

## 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: FLY CREEK CEMETERY ASSOCIATION, #39-011

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: NOVEMBER 23, 2021

Application Completed and notarized and signed

26 Monuments Requested

**Legal Notice complete and run 3 times in The Oneonta Daily Star \$123.40**

26 Monuments Appear Hazardous

Estimates: **Barnett Memorials repair estimate \$19,450 (average \$748/ monument)**

Humphrey Memorials repair estimate \$26,470 (average \$1,018/ monument)

Repairs Appear Appropriate

Both contractors propose 42-inch foundations and offer a 10-year warranty.

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

**Recommend Approval in the amount of \$19,573.40.**

# 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

KATHY HOCHUL  
GOVERNOR

CEMETERY BOARD

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DR. HOWARD A. ZUCKER  
COMMISSIONER OF HEALTH

**TO:** New York State Cemetery Board

**FROM:** Brendon Stanton, Investigator

**SUBJECT:** Fly Creek Valley Cemetery Association, #39-011

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

**DATE:** November 19, 2021

## Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Barnett Memorials estimate for \$19,450.00
- C) Humphrey Memorials estimate for \$26,470.00
- D) Invoice and copy from Oneonta Daily Star legal notice for \$123.40
- E) Completion report for previous hazardous monument work approved in March 2020

## Introduction and Recommendation

I received an application (Exhibit A) for the repair of 26 hazardous monuments located in the Fly Creek Valley Cemetery of the town of Otsego, Otsego County. The application was submitted by Walter Dusenbery, treasurer of the Fly Creek Valley Cemetery Association. Included with this application were two estimates: one from Barnett Memorials (Exhibit B) totaling \$19,450.00; and one from Humphrey Memorials (Exhibit C) for \$26,470.00. Also included was an invoice from an Oneonta Daily Star newspaper legal notice (Exhibit D) that was run for three consecutive weeks for \$123.40.

I recommend approval of this application.



Department  
of State

## **The Monuments**

I visited the cemetery on October 20, 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 Barnett Memorials and Humphrey Memorials offer a 10-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 2020, and the funds appear to have been spent appropriately (Exhibit E). I did not that the legal notice published by the cemetery did not include lot numbers. However, this is the cemetery's fourth application and they published using the same format for all previous applications. All documents appear to be in order, and this appears to be a legitimate claim for \$19,573.40. 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	\$19,573.40	COUNTY IN WHICH CEMETERY IS LOCATED	OTSEGO
CEMETERY NAME	FLY CREEK VALLEY CEMETERY ASSOCIATION	CEMETERY ID NUMBER	39011
NAME OF CEMETERY OFFICIAL	WALTER DUSENBERY	TITLE	TREASURER
STREET ADDRESS	150 CEMETERY ROAD, PO Box 93		
CITY/TOWN/VILLAGE	FLY CREEK	ZIP CODE	13337
TELEPHONE NUMBERS:	Home (607) 547-8431	Work ( )	
E-MAIL ADDRESS	WDUSENBERY@STNY.PR.COM	FAX	

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund?  YES\*  NO  
 \*If YES, when? 12/9/19 Amount Received: \$ 23,605  
 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:  
SHOWN MONUMENT IN ACCOMPANIED PHOTOS ARE A PRESENT DANGHER OF FALLING.

- 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: WALTER DUSENBERY Date: 9/29/21

HERMAN RIESE  
 Notary Public, State of New York  
 Qualified in Delaware County  
 Reg. No. 01R16405789  
 My Commission Expires 3/16/2024

On this 29<sup>TH</sup> day of SEPTEMBER 2021  
 appeared WALTER DUSENBERY  
 known to me to be said person.  
[Signature]  
 Notary Public

# Exhibit B

# Barnett Memorials

236 East Main St.      131 Seymour St.  
Elbridge, NY 13060      Auburn, NY 13021  
315-689-3813 T      315-255-1234 T  
315-689-5241 F      315-255-1333 F

Tax ID # 27-3016873

[Barnettmemorials1@gmail.com](mailto:Barnettmemorials1@gmail.com)

September 16, 2021

Walter,

Thank you for thinking of our company for the restoration project at Fly Creek Valley Cemetery.

