KATHY HOCHUL GOVERNOR

CEMETERY BOARD

ROBERT J. RODRIGUEZ SECRETARY OF STATE CHAIR LETITIA JAMES ATTORNEY GENERAL

JAMES V. MCDONALD, M.D., M.P.H. ACTING COMMISSIONER OF HEALTH

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 WWW.DOS.NY.GOV

TO: NEW YORK STATE CEMETERY BOARD FROM: MICHAEL D. SEELMAN, INVESTIGATOR II SUBJECT: HOLLAND PATENT CEMETERY, 33-0 RE: HAZARDOUS MONUMENT REPAIR CHECKLIST DATE: January 23, 2023

Application completed, notarized and signed

26 Monuments Requested

Legal Notice run 3 times in The Observer Dispatch \$94.26

26 Monuments Appear Eligible

Estimates: North-East Cemetery Services repair estimate \$34,900 (average \$1,342/ monument) Humphrey Memorial repair estimate \$38,475 (average \$1,478/monument) Both contractors propose 42-inch foundations and offer a 10-year warranty. The cemetery is up to date on Annual Reports and Vandalism Payments Recommend Approval in the amount of \$34,994.26.

It should be noted that North-East Cemetery Services requires 50% down to begin work.

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JAMES V. MCDONALD, M.D., M.P.H. ACTING COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Michael D. Seelman, Investigator II

SUBJECT: Holland Patent Cemetery Association, #33-027

RE: Application for Repair of Hazardous Monuments

DATE: January 9, 2023

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) North-East Cemetery Services repair estimate for \$34,900 (average \$1,342 / per monument)
- C) Humphrey Memorials repair estimate for \$38,435 (average \$1,478 / per monument
- D) Invoices and copies from The Observer Dispatch for \$94.26

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 26 hazardous monuments located in the Holland Patent Cemetery, village of Holland Patent, Oneida County. The application was submitted by Thomas Furlong, President of the Holland Patent Cemetery Association. Included with this application was an estimate, from North-East Cemetery Services (Exhibit B) totaling \$34,900, and an estimate from Humphrey Memorials (Exhibit C) totaling \$38,435. Also included was an invoice from The Observer Dispatch for a legal notice (Exhibit D) that was run for three consecutive weeks from August 23, through September 6th, for \$94.26.

I recommend approval of this application.

The Monuments

The Holland Patent Cemetery was visited, and 26 monuments were found to be either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. Mr. Furlong 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 1956. 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.

The Estimates

Both contractors propose 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 inches and replace the monument, resealing all joints with setting compound or epoxy. Mohawk Valley Monuments did not provide warranty information and North-East Cemetery Services provides a 10 -year warranty.

North-East Cemetery Services requires 50% down to begin work.

Recommendation

The Cemetery is up to date on annual reports and vandalism payments. This appears to be a legitimate claim for \$25,427.94. I recommend that this application be approved.

EXHIBIT A



RECEIVED DIV. OF CEMETERIES

DEC 19 2022

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 \$ 34, 994,26	COUNTY IN WHICH CEMETERY IS LOCATED ONEIDA
CEMETERY NAME HULLAND PATENT CEMETERY	CEMETERY ID NUMBER 33027
NAME OF CEMETERY OFFICIAL	TITLE PRESIDENT
STREET ADDRESS	
TELEPHONE NUMBERS:	
Home	Work ()
E-MAIL ADDRESS	FAX
Has this cemetery previously applied for and received a grant fr Abandonment & Monument Repair Fund?	
*If YES, when? Amount	Received: \$
Was proof of completed work forwarded to the Division of Cemet	eries?YES NO
1. Provide a description of each damaged monument and/or man	rker 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-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: day of DくC

On this

JAIME LEMIEUX Notary Public in the State of New York Qualified in Oneida County 011.1.358819 My Commission Expires May 10, 20 AS

appeared known to me to be said person.

Holland Patent Cemetery Inc.

PO Box 211 Holland Patent, NY 13354 Phone 315-525-0789

Thomas C. Furlong President Stuart A. Gates, Vice President Evelyn K. Clark, Secretary/Treasurer Founded 1797 Incorporated 1850 & 2018

December 15, 2022

NYS Department of State **Division of Cemeteries** One Commerce Plaza 99 Washington Ave. Albany, NY 12231-0001

To whom it may concern:

The Holland Patent Cemetery would like to submit the enclosed application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Dangerous Condition.

Enclosed are 1. A description of the damaged monuments including photographs

- 2. Copies of the two bids received:
 - a) Northeast Cemetery Services for \$34,900
 - b) Humphrey Memorials, Inc. for \$38,435
- 3. Proof of publication of the Legal Notice and invoice for \$94.26
- 4. Notarized application

We are requesting \$34,994.26 which is the low bid of \$34,900 from Northeast Cemetery Services and the cost of the publication of the Legal Notice which was \$94,26,

Thank you for your consideration.

