#### **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

FAX: (518) 473-08 WWW.DOS.NY.GOV 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

TO: NEW YORK STATE CEMETERY BOARD

FROM: MICHAEL D. SEELMAN, INVESTIGATOR II

SUBJECT: CLEARVIEW CEMETERY ASSOCIATION, #51-011

**RE:** HAZARDOUS MONUMENT REPAIR CHECKLIST

**DATE:** JANUARY 23, 2023

Application Completed and notarized and signed

29 Monuments Requested

Legal Notice run 3 times in The Evening Tribune \$99.37

29 Monuments Appear Hazardous

Estimates: DC Masonry repair estimate \$36,547 (average \$1,260/ monument)

Five contractors declined to bid

DC Masonry proposes 42- 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 \$36,646.37.

### DIVISION OF CEMETERIES STATE OF NEW YORK DEPARTMENT OF STATE

STATE OFFICE BUILDING 44 HAWLEY STREET BINGHAMTON, NY 13901 TELEPHONE: (607) 721-8756 FAX: (607) 721-8753 WWW.DOS.NY.GOV KATHY HOCHUL
GOVERNOR

CEMETERY BOARD

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

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

**SUBJECT**: Clearview Cemetery Association, #51-011

**RE**: Application for Repair of Hazardous Monuments

**DATE**: January 23, 2023

#### **Exhibits**

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) DC Masonry estimate for \$36,547.00
- C) Various declinations to bid
- D) Invoice and copy from Hornell Evening Tribune legal notice for \$99.37
- E) Completion report for previous hazardous monument work awarded in February 2021

#### **Introduction and Recommendation**

I received an application (Exhibit A) for the repair of 29 hazardous monuments located in the Clearview Cemetery of the town of Cohocton, Steuben County. The application was submitted by Cheryl Deusenbery, president of the Clearview Cemetery Association. Included with this application was a single estimate from DC Masonry (Exhibit C) for \$36,547. The cemetery association included responses from three additional monument companies who refused to submit bids. Also included was an invoice from a Hornell Evening Tribune newspaper legal notice (Exhibit D) that was run for three consecutive weeks for \$99.37. I recommend approval of this application.



#### The Monuments

I visited the cemetery on October 12, 2022, and found that all 29 of the monuments were 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 advertisement which it placed, and has no funds dedicated to the restoration of monuments. The cemetery also indicated that it did not have any address information to send mailings directly. The most recent monument appears to have been placed in or around 1918. Based on the advanced age of the monuments in question, it is assumed the foundations were laid privately by either the families or by monument contractors.

The estimate proposes 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. DC Masonry offers a 10-year warranty.

#### **Declinations to Bid**

The cemetery association was only able to provide a single estimate for this project. Included are responses from WNY Cemetery Services, Todd Forsythe (a local monument dealer), Snyder Brothers Cemetery Service, and Walter E. Baird Funeral Home, all of which declined to submit a bid. The single bid appears consistent with historical costs in Steuben County and the cemetery has been unable to provide an additional bid despite a diligent effort. I recommend that the single bid be deemed sufficient in this case.

#### Recommendation

The cemetery is current with its payments to the vandalism fund and with the filing of its annual reports. The cemetery previously received a disbursement for hazardous monument work in November 2021, and the funds appear to have been spent appropriately (Exhibit E). All documents appear to be in order, and this appears to be a legitimate claim for \$36,646.37. I recommend that this application be approved.





#### 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 according Corporation Law, §1510-a). The full text of this Cemetery Board I	
AMOUNT REQUESTED \$36,646.37	COUNTY IN WHICH CEMETERY IS LOCATED
CEMETERY NAME	CEMETERY ID NUMBER
Clearview Cemetery	51-011
NAME OF CEMETERY OFFICIAL	TITLE
Cheryl Deusenbery	Treasurer
STREET ADDRESS	14572
CITY/TOWN/VILLAGE	ZIP CODE
TELEPHONE NUMBERS:	
Home (	Work (
E-MAIL ADDRESS	FAX
2. Attach copies of bids submitted by at least two contractors for	rker and enclose referenced photos:  Noted in cover letter, Investigate but at the confumed as a haya the cost of repairs or removal and replacement.  Ses than 60-day notice to the last known owner to repair or remove the
I, the undersigned, duly authorized, swear or affirm under the peobtain sufficient funds from the family of the deceased, that the preasonable and that the above-described monuments and/or dangerous condition. I further swear or affirm that the informative receipt of monies for the repair or removal of dilapidated or disrep	enalties of perjury that the above-named cemetery has not been able to proposed costs of the repairs or removals and replacements are fair and markers are so badly out of repair or dilapidated as to create a ion contained in this application is true and correct. I agree that, upon paired monuments that create a dangerous condition, such repairs will be attements) of the repairs and removals will be submitted to the Division of
Notary Public, State of New York No. 01C06012034 Qualified In Steuben County Commission Expires Aug. 17, 20 22	on this 20 day of fine 20 22 appeared Cheryl Deusenberef known to me to be said person.

