

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
HTTPS://DOS.NY.GOV

KATHY HOCHUL
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: BLACK RIVER CEMETERY ASSOCIATION, #23-002

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: AUGUST 24, 2021

Application Completed and notarized

30 Monuments Requested

Legal Notice complete and run 3 times in The Watertown Daily Times \$228.20

30 Monuments Appear Hazardous

Estimates: **T.F. Wright Memorials estimate \$28,425 (average \$948 / monument)**

Cozzi Memorials estimate \$30,501.25 (average \$1,017/ monument)

Repairs Appear Appropriate

Both contractors propose to pour 36-inch foundations.

T.F. Wright offers a ten-year warranty.

Cozzi did not offer warranty info.

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

Recommend Approval in the amount of \$28,653.20.

Note: The final legal notice ran on July 28th and the required 60-day period expires on September 26th. The cemetery has been instructed to notify this office of any response to the notice.



Department
of State

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COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Michael D. Seelman, Investigator II

SUBJECT: Black River Cemetery Association, #23-002

RE: Application for Repair of Hazardous Monuments

DATE: August 24, 2021

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) T.F. Wright Memorials repair estimate for \$28,425 (average \$948 per monument)
- C) Cozzi Memorial repair estimate for \$ 30,501.25 (average \$1,018 per monument)
- D) Invoice and copy from The Watertown Daily Times for \$228.20

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 30 hazardous monuments located in the Black River Cemetery, town of Rutland, Jefferson County. The application was submitted by Steven Lillie, president of the Black River Cemetery Association. Included with this application was an estimate, from T.F. Wright Memorials (Exhibit B) totaling \$28,425 and an estimate from Cozzi Memorials (Exhibit C) for \$30,501.25. Also included was an invoice from The Watertown Daily Times for legal notices (Exhibit D) that were run for three consecutive weeks for \$228.20

I recommend approval of this application.

The Monuments

The Black River Cemetery was visited, and all 30 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 Estimates

Both Contractors propose to: remove the monuments from the existing foundations; dig out existing foundations; place new foundations made of solid concrete poured to a depth of 36 inches and replace the monument, resealing all joints with setting compound or epoxy. T.F. Wright offers a ten year warranty, Cozzi did not offer a warranty. It was noted that T.F. Wright included a \$1,000 fee for landscaping, dirt, seeding, etc. I spoke to the cemetery superintendent who confirmed that the bid requirements stated that any damage occurring on



**Department
of State**

cemetery grounds must be repaired by the contractor. T.F. Wright listed this separately, but both contractors were instructed to include these repair costs in their bids.

Recommendation

The Cemetery is up to date on annual reports and vandalism payments. This appears to be a legitimate claim for \$28,653.20. 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

28425.00

COUNTY IN WHICH CEMETERY IS LOCATED

JEFFERSON

CEMETERY NAME

BLACK RIVER CEMETERY

CEMETERY ID NUMBER

[REDACTED]

NAME OF CEMETERY OFFICIAL

Steven Lillie

TITLE

President

X

TELEPHONE NUMBERS:

Home

[REDACTED]

Work ()

E-MAIL ADDRESS

FAX

-

RECEIVED
DIV. OF CEMETERIES

AUG 10 2021

ALBANY OFFICE
DEPARTMENT OF STATE

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:

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:

Steven Lillie

Date:

8-3-21

KASSANDRA R. DAVIS
Notary Public, State of New York
Reg. No. 01DA8384033
Qualified in Jefferson County
Commission Expires Dec. 3, 2022

On this 3rd day of Aug 20 21

appeared Steven Lillie

known to me to be said person.

Kassandra Davis
Notary Public

EXHIBIT B

T.F.WRIGHT & SONS GRANITE FOUNDRY

P.O. BOX 230 – 609 ADELAIDE STREET
CARTHAGE, NEW YORK 13619

Tel : 315 - 493 - 2963

Fax : 315 - 493 – 2965

July 9,2021

Dear Black River Cemetery Association;

Thank you for letting our company be part of your bidding process for restoring Black River Cemetery. I can reassure you that the quality of our workmanship is going to be up to the standards of the board. When our work is complete, I can reassure you that all of the monuments will be plum, level, sealed, straight, and will have no movement on the foundation. Any monument moved that is damaged will be repaired or replaced. The grounds will be repaired to the prior shape. Our goal for the depth of the foundations is 3 feet or more.

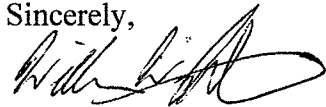
Please don't hesitate to call if anyone has any questions about our estimates for repairing or replacing any of the stones. 315 - 493 - 2963

The cost of all the repairs to the 30 stones is \$ 27425.00 with a 10 yr warranty.
The cost for the landscaping (dirt, seeding, ect.) \$1000.00

The total cost of the project
is \$28425.00

We look forward to working with you !

