

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
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KATHY HOCHUL
GOVERNOR

CEMETERY BOARD
ROBERT J. RODRIGUEZ
ACTING 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: HOWARD CEMETERY ASSOCIATION, #51-031

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: DECEMBER 22, 2021

Application Completed and notarized

30 Monuments Requested

Legal Notice complete and run 3 times in The Southern Tier Shopper \$379.68

30 Monuments Appear Hazardous

Estimates: **DC Masonry estimate \$34,761 (average \$1,159 / monument)**

WNY Cemetery Service estimate \$35,176 (average \$1,173/ monument)

Dirt removal \$2,000

Repairs Appear Appropriate

Both contractors propose to pour 42-inch foundations.

DC Masonry offers a ten-year warranty.

WNY offers a 20-year warranty.

The Cemetery is up to Date on Annual Reports and Vandalism

Payments. **Recommend Approval in the amount of \$37,140.68.**



Department
of State

DIVISION OF CEMETERIES

STATE OF NEW YORK

DEPARTMENT OF STATE

STATE OFFICE BUILDING

44 HAWLEY STREET

BINGHAMTON, NY 13901

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DR. MARY T. BASSETT
COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

SUBJECT: Howard Cemetery Association, #51-031

RE: Application for Repair of Hazardous Monuments

DATE: December 22, 2021

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) DC Masonry estimate for \$34,761.00
- C) WNY Cemetery Services estimate for \$35,176.00
- D) Estimate for dirt removal for \$2,000.00
- E) Invoice and copy from Southern Tier Shopper legal notice for \$379.68
- F) Completion report for previous hazardous monument work approved in July 2020

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 30 hazardous monuments located in the Howard Cemetery of the town of Howard, Steuben County. The application was submitted by Barbara Cleeves, treasurer of the Howard Cemetery Association. Included with this application were two estimates: one from DC Masonry (Exhibit B) totaling \$34,761.00; and one from WNY Cemetery Services (Exhibit C) for \$35,176.00. The cemetery received a separate bid for dirt removal for \$2,000.00 (Exhibit D). Also included was an invoice from a Southern Tier Shopper newspaper legal notice (Exhibit E) that was run for three consecutive weeks for \$379.68.

I recommend approval of this application.



**Department
of State**

The Monuments

I visited the cemetery on November 15, 2021 and found that all 30 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. 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 most recent burial I was able to locate on any of these lots dates from 1926, and the cemetery has no contact information for these families.

Both estimates 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. DC Masonry offers a 10-year warranty, while WNY Cemetery Services offers a 20-year warranty.

Dirt Removal

Neither contractor included dirt removal in its estimate. WNY Cemetery Services offered to remove the dirt for an additional \$4,950.00 via a verbal offer. DC Masonry did not provide an estimate to remove the dirt. I instructed the cemetery to get an additional estimate for this expense. A local contractor, Mark Lidden, provided an estimate for \$2,000.00 (Exhibit E).

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 July 2020, and the funds appear to have been spent appropriately (Exhibit F). All documents appear to be in order, and this appears to be a legitimate claim for \$37,140.68. I recommend that this application be approved.

Exhibit A



Division of Cemeteries

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	\$37,140.68	COUNTY IN WHICH CEMETERY IS LOCATED	Steuben
CEMETERY NAME	Howard Cemetery	CEMETERY ID NUMBER	51031
NAME OF CEMETERY OFFICIAL	Barbara Cleaves	TITLE	Secy.
STREET ADDRESS	3597 Cty. Rt. 70 A		
CITY/TOWN/VILLAGE	Hornell, N.Y.	ZIP CODE	14843
TELEPHONE NUMBERS:			
Home (607) 566-8327		Work (607) 382-3348	
E-MAIL ADDRESS	BarbCleaves@gmail.com	FAX	

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? ☒ YES* ☐ NO
*If YES, when? Feb. 2021 Amount Received: \$ 31,908
Was proof of completed work forwarded to the Division of Cemeteries? yes (Brian Stratton) ☐ YES ☐ NO

1. Provide a description of each damaged monument and/or marker 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: Barbara Cleaves

Date: 11-2-2021

On this 8th day of November 21
appeared Barbara Cleaves
known to me to be said person.

Sandra L. Frey
Notary Public

To: Grant Committee

Re: Bids

Date: Nov. 2, 2021

RECEIVED
DIV. OF CEMETERIES

51031

NOV 08 2021

ALBANY COUNTY

DEPARTMENT OF SOCIAL SERVICES

The Howard Cemetery Association is applying for the repair of monuments that create a dangerous condition.

Attached are:

- 1) 2 Bids
 - A. DC Masonry \$34,761.00
 - B. Warsaw, Western N.Y. Lawn Service \$35,174.00
- 2) Legal Notice (Affidavit) = \$379.68
- 3) Pictures - Id Markings
Back of Pictures are numbered in accordance to the Legal Notice numbers
- 4) Howard Cemetery is asking for debris removal (Stone & dirt) money.
The bids did not include this amount. (Warsaw would have asked \$4,950.00)
We would like \$2,000.00.