Lot owner name	Name on Stone Wm Nichoson 1872	Location Chapel, Middle, Fox	Letter × Section	Lot# 41 E&W	4E Gr	Grave	Investigat Comme Brendc Stanton 721-87		Investigator's Comments Brendon Stanton 607- 721-8756 replacement	Investigator's Comments Brendon Stanton 607- 721-8756  replacement	Investigator's Comments Brendon Stanton 607- 721-8756  Investigator's Size L x W Remove,Repair, x36"D & Reset Monument Monument	Investigator's Comments Brendon Stanton 607-  Teplacement  Size L x W Remove, Repair, Foundaiton 8. Reset with 3 Monument demensions Monument
Wm Gilbert	Gilbert Family	3	വ	49 E&W			new foundation	new foundation	new foundation	new foundation	new foundation	new foundation
Wm Miller	Gardner Family	3	I	70 E&W		1	new foundation	new foundation	new foundation	new foundation	new foundation	new foundation
Emeline Blood	Caroline Blood 1861	3		69 E&W	3E		new foundation	new foundation	new foundation	new foundation	new foundation	new foundation
າus Beneth	Amus Beneth John Bennett	3		109 W			new foundation	new foundation	new foundation	new foundation	new foundation	new foundation
David Barber	David & r Orlando Barber M	3	~	88 E&W	1W		new foundation	new foundation	new foundation	new foundation	new foundation	new foundation
Jerry Pierce	Jerry W Pierce 1866	3	~	45 E&W	1W		new foundatio	new foundation	new foundation	new foundation	new foundation	new foundation
Samuel Wheaton	Samuel Wheaton	3	Z	13 E&W	1E		new foundatio	new foundation	new foundation	new foundation	new foundation	new foundation
Henry Kimball	Virgil Kimball	3	~	23 E&W	3E		new foundatio	new foundation	new foundation	new foundation	new foundation	new foundation
Barthomew	Caleb Eldridge	3	Z	19 W	1W		new foundation	new foundation	new foundation	new foundation	new foundation	new foundation

Lot owner name	Name on Stone	Location Chapel, Middle, Fox	Letter	Lot#	Grave	Investigator's Comments Brendon Stanton 607- 721-8756	Size L x W x36"D	Cost to Remove,Repair, & Reset Monument	Cost of Foundaiton with 3 demensions	Total Cost of Repair & Foundation	Estimate to Remove & Dispose	Cost to Lay Smaller Monuments
Loomis	Loomis Wright	3	Z	17 E&W	3E	new foundation						
Henry Totten	Henry Totten 1876	3	~	1 E&W	1E	new foundation						
Charles Wisewell	Charles Wisewell	Ζ		127 W	2W	new foundation						
Mrs Charles Conrad	Charles Conrad 1907	Ζ	-	150 E	1E	not this year						
Mrs Katie Clark	Wm Clark 1887	3	Z	179 E&W	H	new foundation						
Stephen &	Jerome &			1								
Lorenzo	Stephen Parks 1902	Ζ	3	178 E&W	3W	new foundation						
R J Bush	Eliza 1885 & Rufus 1898 Bush	3	Ζ	182 E&W	182E	new foundation						
M Farr	Mary Farr or Morgan Farr 1881	3	~	205 E&W		new foundation						
Myron Tiffany	Charles 1894 & Wife 1907	3	~	212 E&W	/ 3&4E	new foundation						