Sincerely,



William Wright

Hazardous Monument Application Spreadsheet

Date: 7/9/21

| | | | | | | | |
|---|--|---|--|--|--|------------------------------------|--|
| Cemetery Name & Address | | | | Contractor or Monument Company Name & Address | | | |
| Name: <u>Black River Cem.</u> | | Total Number of Stones: 30 | | Name: <u>T.F. Wright & Sons Granite Foundry</u> | | | |
| Address: [REDACTED] | | | | Address: <u>Po Box 230</u> | | | |
| Phone: [REDACTED] | | | | Address: <u>Carthage NY 13619</u> | | | |
| Contact Person: <u>Bill Reichard</u> | | | | Phone: <u>315-443-2963</u> | | Contact Person: <u>Tina / Bill</u> | |

(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 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 |
| Last Name , First Name | Plot/Lot | | | | | | | | | | | |
| Fink | Sec1/29 | \$562.50 | \$562.50 | — | \$1,125 | — | — | — | — | — | — | — |
| Craig | Sec1/30 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Merriman | Sec1/10 | \$500 | \$500 | — | \$1000 | — | — | — | — | — | — | — |
| Herrick | Sec2/19 | \$487.50 | \$487.50 | — | \$975 | — | — | — | — | — | — | — |
| Whaley | Sec2/25 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Loomis | Sec2/27 | \$450 | \$450 | — | \$900 | — | — | — | — | — | — | — |
| Johnson | Sec2/16 | \$487.50 | \$487.50 | — | \$975 | — | — | — | — | — | — | — |
| Middleton | Sec2/29 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Miser | Sec2/51 | \$562.50 | \$562.50 | — | \$1,125 | — | — | — | — | — | — | — |
| Carey | Sec2/43 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Baldick | Sec2/45 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Emerson | Sec2/39 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Gillespie | Sec2/10 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Jackson | Sec2/77 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Cox | Sec2/68 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Mattews | Sec2/40 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Burton | Sec3/22 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |
| Burlingame | Sec2/35 | \$437.50 | \$437.50 | — | \$875 | — | — | — | — | — | — | — |

EXHIBIT C

TOTAL COST

\$30,501.25

A. COZZI AND COMPANY
619 MILL STREET
WATERTOWN, NY 13601
315-788-3450

Laurie G. Koelmel

Please call with any questions.
Thank You.

Laurie G. Koelmel

7/31/2021

| NAME | SECTION | REMOVE REPAIR RESET MONUMENT | FOUNDATION COST | TOTAL COST REPAIR & FOUNDATION | FOUNDATION SIZE |
|------------|---------|---------------------------------|--------------------|-----------------------------------|-----------------|
| FRINK | 1 | 600 | 917.4 | 1517.4 | 36X36X36 |
| MERRIAM | 1 | 450 | 740.6 | 1190.6 | 32X32X36 |
| LEACH | 1 | 200 | 481.25 | 681.25 | 25X25X36 |
| SCHRODT | 2 | 300 | 660 | 960 | 30X30X36 |
| HERRICK | 2 | 450 | 621.65 | 1071.65 | 29X29X36 |
| LOOMIS | 2 | 300 | 812.1 | 1112.1 | 27X42X36 |
| WHALEY | 2 | 450 | 449 | 899 | 24X24X36 |
| JOHNSON | 2 | 750 | 660 | 1410 | 30X30X36 |
| MISER | 2 | 525 | 917.4 | 1442.4 | 36X36X36 |
| MATTHEWS | 2 | 350 | 389.6 | 739.6 | 22X22X36 |
| BURLINGAME | 2 | 300 | 303.8 | 603.8 | 16X22X36 |
| GORDON | 2 | 875 | 449.4 | 1324.4 | 24X24X36 |
| SCOTT | 2 | 300 | 338.25 | 638.25 | 15X27X36 |
| CAREY | 2 | 525 | 621.65 | 1146.65 | 29X29X36 |
| MIDDLETON | 2 | 525 | 449.4 | 974.4 | 24X24X36 |
| GILLESPIE | 2 | 525 | 584.6 | 1109.6 | 28X28X36 |
| JACKSON | 2 | 350 | 335 | 685 | 20X20X36 |
| COX | 2 | 350 | 389.6 | 739.6 | 22X22X36 |
| BALDICK | 2 | 325 | 335 | 660 | 20X20X36 |
| READ | 3 | 625 | 449.4 | 1074.4 | 24X24X36 |
| PUTNEY | 3 | 650 | 449.4 | 1099.4 | 24X24X36 |
| DEXTER | 3 | 350 | 584.6 | 934.6 | 28X28X36 |
| FOX POOR | 3 | 625 | 917.4 | 1542.4 | 36X36X36 |
| CRAIN | 3 | 200 | 517 | 717 | 20X34X36 |
| GRAHAM | 3 | 350 | 449.4 | 799.4 | 24X24X36 |
| TAYLOR | 3 | 350 | 443.55 | 793.55 | 21X27X36 |
| PARSON | 3 | 525 | 740.6 | 1265.6 | 32X32X36 |
| YOUNG | 3 | 350 | 449.4 | 799.4 | 24X24X36 |
| BURTON | 3 | 350 | 335 | 685 | 20X20X36 |
| WILLIAMS | 3 | 525 | 449.4 | 974.4 | 24X24X36 |
| LEGACY | 3 | 350 | 335 | 685 | 20X20X36 |