Respectfully Submitted,
Barbara Clewes, Secy.

Exhibit B

Hazardous Monument Application Spreadsheet

Date: 10-11-21

Cemetery Name & Address

Name: Howard cemetery
Address: Howard NY

Phone:

Contact Person:

(Please print clearly)

Total Number
of Stones:

30

Contractor or Monument Company Name & Address

Name: DC Masonry

Address: 2329 Chase rd
Rock Stream NY 14878

Phone: 607-738-0730

Contact Person: David Clancy

2nd 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 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[illegible]

Contractor or Monument Company Name & Address

Name: _____

Address:

Phone:

Contact Person:

30

[illegible]

Total \$34,761

All foundations will be guaranteed for 10 years

[Handwritten signature]

Exhibit C

Stake #	Name	Lot	42 INCHES DEEP	Foundation \$	Remove, Repair,		Total	Remove &		Bronze maker	Foundation Cost	Total with Bronze	Remove & dispose Granite Maker		Foundation Cost	Total with Granite
					Reset			dispose								
1	Charles Higgins	6	26x27	\$665.00	\$525.00		\$1,190.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
2	Silas Jones	7	20x20	\$379.00	\$525.00		\$904.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
3	A. H. Balwin	56	33x33	\$1,032.00	\$525.00		\$1,557.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
4	George House	24	26x26	\$640.00	\$525.00		\$1,165.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
5	Jehiel Sharp	54	24X24	\$546.00	\$525.00		\$1,071.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
6	Philip Wells	53	18x18	\$370.00	\$525.00		\$895.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
7	George Smith	22	16x32	\$485.00	\$525.00		\$1,010.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
8	Steve Packard	45	22x22	\$458.00	\$525.00		\$983.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
9	George Earl	14	23x23	\$501.00	\$525.00		\$1,026.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
10	David Coots	51	15x24	\$341.00	\$525.00		\$866.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
11	Frank Spencer	5	27x44	\$1,126.00	\$525.00		\$1,651.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
12	E. McDowell	23	37x24	\$842.00	\$525.00		\$1,367.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
13	John Shiloh	8	38x16	\$576.00	\$525.00		\$1,101.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
14	Viola DeGraff	28	16x16	\$242.00	\$525.00		\$767.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
15	Elmer Van Husen	1	21x48	\$956.00	\$525.00		\$1,481.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
16	Judson Wells	4	38x10	\$360.00	\$525.00		\$885.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
17	Ward Alden	3	40x21	\$796.00	\$525.00		\$1,321.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
18	Ward Van Husen	1	23x21	\$458.00	\$525.00		\$983.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
19	Joel Bullard	72	22x21	\$438.00	\$525.00		\$963.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
20	George Bennett	83	36x36	\$1,229.00	\$525.00		\$1,754.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
21	Edward Phillipson	100	29x29	\$797.00	\$525.00		\$1,322.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
22	Fred Gurnsey	99	43x21	\$856.00	\$525.00		\$1,381.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
23	James Van Wie	70	26x27	\$665.00	\$525.00		\$1,190.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
24	Frank Ferris	69	32x33	\$1,001.00	\$525.00		\$1,526.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
25	Andrew Bauter	112	24x24	\$546.00	\$525.00		\$1,071.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
26	Daniel Gray	87	22x22	\$458.00	\$525.00		\$983.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
27	James Gray	87	24x24	\$546.00	\$525.00		\$1,071.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
28	Frank Sharp	7	36x30	\$1,025.00	\$525.00		\$1,550.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
29	Exa Rathbun	18	18x32	\$546.00	\$525.00		\$1,071.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
30	John Parkhill	92	24x24	\$546.00	\$525.00		\$1,071.00	\$165		\$1,300.00	\$150.00	\$1,615.00	\$165		\$950.00	\$1,265.00
Total				\$19,426.00	\$15,750.00		\$35,176.00	\$4,950.00		\$39,000.00	\$4,500.00	\$48,450.00	\$4,950.00		\$28,500.00	\$37,950.00

Prices good until 1/20/2023

Exhibit D

To: Grant Committee

Re: Dirt & Stone Removal / Howard Cemetery Association

Date: Nov. 21, 2021

I would like to submit a bid of \$2,000.00 For the removal of all stone and dirt occurred during the upcoming monument repair session. Thank-you for your consideration.

Mah Kiddle
Respectfully Submitted,
Stone & dirt Removal, Contractor

Exhibit E

SOUTHERN TIER SHOPPER

8478 STATE ROUTE 54, HAMMONDSPORT, NY 14840

Tel 607.569.2622 Fax 607.569.2624

AFFIDAVIT OF PUBLICATION

The undersigned is the Publisher of the Southern Tier Shopper,
and that the notice of which the annexed is a printed copy,
was printed and published in the Southern Tier Shopper,
a weekly tabloid published on Tuesdays in Steuben County, New York

A notice regarding the Legal Notice of Burial Plots

Was published in said tabloid: SOUTHERN TIER SHOPPER

Commencing on 5/18/21 and ending on 6/1/21

The text of the notice published in the Southern Tier Shopper is as in the
annexed exhibit.