Accompanying this letter, you will find a detailed listing of the monuments in question and the cost to repair them. Our quote for this project is \$19450.00. This quote includes tear down of said monuments, replacing all foundations indicated, then resetting and cleaning of all monuments. Monuments requiring a new foundation will have a minimum 10 year warranty. As per our discussion, the spoils will be dumped on Cemetery grounds as directed by you.

This quote will expire December 2022. If you have any further questions, do not hesitate to contact us.

Thank you,

Bill @Barnett Memorials

Hazardous Monument Application Spreadsheet

Date: 9/16/21

Cemetery Name & Address		Contractor or Monument Company Name & Address	
Name: <u>Fly Creek Valley Cemetery</u>		Name: <u>BARNETT MEMORIALS</u>	
Address: <u>100 Cemetery Rd.</u>		Address: <u>131 SEVOUR ST</u>	
Phone: <u>607 547 8431</u>		Phone: <u>315 255-1234</u>	
Contact Person: <u>MASTER DISBURRY</u>		Contact Person: <u>Bill Kiwa (D)</u>	
Total Number of Stones: <u>26</u>		Address: <u>Auburn NY 1302</u>	

1	2	3	4	5	6	7	8	9	10	11	12	
Name on Monument	Location/Section	Cost to Remove, Repair & Re-set 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	FOUNDATION DIMENSIONS	Total to Remove, Destroy Monument & Replace with BRONZE Marker & Foundation	Total to Remove, Destroy Monument & Replace with GRANITE Marker & Foundation
J. THORNTON	233	450	479							24" x 24"		
B. HARSTER	161	250	441							24" x 16"		
H. HARTUN	145	450	503							23" x 23"		
J. MULYAIN	156	450	396							26" x 16"		
E. LEWIS	168	200	513							30" x 18"		
H. LEWIS	168	200	247							26" x 10"		
A. LAKE	167	200	513							30" x 18"		
C. LEWIS	168	400	426							32" x 14"		
M. LEWIS	168	200	513							30" x 18"		
F. M. LAKE	167	200	456							30" x 16"		
B. JACKSON	181	200	616							41" x 18"		
B. JACKSON	181	400										
E. SMITH	271	200	346							26" x 18"		
M. SMITH	271	200	456							30" x 16"		
W. H. PHILLIPS	329	250	456							30" x 15"		
S. J. CARA	378	250	426							28" x 16"		
A. W. MCCOY	378	350	426							28" x 16"		
M. BENJAMIN	386	350	578							38" x 16"		



Hazardous Monument Application Spreadsheet

Date:

Cemetery Name & Address			Contractor or Monument Company Name & Address									
Name: FLY CREEK VALLEY CEMETERY			Name:									
Address: 106 CEMETERY RD			Address:									
PO BOX 93, KY CREEK			Total Number of Stones: 26									
Phone: 607 547 8431			Phone:									
Contact Person: NANCY DUSKINSKY			Contact Person:									
(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	DIMENSIONS	Total to Remove, Destroy Monument & Replace with BRONZE Marker & Foundation	Total to Remove, Destroy Monument & Replace with GRANITE Marker & Foundation
19 W.N. PATTEN	353	300	385							27'x15' x 9"		
20 W. H. JOHNSON	241	350	346							26'x14'		
21 R. W. ARWELL	601	350	798							56'x15'		
22 D. RAWSON	570	350	855							50'x18'		
23 E. L. ELLIS	560	250	349							30'x14'		
24 L. R. ELLIS	560	350	760							50'x16'		
25 R. F. SPONRUBER	519	350	852							36'x16'		
26 A. H. COX	711	350	314							30'x11"		
			7650	11800								

4194150.00

# Exhibit C

# ***Humphrey Memorials, Inc.***

***3051 State Rt. 28***

***Herkimer, NY 13350***

**315-866-4471\*humphreymemorials@gmail.com**

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August 18, 2021

Fly Creek Valley Cemetery  
c/o Walter Dusenberry  
100 Cemetery Road  
Fly Creek, NY 13337

The attached bid sheet being submitted by Humphrey Memorials, Inc. will include the following work to be performed:

