

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](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

CEMETERY BOARD
ROBERT J. RODRIGUEZ
ACTING SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

TO: NEW YORK STATE CEMETERY BOARD

FROM: MICHAEL D. SEELMAN, INVESTIGATOR II

SUBJECT: MT PLEASANT CEMETERY ASSOCIATION, #27-017

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: JANUARY 4, 2021

Application Completed and notarized and signed

24 Monuments Requested

Two Legal Notices complete and run 3 times in The Oneida Daily Dispatch \$165.17

24 Monuments Appear Hazardous

Estimates: **Pexton memorials repair estimate \$19,130 (average \$797/ monument)**

Kellogg Memorials repair declined to submit a bid.

Repairs Appear Appropriate and price is on the low side of average for the region.

Pexton proposes 42-48-inch foundations and offer a 5-year warranty.

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

Recommend Approval in the amount of \$19,295.17.



**Department
of State**

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](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

CEMETERY BOARD
ROBERT J. RODRIGUEZ
ACTING SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

MARY T. BASSETT, M.D., M.P.H.
COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Michael D. Seelman, Investigator II

SUBJECT: Mt. Pleasant Cemetery Association, #27-017

RE: Application for Repair of Hazardous Monuments

DATE: January 4, 2022

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Pexton Memorials repair estimate for \$19,130 (average \$797/ per monument)
- C) Kellogg Memorials letter declining to bid
- D) Invoices and copies from The Oneida Daily Dispatch for \$103.49 and \$61.68

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 24 hazardous monuments located in the Mt. Pleasant Cemetery, town of Lennox, Madison County. The application was submitted by Mary Ann Anderson, trustee/ secretary of the Mt. Pleasant Cemetery Association. Included with this application was an estimate, from Pexton Memorials (Exhibit B) totaling \$19,130 and a letter from Kellogg Memorials (Exhibit C) declining to submit a bid. Also included was an invoice from The Oneida Daily Dispatch for two legal notices (Exhibit D) that were run for three consecutive weeks from August 17, through August 31, 2020 and January 14, through January 28, 2021 for \$61.68 and \$103.49 respectively.

I recommend approval of this application.

The Monuments

The Mt. Pleasant Cemetery was visited, and all 24 monuments were found to be either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. Mrs. Anderson stated that the cemetery has no records for the monuments in question and as such, could not contact the last known lot owners by mail, the most recent monument is dated 1943. The cemetery has had no response to the legal advertisements which it placed, and has no funds dedicated to the restoration of monuments. Based upon the information provided, it is the Division's understanding that the cemetery has determined that the monument owners cannot be found.



**Department
of State**

The Estimates

Pexton Memorials proposes to: remove the monuments from the existing foundations; dig out existing foundations; place new foundations made of solid concrete poured to a depth of 42-48 inches and replace the monument, resealing all joints with setting compound or epoxy and offer a five-year warranty. The estimate averages \$797 per monument, which is on the low side of average for the Central Region.

Mrs. Anderson requested a second estimate from Kellogg Memorials and received a letter declining to bid, citing: "so much work and we are backed up".

Recommendation

The Cemetery is up to date on annual reports and vandalism payments. This appears to be a legitimate claim for \$19,295.17. 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 \$ <u>19,295.17</u>	COUNTY IN WHICH CEMETERY IS LOCATED <u>Madison</u>
CEMETERY NAME <u>Mt. Pleasant Cemetery</u>	CEMETERY ID NUMBER <u>27017</u>
NAME OF CEMETERY OFFICIAL <u>Mary Ann Anderson</u>	TITLE <u>Trustee / Secretary</u>
TELEPHONE NUMBER Home () <u>[REDACTED]</u> Work () <u>[REDACTED]</u>	ZIP CODE <u>[REDACTED]</u>
E-MAIL ADDRESS <u>mtpleasantcemetery@gmail.com</u>	FAX <u>[REDACTED]</u>

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? 2012 = 7,948, 2013 = 12,807.09 YES* NO
 *If YES, when? 2012, 2013, 2016 Amount Received: \$ 2016 = 12,535.49 of which \$1199 was returned YES NO
 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 cemetery spreadsheet and 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: Mary Ann Anderson Date: October 4, 2021

On this 4th day of October 2021
appeared Mary Ann Anderson
known to me to be said person.