Signature: Rita S Butters

Printed Name: Rita S Butters

Designation: Publisher

Subscribed and sworn before me, this 21st day of June 2021

Signature: Kelly L Bussmann

Notary Public

Printed Name: Kelly L. Bussmann

KELLY L. BUSSMANN
Notary Public, State of New York
Qualified in Steuben County
My Commission Expires 05/05/2023

LEGAL NOTICE

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

First Name	Last Name	Problem	Measurement	Lot
1 CHARLES	HIGGINS	Leaning	26 x 27	6
2 SILAS	JONES	Leaning	20 x 20	7
3 A.H.	BALDWIN	Leaning	33 x 33	56
4 GEORGE	HOUSE	Leaning	26 x 26	24
5 JEHIEL	SHARP	Leaning	24 x 24	54
6 PHILIP	WELLS	Leaning	18 x 18	53
7 GEORGE	SMITH	Leaning	16 x 32	22
8 STEVE	PACKARD	Leaning	22 x 22	45
9 GEORGE	EARL	Leaning	23 x 23	14
10 DAVID	COOTS	Leaning	15 x 24	51
11 FRANK	SPENCER	Leaning	27 x 44	5
12 E.	MCDOWEL	Leaning	37 x 24	23
13 JOHN	SHILOH	Leaning	38 x 16	8
14 VIOLA	DEGRAFF	Leaning	16 x 16	28
15 ELMER	VAN HUSEN	Leaning	21 x 48	1
16 JUDSON	WELLS	Leaning	38 x 10	4
17 WARD	ALDEN	Leaning	40 x 21	3
18 WARD	VAN HUSEN	Leaning	23 x 21	1
19 JOEL	BULLARD	Leaning	22 x 21	72
20 GEORGE	BENNETT	Leaning	36 x 36	83
21 EDWARD	PHILLIPSON	Leaning	29 x 29	100
22 FRED	GURNSEY	Leaning	43 x 21	99
23 JAMES	VAN WIE	Leaning	26 x 27	70
24 FRANK	FERRIS	Leaning	32 x 33	69
25 ANDREW	BAUTER	Leaning	24 x 24	112
26 DANIEL	GRAY	Leaning	22 x 22	87
27 JAMES	GRAY	Leaning	24 x 24	87
28 FRANK	SHARP	Leaning	36 x 30	7
29 EXA	RATHBUN	Leaning	18 x 32	18
30 JOHN	PARKHILL	Leaning	24 x 24	92

PLEASE TAKE NOTICE: That (1) the monuments 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 August 3, 2021 and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after August 3, 2021, the Howard Cemetery may remove or repair said monuments without further notice to the persons to whom this notice is addressed.

If you have questions, they can be directed to Bob Cleaves, 3597 County Route 70A, Hornell, New York 14843 Phone Bob at 607.566.8327 or 607.382.3348.

DEADLINE: AUGUST 3, 2021

SOUTHERN TIER SHOPPER
PO BOX 416
HAMMONDSPORT, NY 14840

20. 6-25-21

INVOICE/
STATEMENT
AS OF
06/15/21

100773-01
HOWARD CEMETERY
3597 CO RT 70A
HORNELL, NY 14843

1.5% SERVICE CHARGE PER MONTH ON 30 DAYS PAST DUE.
UNPAID ACCOUNTS SUBMITTED FOR COLLECTION WILL INCUR COLLECTION FEES

DATE	DESCRIPTION	PAPER	UNITS	RATE	CHG/CR	BALANCE
			PREVIOUS BALANCE			0.00
05/18/21	GENERAL	STSHOP	18.75 I	6.750	126.56	
	LEGAL NOTICE/LOTS					
05/25/21	GENERAL	STSHOP	18.75 I	6.750	126.56	
	LEGAL NOTICE/LOTS					
06/011/21	GENERAL	STSHOP	18.75 I	6.750	126.56	
	LEGAL NOTICE/LOTS					
				NEW BALANCE		379.68

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL
379.68	.00	.00	.00	.00	379.68
					607-569-2622
SOUTHERN TIER SHOPPER					

Exhibit F

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

ANDREW M. CUOMO
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO
SECRETARY OF STATE
CHAIRLETITIA JAMES
ATTORNEY GENERALDR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH**TO:** Lewis Polishook, Director**FROM:** Brendon Stanton, Investigator**SUBJECT:** Howard Cemetery Association, #51-031**RE:** Repair of Hazardous Monuments**DATE:** April 19, 2021

By application dated April 10, 2020, the Howard Cemetery Association of the town of Howard, Steuben County, applied for funds for the repair of 28 hazardous monuments. The State Cemetery Board approved this application in its meeting on July 14, 2020, in the amount of \$32,152.37. The contract was awarded to DC Masonry. Having been informed that the work had been completed, I inspected the work on April 7, 2021, and found it satisfactory.

**Department
of State**