

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
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WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

MEMORANDUM

TO: New York State Cemetery Board

FROM: Kerry McGovern, Investigator

SUBJECT: Wading River Cemetery (52-055)

RE: Vandalism

DATE: October 22, 2020

Exhibits:

- A. Application for repair of Vandalism Damage from Cemetery,
- B. Peconic Monuments repair estimate \$200
- C. East End Openings repair estimate \$250
- D. Riverhead Police Department incident report
- E. Photo of monuments taken September 11, 2020? by NYS Investigator McGovern
- F. Photo from 2016.
- G. Photos of the Angelica Brown monument taken September 11, 2020 by NYS Investigator McGovern
- H. Photos of the Angelica Brown monument found on the website, Find a Grave

Introduction and Recommendation

Wading River Cemetery (52-055) has submitted an Application for Restoration of Vandalism Damage (Exhibit A), for funds to repair the stone of Angelica Brown, located within Section 1 of the Cemetery. The application includes an estimate (Exhibit B) from Peconic Monuments for \$200 and an estimate from East End Openings (Exhibit C) for \$250 for the repair of the stone. A copy of a Riverhead Police report (Exhibit D) regarding the criminal mischief incident at the cemetery. The applicant has stated within the application that there is no lot owner information on file, so they could not notify the lot owner of the damage. The Cemetery did not post the required legal notice and did not include a photograph of the monument with its application. The Division recommends this application be denied.

Investigation

I visited the Cemetery on Friday, September 11, 2020 and was able to locate the stone of Angelica Brown. Angelica Brown's stone is the only one broken in that section, and the name was clearly visible. There were very few broken stones in the Cemetery and I saw no other evidence of any vandalism within the Cemetery. The Cemetery abuts private properties, so it could have been accessed by vandals on foot or even in a vehicle. The Cemetery is not fenced or gated.

I examined the monument and took several photos (Exhibit E). I noted this stone has a good amount of lichen on its surface, as do neighboring stones. The Angelica Brown monument also has lichen on the surface area of the break. There are some red flags within the application. The application states the vandalism occurred on June 18, 2020, and was reported to the Division of Cemeteries the same day. There is no record of this vandalism being reported to the Division. But the police report, which was filed on June 18, states the cemeterian reported the vandalism was committed on May 28, 2020. There is no clear indication that an officer was dispatched to the site that day or at any other time.

I examined the photos closely, and I do not believe the stone broke or was broken, as recently as mid-June or even late May, 2020. The amount of discoloration across the break surface made me believe this break was less recent than reported. The amount of lichen growth on the break surface indicates this stone was damaged/broken much earlier than the report indicates. I searched the website, "Find-a-Grave" and found the Angelica Brown grave was listed, and the listing included three pictures of the stone. Two photos were added in 2016 (Exhibit F), showing the stone was already broken at that time. The third was added in 2014, showing the stone already damaged/broken in two, but reassembled to show the entire inscription. Wading River Cemetery is small enough, and well maintained enough, that any new incident of vandalism or any broken stone would likely be immediately noticed by or reported to a Cemetery worker. While this broken stone may have been vandalized, I do not believe it was vandalized as recently as 2020, and I also do not believe it was first discovered to be broken in 2020.

Recommendation

Based on the conflicting dates given within the Cemetery's application, the lack of required posted notice, the non-specific police report, and the scientific and photographic evidence, I cannot recommend approval of this vandalism application. I recommend denial of this application.

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 Restoration of Vandalism Damage

This application applies only to Not-for-Profit Cemetery Corporations and must be completed in full. Funds may be allocated for the above-captioned purposes in accordance with 19 NYCRR §200.11(statutory authority: Not-for-Profit Corporation Law, §1507[h]). This application will not be considered if it can be shown that the cemetery can correct acts of vandalism by means of regular maintenance. The full text of the rules, terms and procedures for funding are on the reverse.

A report must be made to the Cemetery Board within 30 days of the incident of vandalism.

AMOUNT REQUESTED \$ 200.00	COUNTY IN WHICH CEMETERY IS LOCATED Suffolk
DATE OF VANDALISM 6-18-20	DATE DIVISION OF CEMETERIES NOTIFIED 6-18-20
CEMETERY NAME Wading River Cemetery	CEMETERY ID NUMBER 52055
NAME OF CEMETERY OFFICIAL Janis Gilmore	TITLE Trustee
STREET ADDRESS 2201 N. Wading River Rd	P.O. Box 37
CITY/TOWN/VILLAGE Wading River NY	ZIP CODE 11792
TELEPHONE NUMBERS: Home ()	Work (631) 929-4370
E-MAIL ADDRESS gilmoreb@optonline.net	FAX -

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? YES* NO

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

Was proof of completed work forwarded to the Division of Cemeteries? YES NO

1. Provide a description of each damaged monument and/or marker and enclose referenced photos:
Monument for Angelica Brown found broken in two pieces -

- ✓ 2. Attach copies of the report filed with the local police or sheriff's department having appropriate jurisdiction.
- ✓ 3. Attach two estimates prepared by qualified contractors.

