

# 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

ANDREW M. CUOMO  
GOVERNOR

CEMETERY BOARD

ROSSANA ROSADO  
SECRETARY OF STATE  
CHAIR

LETITIA JAMES  
ATTORNEY GENERAL

DR. HOWARD A. ZUCKER  
COMMISSIONER OF HEALTH

**TO:** NEW YORK STATE CEMETERY BOARD

**FROM:** MICHAEL D. SEELMAN, INVESTIGATOR II

**SUBJECT:** ATTICA FOREST HILL CEMETERY ASSOCIATION, #61-002

**RE:** HAZARDOUS MONUMENT REPAIR CHECKLIST

**DATE:** October 19, 2020

Application Completed and notarized

26 Monuments Requested

**Legal Notice complete and run 3 times in The Batavia Daily News \$77.22**

26 Monuments Appear Hazardous

Estimates: **Western New York Cemetery Service estimate \$27,095 (average (\$1,042/ monument))**

Repairs Appear Appropriate

Western New York Cemetery Services proposes 42-inch foundations and offers a twenty-year warranty.

Attica Forest Hill Cemetery was unable to solicit a second bid and included refusal letters from two other contractors

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

Previous disbursement used appropriately.

**Recommend Approval in the amount of \$27,167.22.**

# 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

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## DEPARTMENT OF STATE - DIVISION OF CEMETERIES

### MEMORANDUM

**TO:** New York State Cemetery Board

**FROM:** Michael D. Seelman, Investigator II; Cynthia Craig, Investigator I

**SUBJECT:** Attica Forest Hill Cemetery Association, #61-002

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

**DATE:** October 2, 2020

#### Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Western New York Cemetery Services estimate for \$27,095
- C) Carmichael and Reed Monument Co. and Derrick Monument Co. refusal letters
- D) Invoice and copy from The Batavia Daily News legal notice for \$77.22

#### Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 26 hazardous monuments located in the Attica Forest Hill Cemetery of the town of Attica, Wyoming County. The application was submitted by Jaqueline Perl, secretary of the Attica Cemetery Association. Included with this application was a single estimate, from Western New York Cemetery Services (Exhibit B) totaling \$27,095. Also included were letters from Derrick Monument Co. and Carmichael and Reed Monument Co. (Exhibit C). Both contractors refused to provide bids as they lacked staff and equipment to complete the job. In light of this, the cemetery has requested that the single bid be deemed adequate. Also included was an invoice from the The Batavia Daily News legal notices (Exhibit D) that were run for three consecutive weeks for \$77.22.

I recommend approval of this application.



Department  
of State

## **The Monuments**

Investigator Craig visited the cemetery on, May 7, 2020 and found that all 26 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.

Western New York Cemetery Services 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 and offers a twenty-year warranty.

## **Recommendation**

The cemetery is current with its payments to the vandalism fund and with the filing of its annual reports. They have been unsuccessful in their attempt to secure competitive bids however the Western New York Cemetery Services bid averages \$1,042 per monument. The average low bid for the last ten applications approved in western New York was \$1,085 and the average high bid was \$1,279. This appears to be a legitimate claim for \$27,167.22. 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

RECEIVED  
 DIV. OF CEMETERIES  
 MAY 14 2019

BUFFALO OFFICE  
 DEPARTMENT OF STATE

## 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 \$27,167.22 COUNTY IN WHICH CEMETERY IS LOCATED Wyoming

CEMETERY NAME Attica Cemetery Association CEMETERY ID NUMBER 61-002

NAME OF CEMETERY OFFICIAL Jacqueline Perl TITLE SECRETARY

STREET ADDRESS P.O. Box 221

CITY/TOWN/VILLAGE Attica New York ZIP CODE 14011

TELEPHONE NUMBERS: Home (585) 591-1681 Work ( )

E-MAIL ADDRESS jacquelineperl@gmail.com FAX (585) 591-9332

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

\*If YES, when? 9-11-2013 Amount Received: \$ 24,420.00

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:  
SEE ATTACHED

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: Jacqueline Perl Date: 2/14/2019



On this 14 day of Feb 20 19  
 appeared JACQUELINE PERL  
 known to me to be said person.  
Kim M. Wdowik  
 Notary Public

# **EXHIBIT B**

Cemetery Name: FOREST HILL Cemetery -WYOMING County--JACKIE PEARL, PO BOX 221, ATTICA, NY 14011  
 WESTERN NEW YORK LAWN SERVICE, INC. DBA WNY CEMETERY SERVICE 4085 Quakertown Road Warsaw, NY 14569, TINA AND LEVI Wolcott- 585-786-3504

