

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

KATHY HOCHUL
GOVERNOR

CEMETERY BOARD

ROBERT J. RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

JAMES V. McDONALD, M.D., M.P.H.
ACTING COMMISSIONER OF HEALTH

TO: NEW YORK STATE CEMETERY BOARD

FROM: MICHAEL D. SEELMAN, INVESTIGATOR II

SUBJECT: HOWARD CEMETERY ASSOCIATION, #51-031

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: May 17, 2023

Application completed, notarized and signed

29 Monuments Requested

Legal Notice run 3 times in The Southern Tier Shopper \$391.50

29 Monuments Appear Eligible, the most recent monument is dated 1933

Estimates: **DC Masonry repair estimate \$46,924 (average \$1,618/ monument)**

Hills Monuments repair estimate \$48,820 (average \$1,683/ monument)

Lidden dirt removal estimate \$2,000

Both contractors propose 42-inch foundations, DC offers a 15-year warranty and Hills offers a 10-year warranty.

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

Previous allocation was used appropriately

Recommend Approval in the amount of \$49,315.50.

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
ROBERT J. RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL
JAMES V. McDONALD, M.D., M.P.H.
ACTING COMMISSIONER OF HEALTH

TO: New York State Cemetery Board

FROM: Brendon Stanton, Investigator

SUBJECT: Howard Cemetery Association, #51-031

RE: Application for Repair of Hazardous Monuments

DATE: May 17, 2023

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) DC Masonry estimate for \$46,924.00
- C) Hills Monuments estimate for \$48,820.00
- D) Estimate for dirt removal for \$2,000.00
- E) Invoice and copy from Southern Tier Shopper legal notice for \$391.50
- F) Completion report for previous hazardous monument work approved in January 2022

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 29 hazardous monuments located in the Howard Cemetery of the town of Howard, Steuben County. The application was submitted by Barbara Cleeves, treasurer of the Howard Cemetery Association. Included with this application were two estimates: one from DC Masonry (Exhibit B) totaling \$46,924.00; and one from Hills Monuments (Exhibit C) for \$48,820.00. The cemetery received a separate bid for dirt removal for \$2,000.00 (Exhibit D). Also included was an invoice from a Southern Tier Shopper newspaper legal notice (Exhibit E) that was run for three consecutive weeks for \$391.50.

I recommend approval of this application.



Department
of State

The Monuments

I visited the cemetery on October 12, 2022 and found that all 29 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. The most recent burial I was able to locate on any of these lots dates from 1933, and the cemetery has no contact information for these families. Based upon the information provided, it is the Division's understanding that the cemetery has determined that the monument owners cannot be located.

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. DC Masonry offers a 15-year warranty, while Hills Monuments offers a 10-year warranty.

Dirt Removal

Neither contractor included dirt removal in its estimate, nor were they interested in providing an estimate to remove the dirt. I instructed the cemetery to get an additional estimate for this expense. A local contractor, Mark Lidden, provided an estimate for \$2,000.00 (Exhibit E). This is consistent with the cost for the cemetery to have the dirt removed from its last application, which was approved by the Cemetery Board.

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 January 2022, and the funds appear to have been spent appropriately (Exhibit F). All documents appear to be in order, and this appears to be a legitimate claim for \$49,315.50. 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 \$49,315.50	COUNTY IN WHICH CEMETERY IS LOCATED Steuben
CEMETERY NAME Howard Cemetery	CEMETERY ID NUMBER 51031
NAME OF CEMETERY OFFICIAL Barbara Cleeves	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	4843
Home [REDACTED]	Work [REDACTED]
E-MAIL ADDRESS Barb Cleeves@gmail.com	FAX

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

*if YES, when? Dec. 2021 Amount Received: \$37,140.68

Was proof of completed work forwarded to the Division of Cemeteries? Yes, Brendan Stratten 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: Barbara Cleeves Date: 10-12-2022

LOREEN A. KARR
NOTARY PUBLIC # 01KA4741738
State of NY, County of Steuben
My commission expires 8/31/25