EXHIBIT D

Johnson Newspaper Corporation

| | | | | | |
|---------------|---------------------------------------|----------------|------------|-----------------|---|
| Client: | 5034059 | DIANE REICHARD | Phone: | [REDACTED] | |
| Class.: | [REDACTED] | | | | |
| Ad # | 20451388 | Requested By: | WILLIAM | Fax: | |
| Sales Rep.: | W312 | Scott Parks | Phone: | (315) 782-1000 | |
| | | sparks@wdt.net | Fax: | (315) 661-2521 | |
| Class.: | 0610 | Announcements | | | |
| Start Date: | 07/14/2021 | End Date: | 07/28/2021 | Nb. of Inserts: | 3 |
| PO #: | | Entered By: | SPARKS | | |
| Publications: | Watertown Daily Times | | | | |
| Paid Amount: | \$0.00 | Balance: | \$228.20 | | |
| Total Price: | <input type="text" value="\$228.20"/> | | | Page 1 of 1 | |

AFFIDAVIT OF PUBLICATION

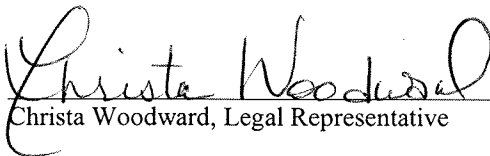
STATE OF NEW YORK
COUNTY OF JEFFERSON

WATERTOWN DAILY TIMES

DIANE PRICHARD

REFERENCE: 61701
20451388 LEGAL NOTICE

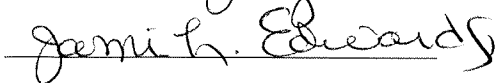
Christa Woodward, Evans Mills, NY, County of Jefferson, being duly sworn, says that she is a Legal Representative of the Johnson Newspaper Corp., a Corporation duly organized and existing Under the laws of the State of New York, and Having its principal place of business in the City Of Watertown, New York, and that said corporation Is the publisher of the WATERTOWN DAILY TIMES, A Newspaper published in the City of Watertown, Jefferson County and State of New York, and that A Notice, of which the annexed is a printed copy, Has been published in said newspaper on dates listed below.


Christa Woodward, Legal Representative

Published on: 7/14, 7/21, 7/28

AD SPACE: 2X59 LINES
FILED ON: 7/28/21

Sworn to and subscribed before me this)
28th day of July 2021



JAMI L EDWARDS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ED6283808
Qualified in Jefferson County
My Commission Expires 06-17-2021
25

Legal Notice

To: The last known owner or owners of the following burial lots located in the Black River Cemetery, town of Rutland, in Jefferson County, New York, and all persons having or claiming to have an interest in said burial lots:

(List full names and lot numbers if available)

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 (date 60 days after the third publication) and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after (date 60 days after the third publication), the Black River Cemetery Association 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 (name and phone number of cemetery board member) prior to (date 60 days after last publication).

Name- Section - Lot
Frink, Asa- 1 - 29
Merriman, Stephen - 1 - 10
Leach, William- 1 - 30
Crain, Philip - 1 - 30
Legacy or Lenway, Charles - 1 - 73 & 1/2
Hervert, Williams - 1 - 69
Schrodt, Mike- 2 - 35
Herrick, Allen. H. - 2 - 19
Loomis, Arthur - 2 - 27 & 28
Whaley, James - 2 - 25
Johnson, Levi- 2 - 16
Miser, Charles - 2 - 51 & 52
Matthew, Thomas- 2 - 40
Burlingame, W. E.- 2 - 65
Gordon, Wilbur - 2 - 69
Scott, Emerson - 2 - 39
Carey, Foster - 2 - 43
Middleton, Andrew - 2 - 29
Gillespie, Thomas John - 2 - 10
Jackson, J. E.- 2 - 77
Cox, William - 2 - 68
Baldick, J. D. - 2 - 45
Read, James D. - 3 - 29
Putney, Clinton M - 3 - 38
Crain, David & Eldridge & William - 3 - 36
Dexter, Aaron - 3 - 13
Fox - Poor, Christopher P. & George F. - 3 - 3
Graham, George - 3 - 35
Taylor, Rial - 3 - 20
Parson, Albert - 3 - ?
Young, Alvah - 3 - 17
Burton, James - 3 - 22