STAKE	NAME	LOCATION	42 INCHES DEEP	Foundation \$	Remove, Repair, Reset	Total	Remove & dispose	Bronze maker	Foundation Cost	Total with Bronze	Remove & dispose	Granite Maker	Foundation Cost	Total with Granite
1	ALEXANDER GALIT	H-6	12*24	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
2	CHRISTINE BALDUT	H-64	12*26	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
3	ESTHER CHURCHTOLL	H-11	12*32	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
4	MOSES DISBROW	H-22	12*28	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
5	WILLIAM BENSON	H-6	14*30	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
6	LAURA BENSON	H-5	14*32	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
7	AFFY SCHANK	G-2	18*36	\$550.00	\$525.00	\$1,075.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
8	LEWIS COLLINS	G-10	18*36	\$550.00	\$525.00	\$1,075.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
9	FERDINARD EASTMAN	G-19	16*32	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
10	ELIZABETH & GEORGE HEISER	G-25	26*26	\$580.00	\$525.00	\$1,105.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
11	MARTIN HOWE	G-32	22*22	\$510.00	\$525.00	\$1,035.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
12	JACOB STRAUB	G-27	26*26	\$580.00	\$525.00	\$1,105.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
13	REUBEN & LOUIS COOLEY	G-62	30*30	\$710.00	\$525.00	\$1,235.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
14	CARL BARTELS	G-108	22*22	\$490.00	\$525.00	\$1,015.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
15	JULIA McGLACIA	G-122	12*24	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
16	ALMENDA L	L-12	12*24	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
17	CLAUS TIEDE	J-7	16*26	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
18	PARSON FAMILY	U-143	12*24	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
19	HENERY SIERK	U-237	18*32	\$510.00	\$525.00	\$1,035.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
20	MEISNER	U-111	14*26	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
21	GEORGE RADDER	U-95	20*34	\$595.00	\$525.00	\$1,120.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
22	JOHN & JENNIE PECK	W-16	16*50	\$650.00	\$525.00	\$1,175.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
23	ROWLAND COTTON	N-13	30*30	\$730.00	\$525.00	\$1,255.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
24	MARGARETHA	N-16	24*28	\$570.00	\$525.00	\$1,095.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
25	WILLIS PARKER	N-103	14*24	\$450.00	\$525.00	\$975.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
26	CHARLIE KRULL	N-27	26*26	\$570.00	\$525.00	\$1,095.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
<b>Total</b>				<b>\$13,445.00</b>	<b>\$13,650.00</b>	<b>\$27,095.00</b>	<b>\$4,290.00</b>	<b>\$33,800.00</b>	<b>\$3,900.00</b>	<b>\$41,990.00</b>	<b>\$4,290.00</b>	<b>\$24,700.00</b>	<b>\$3,900.00</b>	<b>\$32,890.00</b>

Wolcott offers written warranty for our foundation work for stone repairs for cemetery jobs are guaranteed for 20 years (Twenty), we dig below frost level stones and foundation will not move.

Thank You,

# **EXHIBIT C**



RECEIVED  
DIV. OF CEMETERIES  
MAY 14 2019

BUFFALO OFFICE  
DEPARTMENT OF STATE

**CARMICHAEL AND REED MONUMENT CO. LLC**

**P.O. BOX 164 55 SOUTH MAIN ST.**

**WARSAW, NY 14569**

**OFFICE: (585) 786-3830**

**FAX: (585) 786-2246**

**Email: [crmcm@frontiernet.net](mailto:crmcm@frontiernet.net)**

Date: March 27, 2019

Jackie Pearl

Forest Hill Cemetery

Attica

Dear Jackie,

First we would like to thank you for contacting us for the restoration in your cemetery. However we will not be able to send a bid because we do not have the equipment to do the job that needs to be done. Hope all works out for your cemetery.

Thank you.



Mark Hansen

Carmichael and Reed Monument Co. LLC

DMC



**DERRICK MONUMENT COMPANY INC.**  
37 MYRTLE ST. ~ P.O. Box 117 - LE ROY, NY 14482-0117  
PHONE (585) 768-8470 ~ FAX (585) 768-8572  
DERRICKMNT@FRONTIERNET.NET - WWW.DERRICKMONUMENTCOMPANY.COM

RECEIVED  
DIV. OF CEMETERIES  
MAY 14 2019  
BUFFALO OFFICE  
DEPARTMENT OF STATE

March 29, 2019

Attica Cemetery Association  
Forest Hill Cemetery  
103 Prospect St.  
Attica, NY 14011

Dear Jackie,

Thank you for thinking of Derrick Monument Company to complete repair work at Forest Hill Cemetery. Unfortunately, we are not staffed at this time to complete large repair jobs.