ANGELA T. WINGERTER
Notary Public in the State of New York
Qual. in Madison Co. No. 01W16200817
My Commission Expires 2/09/2025

Angela T. Wingarter
Notary Public

Mt. Pleasant Cemetery Association

PO Box 287

Wampsville, NY 13163

December 30, 2021

The above cemetery is applying for a NYS monument repair grant. In placing the legal ad we had researched prior to placing the ad the cemetery records and found no family members or lot owners for the monuments that are being requested for repair .

Sincerely,

Mary Ann Anderson, Secretary



mtpleasantcemetery@gmail.com

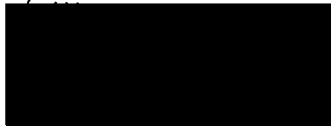
EXHIBIT B

Pexton Cemetery Management, Inc.

PO Box 405

Canastota, NY 13032

To: Mount Pleasant Cemetery
Canastota, NY



Re: **2021 NYS Grant for Mount Pleasant Cemetery**

Monument repair and new foundations - Old foundations will be dug out and re-dug to 3 1/2 - 4 foot deep. 3,000 PSI cement will be used for the new foundations that will be poured and smoothed. Areas will be cleaned, topsoiled, seeded, and old foundations removed. All work has a 5 year warranty. Pricing includes removal and disposal of old debris.

Section	Lot	Name	Foundation	Reset	Epoxy	Reason	Disposal	Amount
A	12	Burghill, Jason	30 x 14	\$75.00		leaning, loose		\$390.00
A	31	Shettler, John	30 x 14	\$75.00		leaning, loose		\$390.00
	2	22 Kyser, Nathaniel	56 x 30	\$450.00		on a hill, leaning		\$1,626.00
	2	53 Buyea, Nancy	30 x 16	\$75.00		crooked, leaning		\$435.00
	2	54 Loveland, Carrie	36 x 16	\$225.00		loose, leaning		\$657.00
	2	55 Smith, Christian	30 x 16	\$75.00		leaning on hill		\$435.00
	4	24 Overfield, Anna J.	36 x 18	\$125.00		loose, undermined		\$611.00
	5	22 Ritter, Elizabeth	30 x 16	\$75.00		loose, leaning		\$435.00
	5	21 Brown, John	30 x 16	\$75.00		loose, leaning		\$435.00

5	17 Miller, Alexandria 17 Miller, Julia	Alexandria & Julia	60 x18	\$125.00	loose, leaning	\$935.00
6	3 Clow, F.C.		56 x 30	\$250.00	on hill leaning	\$1,510.00
6	20 Burkhardt, John		48 x 24	\$250.00	leaning	\$1,114.00
6	6 French, Willis		28 x 16	\$150.00 yes	loose, leaning	\$486.00
7	18 Richardson, Orrin		36 x 14	\$75.00	loose , leaning	\$450.00
8	59 Best, Frank		60 x 18	\$125.00	on edge of hill leaning	\$935.00
8	67 Higby, Alfred		56 x 36	\$275.00	on edge of hill leaning	\$1,787.00
8	54 Shaffer, John P.		80x 66		pour collar foundation	\$1,325.00
8	18 Sabin, Sherrod		60 x 24	\$325.00	leaning on edge	\$1,405.00
9	67 Cononmikes, Eva		30x18	\$145.00	loose, leaning on hill	\$550.00
9	20 Miles, Mott		36 x 24	\$145.00	loose, leaning	\$793.00
9	84 Jones, Martin		54 x 22	\$425.00	loose leaning 1880-1915	\$1,316.00
11 43/11	Clapper, James		48 x 16	\$125.00	leaning, sinking	\$720.00
East	199 Harris, Alice Reed		30 x 14	\$75.00	leaning	\$390.00
Totals				\$3,740.00	Total Cost	\$19,130.00

* Reset charges included in Total Cost.