On this 12th day of October 2022
appeared BARBARA Cleeves
known to me to be said person
Loreen A. Karr
Notary Public

Exhibit B

Hazardous Monument Application Spreadsheet

Cemetery Name & Address

Date: _____

Name: Howard cemetery

Contractor or Monument Company Name & Address

Address: _____

Name: DC Masonry

Phone: _____

Total Number of Stones:

Address: 2329 Chase rd
Rock Stream NY 14878

Contact Person: _____

Phone: 607-738-0730

(Please print clearly)

Contact Person: David Clancey

29

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 L X W X D 42"	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											
1. Spalding	40	500	1,872	30X51	2,372							
2. Cobb-Henry	101	200	792	20X32	992							
3. Bartholomew	8	500	2,080	52X32	2,580							
4. Forrester Charles	68	500	2,235	42X42	2,735							
5. Ford Eli	15	200	1,016	28X28	1,216							
6. Olmstead A.A.	27	200	1,388	32X32	1,588							
7. Miller Samuel	45	200	1,319	35X28	1,519							
8. McDowell Richard	44	200	690	22X22	890							
9. Gifford Alonzo	50	200	769	25X25	969							
10. Russell Joel	61	200	930	27X27	1,130							
11. Russell Joel Jr	61A	200	930	27X27	1,130							
12. Vanwie John	86	200	1,195	30X30	1,395							
13. Cole A.P.	18	200	1,332	38X26	1,532							
14. Stewart J.	1	200	889	18X39	1,089							
15. Degraff Leroy	28	200	1,016	28X28	1,216							
16. Lyke Jacob	34	500	2,211	33X53	2,711							
17. Coats Tom	50	200	848	26X26	1,048							
18. Baxter Albert	20	200	1,753	45X28	1,953							

Hazardous Monument Application Spreadsheet

Date: _____

Cemetery Name & Address

Name: Howard Cemetery

Contractor or Monument Company Name & Address

Name: DL Massey

Address: _____

Address: 2329 Chase rd

Phone: _____

Rock Stream NY 14878

Contact Person: _____

Phone: 607-738-9730

Total Number of Stones:

29

Contact Person: David Clancey

(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 <i>LXWXD 42"</i>	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											
19. <u>McCannell</u>	<u>57</u>	<u>500</u>	<u>1,980</u>	<u>40X40</u>	<u>2,480</u>							
20. <u>Dillenbeck</u>	<u>27</u>	<u>200</u>	<u>693</u>	<u>24X24</u>	<u>893</u>							
21. <u>Goff Willis</u>	<u>8</u>	<u>200</u>	<u>693</u>	<u>24X24</u>	<u>893</u>							
22. <u>Sharp Tom</u>	<u>59</u>	<u>200</u>	<u>823</u>	<u>33X20</u>	<u>1,023</u>							
23. <u>Bennett</u>	<u>60</u>	<u>500</u>	<u>1,980</u>	<u>40X40</u>	<u>2,480</u>							
24. <u>Sharp John</u>	<u>61</u>	<u>200</u>	<u>1,195</u>	<u>30X30</u>	<u>1,395</u>							
25. <u>Manell A.E.</u>	<u>34</u>	<u>200</u>	<u>690</u>	<u>20X20</u>	<u>890</u>							
26. <u>Willis R.H.</u>	<u>92</u>	<u>2,000</u>	<u>2,192</u>	<u>52X52</u>	<u>4,192</u>							
27. <u>Welch Eli</u>	<u>97</u>	<u>500</u>	<u>1,980</u>	<u>40X40</u>	<u>2,480</u>							
28. <u>Honey A.</u>	<u>45</u>	<u>200</u>	<u>1,040</u>	<u>40X20</u>	<u>1,240</u>							
29. <u>Gulliver John</u>	<u>44</u>	<u>200</u>	<u>693</u>	<u>24X24</u>	<u>893</u>							

Total \$ 46,924

All Foundations have a 15 year guarantee.

