

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: Danby Rural Cemetery Association, #55-032

RE: Hazardous Monument Checklist

DATE: June 21, 2021

Application Completed

26 Monuments Requested

Legal Notice complete and run 3 times in The Ithaca Journal for \$98.33

26 Monuments Appear Hazardous

Western New York repair estimate \$32,221 (average \$1,239/ monument)

Broome Monument repair estimate \$40,365 (average \$1,553/ monument)

Repairs Appear Appropriate

Both contractors propose to install foundations to the depth of 42 inches and offer a 20-year warranty

Cemetery Up to Date on Annual Reports and Vandalism Payments

Previous funds used properly

Recommend Approval in the amount of \$32,319.33.

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
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CEMETERY BOARD

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CHAIR

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ATTORNEY GENERAL

DR. HOWARD A. ZUCKER
COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

SUBJECT: Danby Rural Cemetery Association, #55-032

RE: Application for Repair of Hazardous Monuments

DATE: June 21, 2021

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) WNY Cemetery Services estimate for \$32,221.00
- C) Broome Monument Company estimate for \$40,365.00
- D) Invoice and copy from Ithaca Journal legal notice for \$98.33

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 26 hazardous monuments located in the Danby Rural Cemetery of the town of Danby, Tompkins County. The application was submitted by Sharon Boda, treasurer of the Danby Rural Cemetery Association. Included with this application were two estimates: one from WNY Cemetery Services (Exhibit B) totaling \$32,221.00; and one from Broome Monument Company (Exhibit C) for \$40,365.00. Also included was an invoice from an Ithaca Journal newspaper legal notice (Exhibit D) that was run for three consecutive weeks for \$98.33.

I recommend approval of this application.



**Department
of State**

The Monuments

I visited the cemetery on June 17, 2021 and found that all 26 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.

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. Both WNY Cemetery Services and Broome Monument Company offer a twenty-year warranty.

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 March 2018, and the funds appear to have been spent appropriately. I will note that the cemetery did not include lot number in its legal notice, but given the advanced age of the monuments, it is unlikely that this would have resulted in any additional response. All documents appear to be in order, and this appears to be a legitimate claim for \$32,319.33. 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
 APR 6 2021
 ALBANY 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: \$ 32,319.33 COUNTY IN WHICH CEMETERY IS LOCATED: Tompkins

CEMETERY NAME: DANBY RURAL CEMETERY CEMETERY ID NUMBER: _____

NAME OF CEMETERY OFFICIAL: SHARON M. BODA TITLE: _____

STREET ADDRESS: _____

CITY/TOWN/VILLAGE: _____

TELEPHONE NUMBERS: Home (_____) Work (_____) NA

E-MAIL ADDRESS: _____

No Fax

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

*If YES, when? 4/3/2018 Amount Received: \$ 34,638.07

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

- Provide a description of each damaged monument and/or marker and enclose referenced photos:
all bases need replacing
- Attach copies of bids submitted by at least two contractors for the cost of repairs or removal and replacement.
- 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: Sharon M. Boda Date: 4/6/2021

On this 6th day of April 20 21

JANICE ADELMAN appeared Sharon Boda
 NOTARY PUBLIC-STATE OF NEW YORK known to me to be said person.
 No. 01AD6412401
 Qualified in Tompkins County
 My Commission Expires 12-28-2024

Exhibit B

Danby Rural Cemetery Association Sharon Boda 43 Durfee Hill Road Ithaca NY 14850 Tompkins County
 Western New York Lawn Service, Inc DBA WNY Cemetery Service 4085 Quakertown Road Warsaw NY 14569 585 786 3504