EXHIBIT C



mary ann mt pleasant cemetery <mtpleasantcemetery@gmail.com>

Mt. Pleasant Cemetery, Canastota monument repair

1 message

mary ann mt pleasant cemetery <mtpleasantcemetery@gmail.com>
To: jody@kelloggmemorials.com

Tue, Sep 14, 2021 at 3:31 PM

Jody,

Attached is the spreadsheet for the above cemetery. I will be sending Walnut Grove from its own email.

Our specifications are Old foundations to be dug out and re-dug to 3/12-4 foot deep, 3,000PSA cement for the new foundations to be poured and smoothed.

All areas to be cleaned, topsiled, seeded and old foundations to be removed.

Minimum 5 year warranty. Pricing to include removal and disposal of all old debris.

Your estimate should have Section name/number, name on monument, size of foundation to be poured, if there is a reset fee and how much, epoxy if needed, reason for repair, and the amount to repair each monument listed individually. A spreadsheet is the best.

315-212-9925 if you have any questions or email at mtpleasantcemetery@gmail.com

Thanks,
Mary Ann Anderson

 **Mt. Pleasant Cemetery monuments for NYS grant 2018-2019.xlsx**
11K



mary ann mt pleasant cemetery <mtplesantcemetery@gmail.com>

Lenox Rural Cemetery NYS monument repair

3 messages

mary ann mt pleasant cemetery <mtplesantcemetery@gmail.com>
To: jody@kelloggmemorials.com

Tue, Sep 14, 2021 at 5:59 PM

Jody,

Attached is the spreadsheet for Lenox Rural Cemetery. They are all marked and the requirements are the same as all the others. Let me know when you would like to walk it. This cemetery has the most monuments 108.

Thanks
Mary Ann

 **Lenox Rural Cemetery NYS MONument Grant Sept, 2021.xlsx**
13K

jody kelloggmemorials.com <jody@kelloggmemorials.com>
To: mary ann mt pleasant cemetery <mtplesantcemetery@gmail.com>

Thu, Sep 23, 2021 at 2:10 PM

Hi, Mary Ann –

I received your message yesterday and wanted to get back to you. I'm very sorry, but at this time, I'm afraid we are unable to complete your request for a quote. We have so much work and are currently very backed up with production. The earliest we could get out to visit your cemeteries for a quote would be sometime in November and I know that's much later than you had hoped. Hopefully you understand that the families we are currently serving must take precedence over repair/reno projects. Again, my apologies.

Thank you for thinking of us.

Jody



Jody Wiggins Hunt

Kellogg Memorials

1014 W. Dominick St. Rome, NY 13440

315-336-0664

<https://www.kelloggmemorials.com>

[Quoted text hidden]

mary ann mt pleasant cemetery <mtplesantcemetery@gmail.com>
To: "jody kelloggmemorials.com" <jody@kelloggmemorials.com>

Thu, Sep 23, 2021 at 3:11 PM

Jody,

We totally understand that your customers and current work come first. I retired from a customer service job and it is very important to me. We could walk the cemeteries with you up to about November 7th. (then we leave for FL and our winter crew takes over)

EXHIBIT D

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK,

Madison County, ss:
City of Oneida.

LEGAL NOTICE

To: the last known owners or owners of the following burial lots located in Mt. Pleasant Cemetery, Mt. Pleasant Cemetery Rd., Canastota, NY and all persons having or claiming to have an interest in said burial lots:

SECTION 2: Loveland, Carrie lot 54
Smith, Christian lot 55
SECTION 9: Conomikes, Eva lot 67

PLEASE TAKE NOTICE that (1) the monuments or markers located at said burial lots are so badly out of repair, dilapidated or otherwise are creating a dangerous condition. (2) the Persons to whom this notice is addressed must repair, straighten or remove said monuments or markers within 60 days of the date of the third publication of this notice, and (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers within such 60 day time period, the Mt. Pleasant Cemetery Association may remove or repair said monuments or markers without further notice to the persons to whom this notice is addressed.