Sincerely,

Momes C. Furling

Thomas C. Furlong President

EXHIBIT B

Northeast Cemetery Services Edward McOwen 11383 Steuben Rd. East Deerfield, NY 13502 (315)725-2385 NeCemeteryServices@Gmail.com

10/17/2022

Northeast Cemetery Services proposes repair of 26 stones in Holland Patent Cemetery, located in Holland Patent, NY. For a total of \$34,900.00.

Repair of the monuments described in the attached spreadsheet will be performed as follows:

- Monuments will be set aside.
- The original foundation and soil will be excavated to a depth of 42" below grade.
- The excavated material will be placed in the cemetery dump area.
- Concrete will be poured in the excavated hole to a few inches below grade.
- The base stone/tablet will be set in wet concrete.
- Topsoil and seed will be applied around the base to cover the concrete.
- The remaining pieces of the monument will be assembled with an appropriate adhesive and all joints will be sealed with caulk.

Please note: Some excavated holes may be formed with wood at the discretion of the contractor. Base pieces deemed unrepairable will be discarded and the tablet/monument will be placed in/on a foundation the same dimensions as described in the spreadsheet.

While Northeast Cemetery Services agrees to use due care while handling these monuments, due to the age and fragile condition of the pieces we will not be held liable for chips, breaks or cracks beyond a best effort repair.

The work mentioned above will resolve the current hazardous condition. The depth of the foundation and the joint sealing will resist frost movement and stabilize the monument for the foreseeable future.

Work will begin following a down payment of fifty percent of the total.

A workmanship warranty of ten (10) years applies. Only violations of this agreement apply. Further natural deterioration of the stone and other damages caused by outside forces including mowers, tree limbs and other such circumstances are not covered.

Thank you.

Edward McOwen.

HAZARDOUS MONUMENT SPREADSHEET

Cemetery- Holland Pattent Cemetery

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Contractor - Northeast Cemetery services. 11383 Steuben Rd East. Deerfield, NY 13502. Contact Edward McOwen

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EXHIBIT C

November 11, 2022

Holland Patent Cemetery Tom Furlong Holland Patent, NY 13354

The attached bid sheet being submitted by Humphrey Memorials, Inc. will include the following work to be performed:

-Remove Memorials from existing foundation

-Disassemble Memorials if necessary

-Remove existing foundations

-New concrete foundations poured as stated dimensions-42" depth

-Reset Memorials on new foundations

-Reassemble and repair Memorials as needed

-Clean & Seal all joints of the Memorials

-Clean up of materials & repairing of affected grounds

The Memorials will be sealed with a Thirty(30) year silicone caulk. If any monument needs structural repairs, we will use a two part epoxy and/or mortar to make those repairs. New foundations and repairs completed will have a warranty of Ten(10) years. If any foundation or monument repair fails within those Ten(10) years, Humphrey Memorials, Inc. will make repairs or replace at no cost to the cemetery. If you have any further questions, please contact us at anytime.

Thank you, CJ Karker Humphrey Memorials, Inc.

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PROOF OF PUBLICATION

Tom Furlong Holland Patent Cemetery

STATE OF NEW YORK, COUNTY OF ONEIDA

The Observer Dispatch, a newspaper published in the City of Utica, New York.

The text of the notice as published in said newspaper is as set forth below, or in the annexed exhibit, was published in the issue dated:

08/23/2022, 08/30/2022, 09/06/2022

and that the fees charged are legal. Sworn to and subscribed before on 09/06/2022

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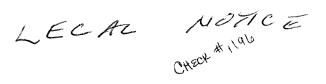
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SARAH BERTELSEN Notary Public State of Wisconsin LEGAL NOTICE TO: The last known owner of the following burial lots located in HOLLAND PATENT CEME-TERY, Holland Patent, New York, and all persons claiming to have an interest in said burials. Area of no record (AONR) NAME SECTON LOT JOHN JONES 2 28 CATHERINE VINNIGOMBE 2

FRED NORTON 2 N FRED NORTON 2 N ROBERT ROBERTS I 35 SARAH WALKER I 34 RICHARD DEAKIN I 33 ISABEL DEAKIN I 33 MARY WEBB I 33 PHILLIP SLATTER 18 WILLIAM ROBERTS I A HARVEY SPENCER 2 75 PHILLENIA HIGBY 2 70 CHARLES HIGBY 2 70 CHARLES HIGBY 2 70 ROSETTA WARD 2 69 MARY BOOTH 1 75 ALWIN HAMILTON AONR ELIZABETH SEYMOUR AONR CHARELS ROBINSON I 77 WELTRA SMITH AONR THOMAS FARRINGTON AONR MARY BARNS AONR WILLIAM SACKETT AONR JOHN GRANDE 2 45 EMMA CATTER 3 33 ELLEN WILLARD AONR MONROE LAWTON 4 120 PLEASE TAKE NOTICE (1) The monuments or markers are so badly out of repair or dilapidated as to create a dangerous condition, (2) the person(s) to whom this notice is addressed must repair or remove markers within 60 days of the date of this publication, and (3) if the person(s) to who this is addressed fail to repair or remove said monuments or markers within 60 days of this publication, Hollond Patent Cemetery Association may remove or repair said monuments without further notice to the person(s) addressed. Contact Tom Furlong or by

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