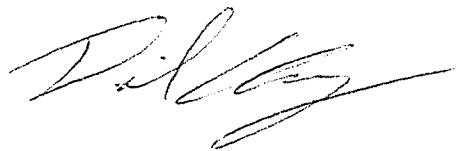


Exhibit C

Hazardous Monument Application Spreadsheet

Date:

Cemetery Name & Address			Contractor or Monument Company Name & Address		
Name: <u>HOWARD LEMETER</u>		Total Number of Stones:	Name: <u>HILLS MONUMENTS</u>		
Address: <u>HOWARD NY</u>			Address: <u>372 PARK AVE.</u>		
Phone: _____			<u>CORNING NY 14830</u>		
Contact Person: _____			Phone: <u>607-936-4677</u>		
Contact Person: _____			Contact Person: <u>Bryan Hills</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											
SPALDING	40	525	1895	30x51	2420							
COBB-HENDY	101	225	830	20x32	1055							
BATHOLOMEW	8	525	2100	52x32	2625							
FORESTER CHARLES	68	525	2300	42x42	2825							
FORD ELI	15	225	11025	28x28	1250							
OLMSTEAD A.A.	27	225	1410	32x32	1635							
MILLET SAMUEL	45	225	1330	35x28	1555							
MCDOWELL RICHARD	44	225	710	22x22	935							
GIFFORD ALONZO	50	225	785	25x25	1010							
RUSSELL JOEL	61	225	970	27x27	1195							
RUSSELL JOEL JR.	61A	225	970	27x27	1195							
VANWIE JOHN	86	225	1220	30x30	1445							
COLE A.P.	18	225	1385	38x26	1580							
STEWART J.	1	225	915	18x39	1140							
DEGRAFF LEROY	28	225	1025	28x28	1250							
LYKE JACOB	34	525	2315	33x53	2840							
COOTS TOM	50	225	865	26x26	1090							
BOXTEL ALBERT	20	225	1800	45x28	2025							

Exhibit D

To: Grant Comm. #122

Re: Dirt & Stone Removal / Howard Cemetery Association

Date: Oct. 12, 2022

I would like to submit a bid of \$2,000.00 for the removal of all stone and dirt occurred during the upcoming monument repair session. Thank you for your consideration.

Respectfully Submitted,

Stone & dirt Removal, Contractor

Mark Kidder

Exhibit E

SOUTHERN TIER SHOPPER

8478 STATE ROUTE 54, HAMMONDSPORT, NY 14840
Tel 607.569.2622 Fax 607.569.2624

AFFIDAVIT OF PUBLICATION

The undersigned is the Publisher of the Southern Tier Shopper,
and that the notice of which the annexed is a printed copy,
was printed and published in the Southern Tier Shopper,
a weekly tabloid published on Tuesdays in Steuben County, New York

A notice regarding the Howard Cemetery Monuments + Markers

Was published in said tabloid: SOUTHERN TIER SHOPPER

Commencing on 5/18/22 and ending on 6/1/22

The text of the notice published in the Southern Tier Shopper is as in the
annexed exhibit.