Mt. Pleasant Cemetery Association, c/o Mary Ann Anderson, Secretary, PO Box 287, Wampsville, NY 13163.
3x: 8/17, 24, 31

AD#2210565

Michele Sisco-Martin residing in Kingston, New York, being duly sworn, deposes and says that she is the Regional Legal Clerk of **Media News Group**, a Corporation duly organized under the laws of the State of New York; that said Corporation is the publisher of **The Oneida Daily Dispatch**, which is a public newspaper and has been continuously published and circulated throughout Madison County since eighteen hundred and fifty-one (1851) and published in the City of Oneida, County of Madison and State of New York, and that the notice of which the annexed is a printed copy, has been regularly published **The Oneida Daily Dispatch**.

ONCE WEEKLY for THREE WEEKS

Commencing on the 17th day of August, 2021

To wit: August 17, August 24 and August 31, 2021

Michele Sisco-Martin

Sworn to before me this
31st of August, 2021.

Kathi L Davis

Notary Public

KATHI L DAVIS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DA6410130
Qualified in Ulster County
My Commission Expires October 19, 2024

NORTHEAST CLUSTER

KINGSTON | TROY | SARATOGA | ONEIDA

A division of
MediaNews Group

RECEIPT

21st Century Media - New York
PO Box 8003
Willoughby, Oh 44096
Phone: 1-855- 664-5860

08/09/21

Gross:	\$61.68
Paid Amount:	- \$0.00
Amount Due:	\$61.68

Account: 1400209	Date: 08/09/21
Name: MARY ANN ANDERSON	Ad Date: 08/12/21 - 08/26/21
Company: MT. PLEASANT CEMETERY	Class: 1201 - Legal Notices
Address: [REDACTED]	Ad ID: 2208710
Telephone: [REDACTED]	Ad Taker: CRCSTAHL
Description: LEGAL NOTICE To: the last known owne	Sales Person: Kimberly Mathous (061312)
PO Number:	Words: 185
	Lines: 53
	agate Lines: 53
	Columns: 1
	Depth: 5.889
	Col Inches: 5.889
	Inserts: 6
	Blind Box: 0
	Preprints: 0

Ad sample

LEGAL NOTICE

To: the last known owners or owners of the following burial lots located in Mt. Pleasant Cemetery, Mt. Pleasant Cemetery Rd., Canastota, NY and all persons having or claiming to have an interest in said burial lots:

SECTION 2: Loveland, Carrie lot 54
Smith, Christian lot 55
SECTION 9: Conomikes, Eva lot 67

PLEASE TAKE NOTICE that (1) the monuments or markers located at said burial lots are so badly out of repair, dilapidated or otherwise are creating a dangerous condition. (2) the Persons to whom this notice is addressed must repair, straighten or remove said monuments or markers within 60 days of the date of the third publication of this notice, and (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers within such 60 day time period, the Mt. Pleasant Cemetery Association may remove or repair said monuments or markers with-

out further notice to the persons to whom this notice is addressed. Mt. Pleasant Cemetery Association, c/o Mary Ann Anderson, Secretary, PO Box 287, Wampsville, NY 13163.
3x: 8/12, 19, 26
AD#2208710

*pd cl# 1693
8/10/21*

Publication(s)

The Record, troyrecord.com

*We Appreciate Your Business!
Thank You MARY ANN ANDERSON!*

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK,
Madison County, ss:
City of Oneida.

Michele Sisco-Martin residing in Kingston, New York, being duly sworn, deposes and says that she is the Regional Legal Clerk of **Media News Group**, a Corporation duly organized under the laws of the State of New York; that said Corporation is the publisher of **The Oneida Daily Dispatch**, which is a public newspaper and has been continuously published and circulated throughout Madison County since eighteen hundred and fifty-one (1851) and published in the City of Oneida, County of Madison and State of New York, and that the notice of which the annexed is a printed copy, has been regularly published **The Oneida Daily Dispatch**.