Thank you,  
Cassie Carlsen

# **EXHIBIT D**

BATAVIA NEWSPAPERS CORPORATION  
The Daily News  
Batavia, New York  
AFFIDAVIT OF PUBLICATION

BATAVIA NEWSPAPERS CORPORATION

ATTICA CEMETERY ASSOCIATION  
PO BOX 221  
ATTICA NY 14011

REFERENCE: 108827  
20419102 Notice: Legal Notice

STATE OF NEW YORK )  
                          ) ss.:  
GENESEE COUNTY     )

Linda Dixon being duly sworn deposes and says she is legal billing clerk of Batavia Newspapers Corporation, Publisher of "The Daily News," a newspaper published in Batavia, County of Genesee, State of New York, and that a Legal Notice, of which the annexed is a printed copy, was duly published in said Newspaper.

Linda Dixon  
Legal Billing Clerk



PUBLISHED ON: 11/30 12/07 12/14

TOTAL COST: 72.22                   AD SPACE: 61 LINE  
FILED ON: 12/15/18

Sworn to and subscribed before me the )  
17 day of Dec., 2018 )



SHELLEY GILLMAN  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01G16342627  
Qualified In Genesee County  
My Commission Expires 05-23-2020

## LEGAL NOTICE

This notice is addressed to the last known owner or owners of the following burial lots located at **Attica Forest Hill Cemetery**, and to all persons having or claiming interest in or to said burial lot. 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 dangerous condition, 2) the persons to whom this notice is addressed to must repair or remove said monument or marker within 60 days of the date this notice is posted, and 3) if the persons to who this notice is addressed fail to repair or remove said monument or marker within such 60 day time period, the **Attica Forest Hill Cemetery** may remove or repair said monument or marker without further notice to the persons to whom this notice is addressed.

**Section H:** Alexander Galit, Lot #6, Christine Baldut, Lot #64, Esther Churchtoll, Lot #11, Moses Disbrow, Lot #22, William Benson, Lot #6, Laura Benson, Lot #5. **Section G:** Affy Schank, Lot #2, Lewis Collins, Lot #10, Ferdinard Eastman, Lot #19, Elizabeth & George Heiser, Lot #25, Martin Howe, Lot #32, Jacob Straub, Lot #27, Reuben & Louis Cooley, Lot #62, Carl Bartels, Lot #108, Julia McGlacia, Lot #122. **Section J:** Claus Tiede, Lot #7. **Section L:** Almenda, L, Lot #12. **Section N:** Rowland Cotton, Lot #13, Margaretha, Lot #16, Willis Parker, Lot #103, Charlie Krull, Lot #27 **Section U:** Parson Family, Lot #143, Henery Sierk, Lot #237, Meisner, Lot #111, George Radder, Lot #95. **Section W:** John & Jeannie Peck, Lot #16.

Notice:

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**Section H:** Alexander Galt, Lot #6, Christine Baldut, Lot #64, Esther Churchtoll, Lot #11, Moses Disbrow, Lot #22, William Benson, Lot #6, Laura Benson, Lot #5.

**Section G:** Affy Schank, Lot #2, Lewis Collins, Lot #10, Ferdinand Eastman, Lot #19, Elizabeth & George Heiser, Lot #25, Martin Howe, Lot #32, Jacob Straub, Lot #27, Reuben & Louis Cooley, Lot #62, Carl Bartels, Lot #108, Julia McGlacia, Lot #122

**Section J:** Claus Tiede, Lot #7

**Section L:** Almenda L, Lot #12. **Section N:** Rowland Cotton, Lot #13, Margaretha, Lot #16, Willis Parker, Lot #103, Charlie Krull, Lot #27

**Section U:** Parson Family, lot #143, Henry Slerk, Lot #237, Meisner, Lot #111, George Radder, Lot #95.

**Section W:** John & Jeannie Peck, Lot #16

# Johnson Newspaper Corporation

Client:	5082420	ATTICA CEMETERY ASSOCIATION	Phone:	(716) 560-2641
Class.:	PO BOX 221		ATTICA, NY	14011
Ad #	20419102	Requested By:	JACQUELINE PERL	Fax:
Sales Rep.:	B40	Jennifer Farley	Phone:	(585) 343-8000 Ext: 2111
		legalads@batavianews.com	Fax:	(585) 343-2623
Class.:	0110	Public Notices		
Start Date:	11/30/2018	End Date:	12/14/2018	Nb. of Inserts: 3
PO #:		Entered By:	JFARLE	
Publications:	Batavia Daily News			
Paid Amount:	\$0.00	Balance:	\$72.22	
Total Price:	Ref. # 2	<input type="text" value="\$72.22"/>		Page 1 of 1

ck #1475  
\$72.22