- Remove Memorials from existing foundation
- Disassemble Memorials if necessary
- Remove existing foundations
- New concrete foundations poured as stated dimensions
- Reset Memorials on new foundations
- Reassemble and repair Memorials as needed
- Clean & Seal all joints of the Memorials
- Clean up of materials & repairing of affected grounds

The Memorials will be sealed with a Thirty(30) year silicone caulk. If any monument needs structural repairs, we will use a two part epoxy and/or mortar to make those repairs. New foundations and repairs completed will have a warranty of Ten(10) years. If any foundation or monument repair fails within those Ten(10) years, Humphrey Memorials, Inc. will make repairs or replace at no cost to the cemetery. If you have any further questions, please contact us at anytime.

Thank you,  
CJ Karker  
Humphrey Memorials, Inc.

**Humphrey Memorials, Inc.**

**3051 State Highway 28**

**Herkimer, NY 13350**

**315-866-4471**

**Fly Creek Valley Cemetery**

**100 Cemetery Road PO Box 93**

**Fly Creek, NY 13337**

**Walter Dusenbery**

#	Monument Name	Location	Remove, Repair, Rest Cost	New Foundation "L" or "Single"	New Foundation Cost	Foundation Cap Cost	Reinterment/Disposal Cost	Gravestone Repairs & Install etc	Total Cost
1	J THORNTON	233	\$600.00	24x24x42	\$575.00				\$1,175.00
2	BE HARTER	161	\$400.00	28x18x42	\$450.00				\$850.00
3	H HARTUN	145	\$500.00	24x24x42	\$575.00				\$1,075
4	J MILLWAIN	156	\$500.00	28x18x42	\$500.00				\$1,000.00
5	E LEWIS	168	\$600.00	36x18x42	\$575.00				\$1,175.00
6	H LEWIS	168	\$500.00	30x18x42	\$480.00				\$980.00
7	AA LAKE	167	\$400.00	30x18x42	\$480.00				\$880.00
8	G LEWIS	168	\$500.00	30x18x42	\$480.00				\$980.00
9	M LEWIS	168	\$500.00	36x18x42	\$650.00				\$1,150.00
10	EM LAKE	167	\$400.00	28x18x42	\$450.00				\$850.00
11	BL JACKSON	181	\$400.00	27x18x42	\$490.00				\$890.00
12	B JACKSON	181	\$400.00	27x18x42	\$490.00				\$890.00
13	E SMITH	271	\$400.00	28x18x42	\$450.00				\$850.00
14	M SMITH	271	\$400.00	30x18x42	\$480.00				\$880.00
15	WH PHILLIPS	329	\$400.00	32x18x42	\$510.00				\$910.00
16	ST CARR	388	\$500.00	35x18x42	\$630.00				\$1,130.00
17	AW METCALF	388	\$600.00	35x18x42	\$630.00				\$1,230.00
18	M BENJAMIN	386	\$400.00	36x18x42	\$575.00				\$975.00
19	WN POTTER	353	\$300.00	26x18x42	\$415.00				\$715.00
20	WH JOHNSON	248	\$400.00	26x18x42	\$415.00				\$815.00
21	RW ATWELL	608	\$500.00	58x18x42	\$925.00				\$1,425.00
22	D RAWSON	570	\$500.00	50x18x42	\$900.00				\$1,400.00



# Exhibit D

STATE OF NEW YORK  
COUNTY OF OTSEGO, SS

**Legal Notice**

For The last known owner or owners of the following burial lot located in the Fly Creek Valley Cemetery, Town of Otsego, in Otsego County, New York, and all persons having or claiming to have an interest in said burial lots:

Robert W. Abbott, Marietta Benjamin, Sarah T. Carr, Elizabeth L. Ellis, Lewis R. Ellis, Basil E. Hartel, Harry Hartum, Alfred N. Hecox, Benjamin Jackson, Betsy L. Johnson, William H. Johnson, Amy A. Lake, Emily M. Lake, Charles Lewis, Edward Lewis, Hannah Lewis, Almon W. Metcalf, Janet Milvain, William H. Phillips, William N. Potter, David Rawson, Eunice Smith, Mary Smith, Raymond F. Spornbergh, James A. Thornton.