Stake #	Name	Lot	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	Martin, WE	3	30x17	\$433.00	\$525.00	\$958.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
2	Curtis, Cornelia	2	36x22	\$693.00	\$525.00	\$1,218.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
3	Hawes, Julla	5	30x30	\$721.00	\$525.00	\$1,246.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
4	Scutt, James	95	30x19	\$433.00	\$525.00	\$958.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
5	Beers, Maria	10	32x18	\$462.00	\$525.00	\$987.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
6	Mabee, Charles	11	42x24	\$808.00	\$525.00	\$1,333.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
7	Eastman, John	273	31x21	\$560.00	\$525.00	\$1,085.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
8	VanOstrand, Daniel	21	26x15	\$400.00	\$525.00	\$925.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
9	Jennings, Isaac	26	31x21	\$560.00	\$525.00	\$1,085.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
10	Sears, Egbert	67	32x22	\$577.00	\$525.00	\$1,102.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
11	Baker, Justus	40	40x22	\$750.00	\$525.00	\$1,275.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
12	Johnston, Chauncey	60	50x30	\$1,201.00	\$525.00	\$1,726.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
13	Ostander, George	119	27x27	\$625.00	\$525.00	\$1,150.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
14	Manley, Charles	120	36x22	\$685.00	\$525.00	\$1,210.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
15	Williams, Ben	74	40x24	\$769.00	\$525.00	\$1,294.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
16	Birch, Parker	124	42x24	\$808.00	\$525.00	\$1,333.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
17	Hallock, William	134	36x36	\$1,030.00	\$525.00	\$1,555.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
18	Vorhis, Chester	275	40x26	\$834.00	\$525.00	\$1,359.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
19	Howell, Thomas	135	40x26	\$834.00	\$525.00	\$1,359.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
20	Howard, Stephen	144	36x36	\$1,030.00	\$525.00	\$1,555.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
21	Head, Lewis	145	33x20	\$573.00	\$525.00	\$1,098.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
22	Foster, Lot	152	36x22	\$693.00	\$525.00	\$1,218.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
23	Wilcox, William	175	32x32	\$577.00	\$525.00	\$1,102.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
24	Cooper, Festus	214	50x26	\$1,040.00	\$525.00	\$1,565.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
25	Judson, Stockton	254	44x20	\$725.00	\$525.00	\$1,250.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
26	Chapman, William	257	40x22	\$750.00	\$525.00	\$1,275.00	\$165	\$1,300.00	\$150.00	\$1,615.00	\$165	\$950.00	\$150.00	\$1,265.00
			Total	\$18,571.00	\$13,650.00	\$32,221.00	\$4,290.00	\$33,800.00	\$3,900.00	\$41,990.00	\$4,290.00	\$24,700.00	\$3,900.00	\$32,890.00

Western New York Lawn Service, Inc DBA WNY Cemetery Service offers written warranty for our foundations work for stone repairs. Cemetery jobs are guaranteed for 20 (Twenty) years. We dig below the frost level, and stones foundations will not move.

Exhibit C

Broome Monument Company

93 Glenwood Avenue
Binghamton, NY 13905
(607) 797-0779

March 19, 2021

Danby Rural Cemetery



Attention: Sharon Boda, Secretary

Dear Ms. Boda:

Attached is a spreadsheet on the repairs as requested on 26 monuments in the Danby Rural Cemetery located on Curtis Road in Danby, NY. We have looked at each location and determined that all appear to be able to be reset. Should any unforeseen issues arise, we will discuss it with the cemetery to find a solution.

It is not possible to take apart each of the monuments before bidding on this job. However, we did our best to look for obvious signs of deterioration. If we must remove any of the monuments that are deteriorated beyond reasonable repair, our price will revert to the replacement price bid per form. Since it is impossible to view these monuments from underneath as well as where they are structurally connected, we must have this contingency.

All issues will be presented to the cemetery if they should arise.

There are several mitigating factors in our bid. This is a very labor-intensive project and will take up to 45 days to complete, dependent upon the weather. Each of the sites share a few characteristics, mainly because of the age and material used in the first installation and interment. Extra manpower and hand digging will have to be used because there may be human remains (bones) that will have to be reinterred.



Our resetting products include setting cushions, setting compound and Propoxy 20, Hilti 500 hit and metro grip epoxy as usable supplies. We will engage the use of our setting truck and crane.

The standard warranty on our set is 20 years not to tip or deteriorate unless weather or other natural causes create an issue. Poor cemetery drainage and other factors could cause frost heaves and other issues which are not covered under our warranty for sets. We also do not guarantee any issues with monuments that are existing in the cemetery that may happen, including but not limited to re-deterioration. Concrete foundations are guaranteed for 20 years and only warranted to the same standards as above.

We will supply a certificate of liability naming the cemetery association as additional insured should we be selected as the winning bid.

