

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
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: LAKEWOOD CEMETERY ASSOCIATION, #39-016

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: APRIL 19, 2022

Application Completed signed and notarized

36 Monuments Requested

No response to the Legal Notice run 3 times in The Oneonta Daily Star for \$134.74

36 Monuments Appear Hazardous

Estimates: **Humphrey Memorials repair estimate \$65,230 (average \$1,812/ monument)**

Barnett Memorials repair estimate \$66,071 (average \$1,835 / monument).

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

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

Previous disbursement used appropriately

Recommend Approval in the amount of \$65,364.74



**Department
of State**

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

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

SUBJECT: Lakewood Cemetery Association, #39-016

RE: Application for Repair of Hazardous Monuments

DATE: April 15, 2022

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Humphrey Memorials estimate for \$65,230.00
- C) Barnett Memorials estimate for \$66,071.00
- D) Invoice and copy from Oneonta Daily Star legal notice for \$134.74
- E) Completion report for previous hazardous monument work approved in August 2020

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 36 hazardous monuments located in the Lakewood Cemetery of the town of Middlefield, Otsego County. The application was submitted by Milo Stewart, president of the Lakewood Cemetery Association. Included with this application were two estimates: one from Humphrey Memorials (Exhibit B) totaling \$65,230.00; and one from Barnett Memorials (Exhibit C) for \$66,071.00. Also included was an invoice from an Oneonta Daily Star newspaper legal notice (Exhibit D) that was run for three consecutive weeks for \$134.74.

I recommend approval of this application.



Department
of State

The Monuments

I visited the cemetery on April 13, 2022 and found that all 36 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. Additionally, the cemetery indicated that it had no records available to contact lot owners directly. The most recent burial I identified dated from 1923, so it is unlikely any records would produce positive results. Based upon the information provided, it is the Division's understanding that the cemetery has determined that the monument owners cannot be found.

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 Humphrey Memorials and Barnett Memorials offer a ten-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 August 2020, and the funds appear to have been spent appropriately (Exhibit E). All documents appear to be in order, and this appears to be a legitimate claim for \$65,364.74. I recommend that this application be approved.

Exhibit A



Division of Cemeteries

RECEIVED DIV. OF CEMETERIES

FEB 07 REC'D

2022 ALBANY OFFICE DEPARTMENT OF STATE

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.

Form fields: AMOUNT REQUESTED (\$65,230 \$65,364.74), COUNTY IN WHICH CEMETERY IS LOCATED (OTSEGO), CEMETERY NAME (LAKEWOOD CEMETERY), CEMETERY ID NUMBER (39-016), NAME OF CEMETERY OFFICIAL (MILO V. STEWART JR.), TITLE (PRESIDENT), ADDRESS (redacted), ZIP CODE (redacted)

Form fields: Abandonment & Monument Repair Fund? (checked YES), *If YES, when? (10/7/2020), Amount Received: (\$47,300), Was proof of completed work forwarded to the Division of Cemeteries? (checked YES)

1. Provide a description of each damaged monument and/or marker and enclose referenced photos: All monuments in the attached photos have leaning stones and sliding sections and present a hazard to cemetery visitors, employees and the public.

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.

4. Attach LCA Policy regarding replacement of monuments with markers.

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: [Signature] Date: 2/1/2022

On this 1st day of February 2022 appeared Milo V. Stewart known to me to be said person. [Signature] Notary Public

MARTIN H. TILLAPPAUGH Notary Public, State of New York No. 4642560 Qualified in Otsego County Commission Expires August 31, 2025

Lakewood Cemetery Association



Lakewoodcemetery13326@gmail.com www.cooperstownlakewoodcemetery.com

LAKWOOD CEMETERY, incorporated in 1857, was created in response to the mid-nineteenth century Rural Cemetery Movement whose advocates promoted rural cemeteries in park-like settings to overcome crowded and unsanitary conditions in urban burying grounds. The Cemetery is the resting place of notable national, state and local persons whose monuments are works of art and epitaphs are eloquent. Lakewood Cemetery is listed on the National Register of Historic Places.

Therefore, it is the policy of Lakewood Cemetery Association not to make changes to monuments and gravestones by replacing them with flush bronze or granite markers whenever lot owners cannot be located in order to preserve the natural and historical character of the Cemetery.

September 30, 2019

Exhibit B

Humphrey Memorials, Inc.

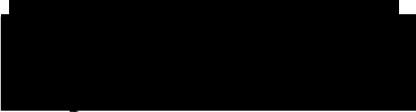
3051 State Rt. 28

Herkimer, NY 13350

315-866-4471*humphreymemorials@gmail.com

Nov. 2, 2021

Lakewood Cemetery



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-42" depth
- 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.

Exhibit C

236 East Main St.
Elbridge, NY 13060
315-689-3813 (T)
315-689-5241 (F)

131 Seymour St.
Auburn, NY 13021
315-255-1234 (T)
315-255-1333 (F)

barnettmemorials1@gmail.com



Mausoleums - Monuments - Markers
Cemetery Lettering & Cleanings
Cemetery Restorations

December 15, 2021

Merrilyn,

Attached is our bid for the restoration project for Lakeview Cemetery, Cooperstown. The total for materials and labor is \$66071.00. If we can be of service or if you have any questions, please let me know.