Signature: Rita S Butters

Printed Name: Rita S Butters

Designation: Publisher

Subscribed and sworn before me, this 4th day of August 2022

Signature: Melissa Peacock

Notary Public

Printed Name: Melissa Peacock

LEGAL NOTICE

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

First Name	Last Name	Problem	Measurement	Lot
CHARLES	HIGGINS	Leaning	26 x 27	6
SILAS	JONES	Leaning	20 x 20	7
A.H.	BALDWIN	Leaning	33 x 33	56
GEORGE	HOUSE	Leaning	26 x 26	24
JEHIEL	SHARP	Leaning	24 x 24	54
PHILIP	WELLS	Leaning	18 x 18	53
GEORGE	SMITH	Leaning	16 x 32	22
STEVE	PACKARD	Leaning	22 x 22	45
GEORGE	EARL	Leaning	23 x 23	14
DAVID	COOTS	Leaning	15 x 24	51
FRANK	SPENCER	Leaning	27 x 44	5
E.	MCDOWEL	Leaning	37 x 24	23
JOHN	SHILOH	Leaning	38 x 16	8
VIOLA	DEGRAFF	Leaning	16 x 16	28
ELMER	VAN HUSEN	Leaning	21 x 48	1
JUDSON	WELLS	Leaning	38 x 10	4
WARD	ALDEN	Leaning	40 x 21	3
WARD	VAN HUSEN	Leaning	23 x 21	1
JOEL	BULLARD	Leaning	22 x 21	72
GEORGE	BENNETT	Leaning	36 x 36	83
EDWARD	PHILLIPSON	Leaning	29 x 29	100
FRED	GURNSEY	Leaning	43 x 21	99
JAMES	VAN WIE	Leaning	26 x 27	70
FRANK	FERRIS	Leaning	32 x 33	69
ANDREW	BAUTER	Leaning	24 x 24	112
DANIEL	GRAY	Leaning	22 x 22	87
JAMES	GRAY	Leaning	24 x 24	87
FRANK	SHARP	Leaning	36 x 30	7
EXA	RATHBUN	Leaning	18 x 32	18
JOHN	PARKHILL	Leaning	24 x 24	92

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 August 3, 2021 and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after August 3, 2021, the Howard Cemetery 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 Bob Cleaves, [REDACTED],
Hornell, New York 14843 Phone Bob at [REDACTED]

DEADLINE: AUGUST 3, 2021

pd. 7-11-22

SOUTHERN TIER SHOPPER
PO BOX 416
HAMMONDSPORT NY 14840

INVOICE/
STATEMENT
AS OF
06/30/22

100773-01
HOWARD CEMETERY



1.5% SERVICE CHARGE PER MONTH ON 30 DAYS PAST DUE. UNPAID
ACCOUNTS SUBMITTED FOR COLLECTION WILL INCUR COLLECTION FEES

DATE	DESCRIPTION	PAPER	UNITS	RATE	CHG/CR	BALANCE
		PREVIOUS BALANCE				261.00
06/07/22	GENERAL	STSHOP	18.00	I 7.250	130.50	
	LEGAL NOTICE					
06/21/22	PAYMENT/CK 1279				261.00CR	
		NEW BALANCE				130.50

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL
130.50	.00	.00	.00	.00	130.50
SOUTHERN TIER SHOPPER				(607) 569-2622	

SOUTHERN TIER SHOPPER
 PO BOX 416
 HAMMONDSPORT NY 14840

INVOICE/
 STATEMENT
 AS OF
 05/31/22

100773-01
 HOWARD CEMETERY

1.5% SERVICE CHARGE PER MONTH ON 30 DAYS PAST DUE. UNPAID
 ACCOUNTS SUBMITTED FOR COLLECTION WILL INCUR COLLECTION FEES

DATE	DESCRIPTION	PAPER	UNITS	RATE	CHG/CR	BALANCE
	PREVIOUS BALANCE					.00
05/24/22	GENERAL LEGAL NOTICE/PLOTS	STSHOP	18.00	I 7.250	130.50	
05/31/22	GENERAL LEGAL NOTICE	STSHOP	18.00	I 7.250	130.50	
	NEW BALANCE					261.00

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	TOTAL
261.00	.00	.00	.00	.00	261.00

SOUTHERN TIER SHOPPER

(607) 569-2622

Exhibit F

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

ROBERT RODRIGUEZ
SECRETARY OF STATE
CHAIR

LETITIA JAMES
ATTORNEY GENERAL

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

DEPARTMENT OF STATE - DIVISION OF CEMETERIES

MEMORANDUM

TO: Lewis Polishook, Director

FROM: Brendon Stanton, Investigator

SUBJECT: Howard Cemetery Association, #51-031

RE: Repair of Hazardous Monuments

DATE: May 26, 2022

By application dated November 2, 2021, the Howard Cemetery Association of the town of Howard, Steuben County, applied for funds for the repair of 30 hazardous monuments. The State Cemetery Board approved this application in its meeting on January 18, 2022, in the amount of \$37,140.68. The contract was awarded to DC Masonry. Having been informed that the project had been completed, I inspected the work on May 10, 2022, and found it satisfactory.



**Department
of State**