All work will be completed under North American Monument Builders (NAMB) setting standards, which we are a member of. The concrete will be 3500 PSI – ¾" crushed stone.

Our total bid to complete the project is \$40,365. We would require a 25% deposit before work would begin and the balance is due within thirty (30) days of completion.

We do appreciate the opportunity to earn your business and confidence. Should you have any questions or concerns, please do not hesitate to call me personally at (607) 797-0779 or you may also e-mail me at: rspear@nycmemorials.com.

Respectfully submitted,



Rocky Spear, General Manager
Broome Monument Company

Hazardous Monument Application Spreadsheet

Date: 3/19/2021

Cemetery Name & Address Danby Road Cemetery		Contractor or Monument Company Name & Address Brodme Monument	
Name: Danby Road Cemetery		Name: Brodme Monument	
Address: Danby Rd P.O. Box 14883		Address: 93 Glenwood Ave	
Phone: 607-873-8241		Phone: 751ngantow NY 13905	
Contact Person: Sharon Gooda		Contact Person: Rocky Speare	

Total Number of Stones: **26**

1	2	3	4	5	6	7	8	9	10	11	12	Length	Width	Depth	
Name on Monument	Location/Section	Cost to Remove, Repair & Reset Monument	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 Flat	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			
Martin	3	525	465	580	990	875	950	1340	2610	465	2330	3660	34	21	42
Curtis	2	620	550	1025	1170	985	1100	1475	3450	550	2645	5620	40	26	42
Howes	5	985	620	740	1605	1120	1275	1510	3370	620	2430	4490	34	34	42
Scuit	45	900	590	625	1490	1020	1150	1425	2950	590	2445	3515	34	23	42
Beers	10	600	550	600	1150	1015	1125	1490	2850	550	2465	3480	36	22	42
MAGEE	11	940	715	775	1655	1200	1250	1490	3780	715	2690	5030	46	28	42
EASTMAN	273	975	625	680	1600	1175	1175	1425	3295	625	2600	4450	35	25	42
VANDERLAND	21	800	675	720	1400	1100	1200	1400	3325	675	2500	4425	30	19	42
Jennings	24	975	625	680	1600	1175	1175	1425	3410	625	2600	4485	35	25	42
SEARS	67	985	655	700	1640	1150	1225	1400	3725	655	2550	4875	36	26	42
BAKER	40	1025	750	825	1775	1275	1300	1525	4125	750	2800	5400	44	26	42
DONSTON	60	1075	775	890	1850	1410	1380	1550	4410	775	2960	5820	54	34	42
OSTRADER	119	950	620	690	1570	1125	1275	1450	3850	620	2575	4975	31	31	42
MARLEY	120	620	550	625	1170	985	1100	1475	3450	550	2645	5620	40	28	42
Williams	74	925	715	780	1640	1200	1250	1475	3610	715	2678	4810	44	28	42
Birch	124	975	725	825	1700	1275	1850	1475	3925	725	2750	5200	46	28	42
Haddock	134	825	675	780	1500	1175	1225	1450	3790	675	2625	4965	40	40	42
Vorhies	275	1025	750	820	1775	1350	1350	1525	3925	750	2975	5175	44	30	42

CONCRETE FOUNDATION SIZE

Hazardous Monument Application Spreadsheet Date: 3/19/2021

Cemetery Name & Address					Contractor or Monument Company Name & Address										
Name: Danby Rural Cemetery					Name: Greene Monument										
Address: Curtis Rd Danby NY 14883					Address: 93 Glenwood Ave Binghamton NY 13905										
Phone: 607-273-8241					Phone: 607-797-0779										
Contact Person: Sharon Boda					Contact Person: Rocky Spear										
(please print clearly)															
1	2	3	4	5	6	7	8	9	10	11	12				
Name on Monument	Location/Section	Cost to Remove, Repair & Reset Monument	Cost of Foundation with 3 Dimensions	Cost of Foundation to be Caped	Total Cost of Repair & Foundation	Estimate to Remove & Dispose	Cost to Lay Smaller Monuments Flat	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	Length	Width	Depth
Howell	135	11025	750	825	1995	1275	1300	1525	4125	750	2800	5400	44	30	42
Howard	144	825	675	780	1500	1175	1275	1450	3740	675	2625	4965	40	40	42
Head	145	985	656	825	1640	1275	1300	1525	4125	655	2800	5400	37	24	42
Foster	152	620	550	625	1170	985	1100	1475	3456	550	2645	5620	40	26	42
Willcox	175	975	625	700	1600	1075	1200	1450	3250	625	2475	4325	36	36	42
Cooper	214	1150	725	820	1875	1275	1350	1525	4825	725	2800	6100	54	30	42
Johnson	254	1025	700	775	1725	1350	1325	1475	4100	700	2725	5350	48	24	42
Chapman	257	1000	725	825	1725	1275	1300	1500	4250	725	2725	5525	44	26	42