ONCE WEEKLY for THREE WEEKS

Commencing on the 14th day of January, 2021
To wit: on January 14, January 21 and January 28, 2021

LEGAL NOTICE
To: the last known owners or owners of the following burial lots located in Mt. Pleasant Cemetery, Mt. Pleasant Cemetery Rd., Canastota, NY and all persons having or claiming to have an interest in said burial lots:
SECTION A:
Burghill, Jason, lot 12
Shettler, John, lot 31
SECTION 2:
Kyser, Nathaniel, lot 22
Buyea, Nancy, lot 53
SECTION 4:
Overfield, Anna, lot 24
SECTION 5:
Ritter, Elizabeth, lot 22
Brown, John, lot 21
Miller, Alexander, lot 17
Miller, Julia, lot 17
SECTION 6:
Clow, F.C., lot 3
Burkhardt, John, lot 20
French, Willis, lot 6
SECTION 7:
Richardson, Orrin, lot 18
SECTION 8:
Best, Frank, lot 59
Higby, Alfred, lot 67
Shaffer, John P., lot 54
Sabin, Sherrod, lot 18
SECTION 9:
Miles, Mott, lot 20
Jones, Martin, lot 84
SECTION 11: Clapper, James, old lot 43, new lot 11
EAST SECTION: Harris, Alice Reed, lot 199

Michele Sisco Martin

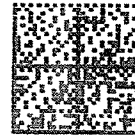
Sworn to before me this
28th of January, 2021.

Kathi L. Davis
Notary Public

KATHI L DAVIS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DA6410130
Qualified in Ulster County
My Commission Expires October 19, 2024

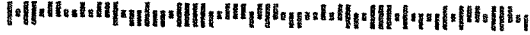
PLEASE TAKE NOTICE that (1) the monuments or markers located at said burial lots are so badly out of repair, dilapidated or otherwise are creating a dangerous condition. (2) the Persons to whom this notice is addressed must repair, straighten or remove said monuments or markers within 60 days of the date of the third publication of this notice, and (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers within such 60 day time period, the Mt. Pleasant Cemetery Association may remove or repair said monuments or markers without further notice to the persons to whom this notice is addressed. Mt. Pleasant Cemetery Association, c/o Mary Ann Anderson, Secretary, PO Box 287,

21st Century Media - New York
 PO Box 8003
 Willoughby, OH 44096-8003



Address Service Requested

8998000219 PRESORT PBPS001



MT PLEASANT CEMETERY ASSOCIATION
 PO BOX 287
 WAMPSVILLE NY 13163-0287

21ST CENTURY MEDIA - NEW YORK
 PO BOX 8003
 WILLOUGHBY, OH 44096-8003



BILLING PERIOD	ADVERTISER/CLIENT NAME	
01/01/21 - 01/31/21	MT Pleasant Cemetery Association	
CURRENT DUE	TOTAL AMOUNT DUE	ACCOUNT #
\$103.49	\$103.49	42004
TERMS OF PAYMENT	AMOUNT ENCLOSED	
Due Upon Receipt		

REMITTANCE PORTION ABOVE: DETACH AND RETURN ABOVE PORTION WITH YOUR PAYMENT

ADVERTISING INVOICE / STATEMENT

PREVIOUS BALANCE

0.00

DATE	DESCRIPTION	AD #	X's	UNITS / QTY / SIZE	RUN DATES	NET AMT
01/28/21	The Oneida Daily Dispatch	2103833	6	474.00	1/14/2021 1/28/2021	
Subtotal - LEGAL NOTICE To: the last know						103.49

We mailed this check (#1674) on Jan 12, 2021 by certified US Mail to your PO Box 8003, Willoughby, OH. You did not cash it till Feb 4, 2021. It was picked up from your PO Box till Feb 2nd.

The last two years and now for a third our checks are either lost or delayed or credited to the wrong account.

There must be something that can be done to correct this.

Margaret Anderson, Secretary

BILLING PERIOD	ACCOUNT#	AGING CURRENT	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS	OVER 120 DAYS	TOTAL AMT DUE
01/01/21 - 01/31/21	42004	\$103.49	\$0.00	\$0.00	\$0.00	\$0.00	\$103.49

To make a payment or for billing inquiries, please call 1-855-664-5860. We accept all major credit cards.

MT Pleasant Cemetery Association

MediaNews Group
 The Community News • The Daily Freeman • The Oneida Daily Dispatch • Oneida-Madison Pennysaver • The Saratogian • The Record