Lot owner name	Name on Stone	Location Chapel, Middle, Fox	Letter Section	Lot#	Grave	Investigator's Comments Brendon Stanton 607- 721-8756	Size L x W x36"D	Cost to Remove,Repair, & Reset Monument	Cost of Foundaiton with 3 demensions	Total Cost of Repair & Foundation	Estimate to Remove & Dispose	Cost to Lay Smaller Monuments Flat
Robert Johnston	Johnston 1905	3	Z	235 E&W		new foundation						
C Partridge	Partridge 1904	3	~	296 W	1E	new foundation						
John Caskey & Whitney	John Caskey 1929, Theodore 1906 Whitney	3		318 E&W		new foundation						
Addie Janes, John & James Moore	Addie Janes, John & James Janes & Moore Moore	Ζ	~	324 E&W		not this year						
Mrs A Millman Sams	Sams Monument	П	0	321 E&W	<u>a</u>	new foundation						
Louis Gardner	Gardner Family Monument	П	Z	493	<u>a</u>	new foundation						
Michael M Naylon	Michael Nylon 1912	п	0	18 E&W	2E	new foundation						
AM Parks	Eliza Parks 1895	TI	0	12 E	1E	new foundation						
Eliza Johnson	Eliza 1912 & Wm 1893 Johnson	П	0	10 E	1E	new foundation	3					

Lot owner name	Name on Stone	Location Chapel, Middle, Fox	Letter Section	Lot#	Grave	Investigator's Comments Brendon Stanton 607- 721-8756	Size L x W x36"D	Cost to Remove,Repair, & Reset Monument	Cost of Foundaiton with 3 demensions	Total Cost of Repair & Foundation	Estimate to Remove & Dispose	Cost to Lay Smaller Monuments
Chris Fuchs	Fuchs	П	Р	435 E&W		new foundation						
Dave Clancy Rock Spring												
Western NY Cemetery Service Warsaw NY	716-807-6221 Nancy	wnyceme	eterysery	wnycemeteryservice@gmail.com	<u>m</u>							

TO:

**Division of Cemeteries** 

FROM:

Clearview Cemetery Board

DATE:

June 20, 2022

SUBJECT:

Replacement of Upright Monuments with Flush Granite or Bronze Markers

It is the Clearview Cemetery's Board wish that these hazardous monuments not be replaced with flush granite or bronze markers. All of these monuments are still in good condition except for the foundations that they sit upon except for the Wm Nicholson monument is made of concrete per Investigator Standon. Mr. Stanton did not think the top two pieces would survive being taken down and put back up. I spoke with Mr Clancey and he felt the same but the other three section he felt would last for decades to come. So since the name is on one of those three sections the Cemetery would like to keep those three sections when it is repaired. We would like future generations to be able to visually see the craftmanship, ornateness and history that these markers represent. Please take this into consideration as you make your decision. Thanks.

James Wallace, President

Shawn Gilson, Vice President

Lonn Stels

Carl Drum, Secretary

Cheryl Teusinbury
Cheryl Deusenbery, Treasurer

Suzanne Middleton Sexton Trustee

Kyle Schenk, Trustee

Exhibit B

		Hazar	Hazardous Monument Application Spreadsheet	ment Appli	cation Spre	adsheet			3		Date: 6 -	16-22
Cemetery Name & Address	and a state of the					Contracto	or Or Monu	Contractor Or Monument Company Name & Address	iny Name &	Address	Recognistic de constitution de la constitution de l	personal comments of the comme
Name: Clearview Cemetery Address: 4255 Cemetery Street North Cohoc Contact Person/Address: Cheryl Deusenbery	North Cohoci Deusenbery	. The state of the		Total Number of Stones: 29		Name: Address: Phone: Contact F	DC Masonry 2329 Chas 607-738-07	Name: DC Masonry Address: 2329 Chase rd Row Phone: 607-738-0730 Contact Person: Tavid Clancey	chase rd Rock Stream NY 14878 18-0730 Wid Clancey	Stream	Whiele	878
Name on Monument	Location/ Section	Cost to remove, Repair & reset Monument	Cost of Foundation with 3 Dimensions	Cost of Foundation to Be Rapped	Total Cost of Repair & Foundation	Estimate to Remove & Dispose	Cost to Lay Smaller Monuments	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
First Name, Last Name	Plot/Lot									14		
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Jerry W Pierce	K 45	200	ななが	26826	1075	110	And the second s	and the state of t				
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Cemetery Name & Address			Contract			Contracto	or or world		Contractor Or Mortulinelli Company wants		1
en	orth Cohocton	Z		Total Number of Stones: 29		Name: Address: Phone: Contact P	) 2329 2-738	Chase Rock	Name: DC Masonry Address: 2329 Chase Rd Phone: Rock Stream Ny Contact Person: Rock Stream Ny 607-738-0730- Dave Clancey	Clance	10 00
Name on Monument	Location/ Section	Cost to remove, Repair & reset	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	Cost of Bronze Replacement Marker	Cost of Granite Replacement Marker	Cost of Foundation Including Dimensions for Flat Marker	w -
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Charles & wife Tiffany	K 212	200	525	26X17	7725	1100	The second section of the second seco		And the second of the second o	And the second s	1
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Partridge	K 296	300	1,70%	416 X26	6 1,700	116	and a column material by the algorithm of the second of th	And of the control of	and the second s		
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ole to provide a quote? Attached is the list, map and contractor's instructions from the State. If you would like to quote and nee ck by June 30th. we the name on it if you think that is possible.