TOTAL BID \$40,365.00

CONCRETE FOUNDATION SIZE

Exhibit D

AFFIDAVIT OF PUBLICATION
THE ITHACA
JOURNAL

0004033031, BGM-200435

State of New York
Tompkins County

Joe Weir being duly sworn, deposes and says she is the Principal Clerk of the Ithaca Journal, a public newspaper printed and published in Ithaca aforesaid and that a notice of which the annexed is a true copy as published in said newspaper:

On the 22 day of February in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Joe Weir, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument. (Signature of Notary)

02/08/20, 02/15/20, 02/22/20

[Signature]

Legal Clerk

Subscribed and sworn to before me this 22 day of February, 2020

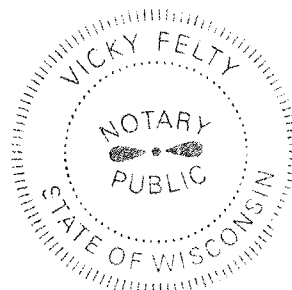
[Signature]

Notary Public

State of Wisconsin, County of Brown

9/19/21

My commission expires



THE ITHACA JOURNAL

Agency:

DANBY RURAL CEMETERY
[REDACTED]

Client:

DANBY RURAL CEMETERY
[REDACTED]

Acct No: BGM-200435

This is not an invoice

Acct: BGM-200435

burial lots disrepair

Ad #	Advertisement/Description	Items	# Col x # Lines	Cost
0004033031	LEGALNOTICETOTHELASTK NOWNOWNERSOFTHEFOLL OWINGBURIALLOTSLOCATE	Legal Notices	1 col x 63 lines	\$63.33
		Affidavit of Publication Charge		\$35.00
		Tearsheet Charge		\$0.00
		<i>Subtotal:</i>		\$98.33
Net Total Due:				\$98.33

Run Dates: 02/08/20, 02/15/20, 02/22/20

*pd 3/3/2020
1384 T.
A Boda*

The Ithaca Journal
P. O. Box 822802
Philadelphia, PA 19182

LEGAL NOTICE TO:
The last known owner(s) of
the following burial lots lo-
cated in the Danby Rural
Cemetery, 14 Curtis Road,
Tompkins Co., Ithaca, NY,
and all persons having or
claiming to have an interest
in said burial lots:

Martin, WE
Curtis, Cornelia
Hawes, Julia
Scutt, James
Beers, Maria
Mabee, Charles
Eastman, John
VanOstrand, Daniel
Jennings, Isaac
Sears, Egbert
Baker, Justus
Johnston, Chauncey
Ostrander, George
Manley, Charles
Williams, Ben
Birch, Parker
Hallock, William
Vorhis, Chester
Howell, Thomas
Howard, Stephen
Head, Lewis
Foster, Lot
Wilcox, William
Cooper, Festus
Judson, Stockton
Chapman, William

Please Take notice:

(1) The monuments are so
badly out of repair as to
create a dangerous condi-
tion.

(2) the persons to whom
this notice is addressed
must remove or repair said
monuments after the third
publication of this notice or
by April 22, 2020

(3) if the persons to whom
this notice is addressed fail
to repair or remove said
monuments by April 22,
2020, the Danby Rural
Cemetery Assn. may re-
move or
repair said monuments
without further notice to
the persons to whom this
notice is addressed.

If you have questions
please direct them to
Sharon Boda at (607) 273-
8241 prior to April 22, 2020
2/ 8, 15, and 22, 2020

0001023031-01