Thank you,

Bill@Barnetts

Rinaldi

Hazardous Monument Application Spreadsheet

Cemetery Name & Address
 Name: Lakewood Cemetery
 Address: [Redacted]
 Phone: [Redacted]
 Contact P: [Redacted]
 (Please print)

Contractor or Monument Company Name & Address
 Name: Barnett Memorials
 Address: 236 East Main Street
Elbridge NY 13060
 Phone: (315) 689-3813
 Contact Person: Bill Rinaldi

Date: _____

1	2	3	4	5		6	7	8	9	10	11	12
				Cost of Foundation with 3 Dimensions X 36	Total Cost of Repair & Foundation							
Name on Monument	Location/ Section	Cost to Remove, Repair & Reset Monument	Cost of Foundation with 3 Dimensions X 36	Cost of Foundation	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											
LATHROP, Horace J	313/214	1300	54x34	1836	3136							
Lathrop, Charles	215	1050	48x24	1152	2202							
LEWIS, Jerome J	124	750	25x28	784	1534							
NILES, Rev. S. W. J	374R	1200	24x24	576	1776							
Gene, Sally	212	1200	30x30	900	2100							
SAVAGE, [unclear]	N/2370	1050	38x24	912	1962							
Shattuck, [unclear]	352	750	35x22	836	1586							
Short, Emily	440	1300	34x34	1156	2456							
Sisson, Esther	375	600	32x18	576	1176							
SOULER, [unclear]	163	1500	44x44	1936	3436							
Thurston, Margaret	352	550	36x20	720	1270							
TULLER, William	231E/A	850	36x36	1296	2146							
VAN HORN, [unclear]	155	1400	34x34	1156	2556							
VAN HORNE, [unclear]	137	1400	36x36	1296	2696							
WADSWORTH, [unclear]	433	1050	32x32	1024	2074							
Walker, Sarah	180	550	25x16	448	998							
WETHERSPOON, [unclear]	218	1050	36x36	1296	2346							
WOOD, [Robert]	222B	1050	25x28	784	1534							

\$66,071.00

Exhibit D

STATE OF NEW YORK
COUNTY OF OTSEGO, SS

To: The last known owner or owners of the following burial lots located in the Lakewood Cemetery, Town of Middlefield, in Otsego County, New York, and all persons having or claiming to have an interest in said burial lots:

Arthur Adsit (Lot 451), David Ball (Lot 365), Elizabeth Banister (Lot 372), Thomas Blodgett (Lot 160), Caleb Clark (Lot 371), James L. Clark (168), Ann B. Coburn (Lot 389), Nathan & Parah Cole (Lot 352), Henry Converse (Lot 264), Sara Cross (Lot 435), Charles D. Fellows (222A), Abner Graves (231), Robert Harvey (Lot 161), William Jones (Lot 436A), Ebenezer B. Kelley (Lot 434), Horace Lathrop Jr. (213-214), Horace Lathrop Sr. (215), Esther Lewis (375), Mrs. Sarah Lewis (Lot 12H), Julia L. Niles (Lot 374), H. F. Rowe (Lot 212), Mary Savage (Lot N½ 370), John J. Short (440), Joel J. Squier (Lot 163), William Tuller (231), Abraham B. Van Horne (Lot 157), Cornelius Van Horne (155), Chester I. Wadsworth (Lot 433), Sarah Walker (Lots 150, 152), James Wedderspoon (Lot 218), James M. Whipple (Lot 218), Robert Wood (Lot 222B)

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 the notice or by August 15, 2021 and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after August 15, 2021, the Lakewood 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 Marilyn O'Connell, Trustee, [REDACTED] before August 15, 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

29, 110

Day(s) of JUNE 2021

Ashley Hogan

Sworn to before me the 15

Day of November 2021

[Signature]

NOTARY PUBLIC

VALERIE ANNE SECOR
Notary Public - State of New York
NO. 01SE6417815
Qualified in Otsego County
My Commission Expires May 24, 2025

Please Return Upper Portion With Payment

10) Date	11) Reference	12) 13) 14) Description-Other Comments/Charges	15) SAU Size 16) Billed Units	17) Times Run 18) Rate	19) Gross Amount	20) Net Amount
06/16/21	392693	TO: THE LAST KNOWN OWNERS	3.0X44.00	3		
	LEGL	06/02,09,16	132.00	0.32	134.74	134.74
	AFF	DS IN AFFIDAVIT NOTARY		10.00		

Statement of Account - Aging of Past Due Amounts

Due date: 07/15/21

21) Current Net Amount Due	22) 30 Days	60 Days	Over 90 Days	*Unapplied Amount	23) Total Amount Due
134.74	0.00	0.00	0.00		134.74

THE DAILY STAR
(800) 721-1000

* UNAPPLIED AMOUNTS ARE INCLUDED IN TOTAL AMOUNT DUE

24) Invoice Number	25) Billing Period	6) Billed Account Number	1) Advertiser/Client Number	2) Advertiser/Client Name
58792	06/2021	58792	58792	LAKWOOD CEMETERY ASSOC

*Pd 7/6/21
ck # 5987*

Exhibit E

DIVISION OF CEMETERIES
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44 HAWLEY STREET
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DEPARTMENT OF STATE - DIVISION OF CEMETERIES

MEMORANDUM

TO: Lewis Polishook, Director

FROM: Brendon Stanton, Investigator

SUBJECT: Lakewood Cemetery Association, #39-016

RE: Repair of Hazardous Monuments

DATE: January 14, 2022

By application dated April 3, 2020, the Lakewood Cemetery Association of the town of Middlefield, Otsego County, applied for funds for the repair of 31 hazardous monuments. The State Cemetery Board approved this application in its meeting on August 11, 2020, in the amount of \$47,407.73. The contract was awarded to Humphrey Memorials. Having been informed that the project had been completed, I inspected the work on November 18, 2021, and found it satisfactory.



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