I, the undersigned, hereby certify that the above-named cemetery association has no other money which is authorized for the purpose of repairs; this cemetery association has attempted to notify lot owners, next of kin or family of the decedents immediately affected on (date) N/A No Known Kin, have advised or attempted to advise them of insurance benefits that may be available on their homeowner's insurance policy and have been unable to recover any necessary money from that source; and the proposed costs are fair and reasonable.

I further agree that upon receipt of monies to repair said vandalism, such repairs will be made as quickly as possible and documentation (receipts and statements) of the repairs will be submitted to the Cemetery Division within 60 days.

Signature of Cemetery Official: Janis Gilmore Date: 8/29/20

EXHIBIT B

Janis Gilmore

From: PeconicMonuments <peconicmonuments@gmail.com>
Sent: Wednesday, August 19, 2020 3:02 PM
To: Janis Gilmore
Subject: Wading River Cemetery Memorial Repair Costs

Dear Janis,

Thank you for speaking with me today about the memorial repair work in the Wading River Cemetery we surveyed with yourself and Barbara Fontana on July 31.

Fifteen memorials were identified as **priority**. These are all memorial tablets that are leaning. To repair fifteen **priority** leaning memorials would cost \$3,200.

To repair the memorial for ANGELICA BROWN close to the driveway corner, would cost \$200.

Four memorials were identified as **broken**. These are all memorials that will require more work, including but not limited to use of adhesive. To repair four **broken** memorials would cost \$1,300.

Thank you very much for this opportunity to offer our services. We welcome further correspondence with you and look forward to hearing from you.

Sincerely,
Hollis Warner

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Peconic Monument Works
129 Griffing Avenue
Riverhead, NY 11901
(631) 727-4170

EXHIBIT C

East End Openings
P.O. Box 674
Manorville, N.Y. 11949

Estimate

Name/Address
Wading River Cemetery 65 Long View Road Wading River, N.Y. 11792

Date	Estimate No.	Project
08/21/20	12	

Item	Description	Quantity	Cost	Total
Stone repair	Repair monument for Angelica Brown.		250.00	250.00
			Total	\$250.00

EXHIBIT D



**RIVERHEAD POLICE DEPT.
RIVERHEAD, NY**

INCIDENT # / REPORT #
20012089 / 1

OFFICER
SEAL, J.

RANK
P.O.

REVIEW STATUS
APPROVED

INCIDENT #20012089 DATA

As Of 06/18/2020 14:15:23

BASIC INFORMATION

CASE TITLE LOCATION APT/UNIT #
 WADING RIVER CEMETERY / N WADING RIVER RD

DATE/TIME REPORTED DATE/TIME OCCURRED
06/18/2020 13:38:09 On or about 06/18/2020 13:38

INCIDENT TYPE(S)/OFFENSE(S)
(000061)RPD / CRIMINAL MISCHIEF
(003662)PL 145.00 AM4 / CRIM MISCHIEF-4

PERSONS

<u>ROLE</u>	<u>NAME</u>	<u>SEX</u>	<u>RACE</u>
REPORTING PERSON	GILMORE, JANICE	FEMALE	WHITE

[NO OFFENDERS]

[NO VEHICLES]

[NO PROPERTY]

OFFICER REPORT: 20012089 - 1 / SEAL, J. (10087)

<u>DATE/TIME OF REPORT</u>	<u>TYPE OF REPORT</u>	<u>REVIEW STATUS</u>
06/18/2020 14:15:22	INCIDENT	APPROVED

NARRATIVE

PO Seal reports complainant stated that a tombstone in section 1 lot #14 at Wading River Cemetery was damaged on May 28, 2020 by unknown person(s).
Complainant needed incident documented for insurance purposes.
Undersigned officer advised the complainant that officer's will check the stated location more.

REPORT OFFICERS

Reporting Officer:	SEAL, J.	10087
Reviewing Officer:		

EXHIBIT E


JAN 22 1837
JAN 27 1923

ANGELICA
DAUGHTER OF
ABRAM & HANNAH
BROOKS

Fragment of a gravestone on the right side of the image.

EXHIBIT F




 View original

Added by: [Joy Ann Strasser](#) on 18 Mar 2016

EXHIBIT G



 [View original](#)

Added by: [Arleen Koello](#) on 3 Jun 2014