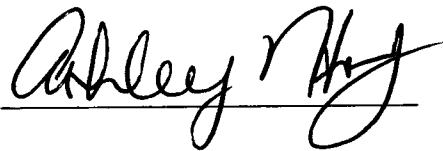
PLEASE TAKE NOTICE that (1) the monuments or markers are so badly out of repair or damaged as to create a dangerous condition; (2) the persons to whom this notice is addressed must repair or remove said monuments or markers after the third publication of this notice or by October 16, 2021, the Fly Creek Cemetery Association may remove or repair said monuments without further notice to the persons to whom this notice is addressed.

If you have any questions they can be directed to: Walter Duesenberg, 607-547-4431 prior to October 16, 2021.

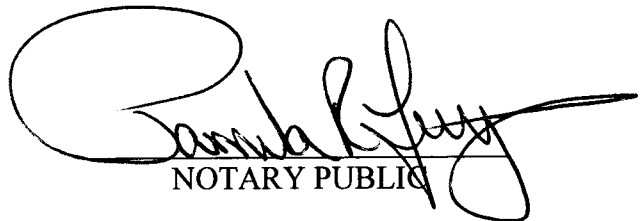
Ashley Hogan of Delhi, NY  
in Delaware County, being duly  
sworn, deposes and says that she is an  
Accounting Clerk for the newspaper  
called The Daily Star, printed and  
published in Oneonta, NY aforesaid,  
and that the advertisement of which the  
annexed is a printed copy has been  
published in the said newspaper on the

3, 10, 17

Day(s) of August 2021



Sworn to before me the 27  
Day of September 2021

  
NOTARY PUBLIC

PAMELA R. FERGUSON  
Notary Public, State of New York  
No. 01FE6300655  
Qualified in Delaware County  
My Commission Expires April 14, 2022

THE DAILY STAR  
473 THIRD STREET  
NIAGARA FALLS NY 14301  
(800)721-1000  
Fax (607)432-5847

432-1000

ORDER CONFIRMATION

Salesperson: LEGALS

Printed at 07/30/21 12:29 by cbens

Acct #: 37502

Ad #: 394828

Status: New WHOLD

FLY CREEK VALLEY CEMETERY ASSOC  
WALTER DUSENBURY  
PO BOX 93  
FLY CREEK NY 13337

Start: 08/03/2021 Stop: 08/17/2021  
Times Ord: 3 Times Run: \*\*\*  
STD 4.00 X 30.00 Words: 201  
Total STD 120.00  
Class: 147 LEGALS  
Rate: LEGL Cost: ~~125.40~~  
# Affidavits: 1

Contact: CONNIE HOBBIE  
Phone: (607)547-5895  
Fax#:  
Email: wdusenbery@stny.rr.com  
Agency:

Ad Descrpt: LEGAL NOTICE TO: THE LAST  
Given by: \*  
P.O. #:  
Created: cbens 07/30/21 12:16  
Last Changed: cbens 07/30/21 12:29

PUB ZONE EDT TP RUN DATES  
DS A 97 S 08/03,10,17  
IN A 94 S 08/03,10,17

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

ASHLEY  
HOBAN

248 EXT



# Exhibit E

**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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CHAIR  
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ATTORNEY GENERAL  
DR. HOWARD A. ZUCKER  
COMMISSIONER OF HEALTH

## DEPARTMENT OF STATE - DIVISION OF CEMETERIES

### MEMORANDUM

**TO:** Lewis Polishook, Director

**FROM:** Brendon Stanton, Investigator

**SUBJECT:** Fly Creek Valley Cemetery Association, #39-011

**RE:** Repair of Hazardous Monuments

**DATE:** August 23, 2021

By application dated December 9, 2019, the Fly Creek Valley Cemetery Association of the town of Otsego, Otsego County, applied for funds for the repair of 27 hazardous monuments. The State Cemetery Board approved this application in its meeting on March 10, 2020, in the amount of \$23,729.74. The contract was awarded to Humphrey Memorials. Having been informed that the project had been completed, I inspected the work on July 21, 2021, and found it satisfactory.



Department  
of State