Western New York Lawn Service Inc. DBA - WNY Cemetery Service 585 727 8326 - Levi 585-786-0911 - Fax wnycemeteryservice@gmail.com From:

To:

Subject: Re: Clearview Cemetery Monument Repair

Date: Tue, Jun 22, 2021 7:46 am

Hi Cheryl, thank you for offering that out to me but it is not something I can do. Do not for any foundations. I have the brothers do all of mine unless the cemetery already has contract with another outfit. Hope all is well with you take care.

Sent from Frontier Yahoo Mail on Android

On Mon, Jun 21, 2021 at 6:57 PM, Cheryl Deusenbery wrote:

Hello Todd

Clearview Cemetery is currently accepting bids for 30 foundations that are in need of repair. If you are interested in bidding, please let me know as soon as possible, and I will forward you the information needed to prepare a quote. Also, if you have no interest I would appreciate you letting me know. Thank you

Cheryl Deusenbery, Treasurer

Clearview Cemetery

From: To:

Subject: Re: Clearview Cemetery Monuments

Date: Wed, Jun 23, 2021 7:18 am

#### Cheryl,

After taking a look at the stones that are marked, some of them are too big for us to remove and reset. I'm not sure if the bidding process has changed since the last time we submitted a bid for the State Hazard Grant, but the process they require to place a bid is too much paperwork for this type of project,

Joe

On Monday, June 21, 2021, 06:20:41 PM EDT, Cheryl Deusenbery <deusyc@aol.com> wrote:

Joe

Per our telephone conversation today could you just reply that you cannot do this work and why. Thank.

----Original Message-From: Cheryl Deusenbery < To: s Sent: Thu, Jun 17, 2021 7:42 am Subject: Clearview Cemetery Monuments

Hello Joe

The State Inspector was out yesterday to look at our monuments that are a hazard. Attached is what we looked at and we have enough right now to do 30 for the next two years. He is sending me the next steps which is to advertise in the paper for the next three weeks to try and get family to come forward to repair before we can submit to the State for funding. He said we will need to get two quotes to go with our application to the State. Are you still interested in doing the repairs? The State meets monthly he said. I wasn't sure if you wanted to pick the ones you wish to do first or it wouldn't matter to you. If you did then those would be the ones I would have to advertise in the paper and submit to the state. The monuments are still marked with tape but I could possibly meet you and walk it with you.

Thanks Cheryl Deusenbery

— Forwarded message -

From: <

Date: Wed, Jun 23, 2021 at 5:36 PM

Subject: Re: Clearview Cemetery Foundation repair

To: Walter E Baird Funeral Home < info@bairdfuneralhomes.com >

Thanks you but I'm not interested thank you for offer though

Sent from my iPhone

On Jun 23, 2021, at 9:50 AM, Walter E Baird Funeral Home < info@bairdfuneralhomes.com > wrote:

----- Forwarded message -----

From: Cheryl Deusenbery

Date: Mon, Jun 21, 2021 at 6:58 PM

Subject: Clearview Cemetery Foundation repair

To: info@bairdfuneralhomes.com < info@bairdfuneralhomes.com >

Hello

Clearview Cemetery is currently accepting bids for 30 foundations that are in need of repair. If you are interested in bidding, please let me know as soon as possible, and I will forward you the information needed to prepare a quote. Also, if you have no interest I would appreciate you letting me know. Thank you

Cheryl Deusenbery, Treasurer Clearview Cemetery



## Advertising Invoice

Hornell

Spectator/Evening Tribune PO Box 631212

Cincinnati, OH 45263-1212

Phone: 866-470-7133 Option 3

URL: WWW.EVENINGTRIBUNE.COM

5588 (//c/i/) Clearwater Cemetery c/o Cheryl Deusenbery Acct. #:

02131891

Phone: #:

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Ub/U3/ZUZZ

Post Date: Due Date:

07/28/2022

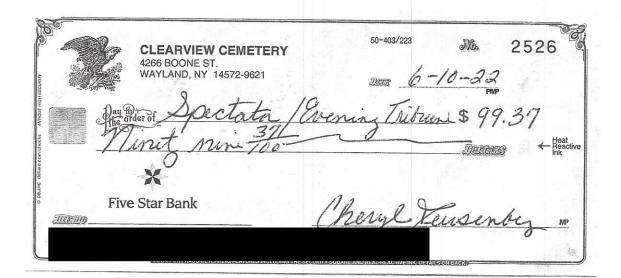
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 Legal Notice
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 05/29/2022
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 99.37



# AFFIDAVIT STATE OF NEW YORK} STEUBEN COUNTY} SS.

Beth Ann Hults being duly sworn, disposes and says that she resides in the County of Steuben, and State of New York, that she is the signor and authorized designee of the Publisher of The Spectator/The Evening Tribune, a public newspaper, published and printed daily in the City of Hornell by GANNETT, and that a notice of which the annexed is a printed copy was published in said newspaper The Spectator, / The Evening Tribune said publication therein being on the following dates:

5/15, 5/22, 5/29/22
Bur and web
Subscribed and sworn to before me this
day of June 20 22
Sumarret lesel
Notary Public

SUZANNE R. KESEL
Notary Public, State of New York
Reg. No. 01KE6357409
Qualified in Steuben County
Commission Expires 4/17/2025

#### Legal Notice

TO: The last known owner or owners of the following burial lots located in the Clearview Cemetery, Town of Cohocton, in Steuben County, New York, and all persons having or claiming to have an interest in said burial lots:

Name Section Lot #: Wm Nichoson H 41 Gilbert Family G 49 Gardner Family H 70 Caroline Blood I 69 John Bennett J 109 David & Orlando Barber K 88 Jerry Pierce K 45 Samuel Wheaton N 13 Virgil Kimball K 23 Caleb Eldridge N 19 Loomis Wright N17 Henry Totten K 1 Charles Wisewell L 127 Charles Conrad L 150 Wm Clark N 179 Jerome & Stephen Parks M178 Eliza, Rufus Bush M 182 Mary Farr or Morgan Farr K 205 Charles Tiffany K 212 Robert Johnston M 235 C. Partridge K 296 John Caskey, Theodore Whitney L 318 Janes & Moore K 324 Sams O 321 Garner Family R 493 Michael Nylon O 18 Eliza Parks O 12 Eliza & Wm Johnson O 10 Chris Fuchs P 435

PLEASE TAKE NOTICE THAT (1) The monument or marker located at said burial lot is so badly out of repair or dilapidated as to create a dangerous condition, (2) the persons to whom this notice is addressed to must repair or remove said monument by Aug 31,2022,(60 days after the third publication of this notice) and (3) if the persons to whom this notice is addressed fails to repair or remove said monument or marker by August 31, 2022 (date 60 days after the third publication) the Clearview Cemetery Association, may remove or repair said monument or marker without further notice to the persons to whom this notice is addressed.

If you have questions, they can be directed to: Clearview Cemetery Cheryl Deusenbery, Treasurer

Exhibit E

### DIVISION OF CEMETERIES STATE OF NEW YORK DEPARTMENT OF STATE

STATE OFFICE BUILDING 44 HAWLEY STREET BINGHAMTON, NY 13901 TELEPHONE: (607) 721-8756 FAX: (607) 721-8753 WWW.DOS.NY.GOV KATHY HOCHUL
GOVERNOR
CEMETERY BOARD
ROBERT RODRIGUEZ
SECRETARY OF STATE
CHAIR
LETITIA JAMES
ATTORNEY GENERAL
MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

## DEPARTMENT OF STATE - DIVISION OF CEMETERIES MEMORANDUM

TO: Lewis Polishook, Director

FROM: Brendon Stanton, Investigator

**SUBJECT**: Clearview Cemetery Association, #51-011

**RE**: Repair of Hazardous Monuments

**DATE**: May 26, 2022

By application dated August 18, 2021, the Clearview Cemetery Association of the town of Cohocton, Steuben County, applied for funds for the repair of 30 hazardous monuments. The State Cemetery Board approved this application in its meeting on November 9, 2021, in the amount of \$33,192.14. The contract was awarded to DC Masonry. Having been informed that the project had been completed, I inspected the work on May 10, 2022, and found it satisfactory.

