to get back to you. I'm very sorry, but at this time, I'm afraid we are unable to complete your request for a quote. We have so much work and are currently very backed up with production. The earliest we could get out to visit your cemeteries for a quote would be sometime in November and I know that's much later than you had hoped. Hopefully you understand that the families we are currently serving must take precedence over repair/reno projects. Again, my apologies.

Thank you for thinking of us.

Jody



Jody Wiggins Hunt

Kellogg Memorials

1014 W. Dominick St. Rome, NY 13440

<https://mail.google.com/mail/u/1/?ik=95fe8c6be1&view=pt&search=all&permthid=thread-a%3Ar-315131969683537949&simpl=msg-a%3Ar906749429...> 1/2

EXHIBIT D

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK,

Madison County, ss:
City of Oneida.

Michele Sisco-Martin residing in Kingston, New York, being duly sworn, deposes and says that she is the Regional Legal Clerk of **Media News Group**, a Corporation duly organized under the laws of the State of New York; that said Corporation is the publisher of **The Oneida Daily Dispatch**, which is a public newspaper and has been continuously published and circulated throughout Madison County since eighteen hundred and fifty-one (1851) and published in the City of Oneida, County of Madison and State of New York, and that the notice of which the annexed is a printed copy, has been regularly published in **The Oneida Daily Dispatch**.

Once Weekly for Three Weeks

To wit: 10/03, 10/10, 10/17, 2021

Michele Sisco-Martin

Sworn to before me this

10/ 19 /21

Kath L. Davis

Notary Public

Affidavit Mailing Address
2223420 Oneida Cemetery Association
c/o Mary Ann Anderson

LEGAL NOTICE

To the last known owners or owners of the following burial lots located in Glenwood Cemetery (Oneida Cemetery Association), 1456 Glenwood Ave., Oneida, NY and all persons having or claiming to have an interest in said burial lots:

SECTION A:
Beckwith, James
Ackley, JM
Brooks, Elmer
Lewis, Horace
Radley, Edward
Brooks, Margaret
Bortle, Henry
Adle, John
Memirs, Eva
Kilts, Morris
Alis, Bethiah
Titus, Dinah
McKelvey, Johnston
Hawks, WR
Parmelee, Charles
Smith, Herbert
Lawton, Isaac
Burkhart, Martin
Nodecker, Peter
Snyder, Charles
Cross, Edwin

SECTION: small A
Dean, Elodis
LaTour, Hannibal
SECTION F:
Hollenbeck, Hubert
Hartson, Charles
Childs, Charles
Lloyd, George
Johnson, William
Bolles, George
Ferguson, William
Cooper, Cora & Charlie

SECTION J:
Vedder, John
Gaul, Jacob
Humiston, DL
Chafee, Arthur
Thurston, Job H.
Morris, Nancy A.
Bliskey, John
Ferry, Caroline
Sayles, William
Hamlin, Nettie
Purdy, Albert
Bannister, Charles
Buyea, Delia
SECTION K:
Lindsay, Charles
Jones, Laney
Foster, Homer
Peckham, Rufus
Webb, William
Astenau, Henry
Potter, Rev. John
Forrister, Emma
Carroll, Martin
Dewey, Nancy S.
Lewis, Rose
Dewey, Millie D.
Murrftt, John
DeKing, Johann
Moon, Isaac

SECTION W:
Punke, Caroline
DeFrees, Lucinda
Elk, Andrew
DeVisser, Joseph
Gifford, Adelbert
Stich, George
Snyder, Minnie
Perling, Carl
Buhlaier, Clayton
Rose, Charles
Uebelacker, Joseph
Goakes, Matthew
Joslyn, B.
Seeber, Oscar
Brookes/Bliss, George
Smith, Alfred
Churchill, Frank
Barrick, William
Nye, James

PLEASE TAKE NOTICE that (1) the monuments or markers located at said burial lots are so badly out of repair, dilapidated or otherwise are creating a dangerous condition, (2) the persons to whom this notice is addressed must repair, straighten or remove said monuments or markers within 60 days of the date of the third publication of this notice, and (3) if the persons to whom this notice is addressed fail to repair or remove the monuments or markers within such 60 day time period, the Oneida Cemetery Association (Glenwood Cemetery) may remove or repair said monuments or markers without further notice to the persons to whom this notice is addressed. Oneida Cemetery Association (Glenwood Cemetery) c/o Mary Ann Anderson PO Box 287 Wampsville, NY 13421 10/3,10/10,10/17/21 #NY0032294

KATHI L DAVIS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DA6410130
Qualified in Ulster County
My Commission Expires October 19, 2024

~~KINGSTON~~ | TROY | SARATOGA | ONEIDA

[illegible]

RECEIPT

Phone: 1-855- 664-5860

Amount Due: **\$139.69**

[illegible]

We Appreciate Your Business!
Thank You MARY ANN ANDERSON!

ONEIDA CEMETERY ASSOCIATION
1456 GLENWOOD AVE.
ONEIDA, NY 13421
FED ID #15-0405520

EXPLANATION	AMOUNT

3543

EPShield™ Check Fraud
Protection for Business

50-7087-2213

CHECK
AMOUNT

NT One Hundred Thirty Nine ⁶⁹/₁₀₀ DOLLARS

E	TO THE ORDER OF	GROSS							CHECK NUMBER
1-21	ONEIDA Daily Dispatch								
		DESCRIPTION							

\$139.69

Secure Financial
Account
and Card

Oneida Savings

