

STATE OF NEW YORK
DEPARTMENT OF STATE

HUGHES STATE OFFICE BUILDING
333 E. WASHINGTON STREET, ROOM 514
SYRACUSE, NY 13202-1428
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

TO: NEW YORK STATE CEMETERY BOARD

FROM: MICHAEL D. SEELMAN, INVESTIGATOR II

SUBJECT: ORISKANY CEMETERY ASSOCIATION, #33-043

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: JUNE 22, 2023

Application completed, notarized and signed

32 Monuments Requested

Legal Notice run 3 times in The Rome Sentinel \$103.16

32 Monuments Appear Eligible

Estimates: **North East Cemetery Service repair estimate \$45,600 (average \$1,425/
monument)**

Mohawk Valley Monument repair estimate \$49,942 (average \$1,561/ monument)

Both contractors propose 42-inch foundations, North-East offers a 10-year warranty and Mohawk Valley did not provide warranty information.

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

Previous allocation was used appropriately

Recommend Approval in the amount of \$45,703.16.



**Department
of State**

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TO: New York State Cemetery Board

FROM: Michael D. Seelman, Investigator II

SUBJECT: Oriskany Cemetery Association, #33-043

RE: Application for Repair of Hazardous Monuments

DATE: June 22, 2023

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) North-East Cemetery Services repair estimate for \$45,600 (average \$1,425 / per monument)
- C) Mohawk Valley Monument repair estimate for \$49,942 (average \$1,561 / per monument)
- D) Invoice and copy of ad from The Rome Sentinel for \$103.16

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 32 hazardous monuments located in the Oriskany Cemetery, town of Whitestown, Oneida County. The application was submitted by Dolores Pugh, President of the Oriskany Cemetery Association. Included with this application was an estimate, from North-East Cemetery Services (Exhibit B) totaling \$45,600, an estimate from Mohawk Valley Monument (Exhibit C) totaling \$49,942. Also included was an invoice from The Rome Sentinel for a legal notice (Exhibit E) that was run for three consecutive weeks from January 17, through January 31, 2023, for \$103.16.

I recommend approval of this application.

The Monuments

The Oriskany Cemetery was visited, and 32 monuments were found to be either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. 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 2008. Mrs. Pugh stated that prior to the recent reorganization of the cemetery, records were not kept properly, but that they currently keep all lot owner information. 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

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 42 inches and replace the monument, resealing all joints with setting compound or epoxy. North-East Cemetery Services (the low bidder) offers a ten-year warranty, and Mohawk Valley Monument did not include warranty info.

Recommendation

The Cemetery is up to date on annual reports and vandalism payments and the previous allocation was used appropriately. This appears to be a legitimate claim for \$45,703.16. I recommend that this application be approved.

EXHIBIT A

**Oriskany Cemetery Association
P.O. Box 624
Oriskany, NY 13424**

RECEIVED
DIV. OF CEMETERIES
FEB 21 2023
ALBANY OFFICE
DEPARTMENT OF STATE

February 15, 2023

NYS Department of State
Division of Cemeteries
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231

Dear Sir,

The Oriskany Cemetery Association applied for the first time last year for a grant to do monument repair in our cemetery. We were very pleased with the process and with the assistance we received from your agency.


We would like to apply again this year to repair thirty-two more monuments which would complete qualified monuments in the newer sections of our cemetery.

Enclosed are the following items:

- 1) Application
- 2) A copy of the legal ad along with a notarized affidavit
- 3) A set of pictures which can be accessed at the following link:
https://drive.google.com/drive/folders/1MexC6QMqwwwq78bD6XYTluviMPhT0k9po?usp=share_link
- 4) Copies of the bids received
- 5) Copy of the legal advertisement bill from the newspaper


If you have any questions, please do not hesitate to let me know. We appreciate any assistance you are able to give us.

Sincerely,



Dolores A. Pugh, President

Oriskany Cemetery Association





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.

Form fields: AMOUNT REQUESTED (\$45,703.16), COUNTY IN WHICH CEMETERY IS LOCATED (Oneida), CEMETERY NAME (Oriskany Cemetery Association), CEMETERY ID NUMBER (33043), NAME OF CEMETERY OFFICIAL (Dolores A. Pugh), TITLE (President), STREET ADDRESS, CITY/TOWN/VILLAGE, ZIP CODE, TELEPHONE NUMBERS (Home, Work), E-MAIL ADDRESS, FAX.

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? [X] YES* [] NO. *If YES, when? 2022 Amount Received: \$72,267.85. Was proof of completed work forwarded to the Division of Cemeteries? [X] 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: Dolores A. Pugh Date: 2/16/2023

SUSAN CAPALUPO Notary Public - State of New York No. 4943444 Qualified in Herkimer County My Comm. Expires October 24, 2024

On this 16 day of February 20 23 appeared Dolores A Pugh known to me to be said person. Susan Capalupo Notary Public

EXHIBIT B

Northeast Cemetery Services

Edward McOwen
11383 Steuben Rd. East
Deerfield, NY 13502
(315) 725-2385

NeCemeteryServices@Gmail.com

1/13/2023

Northeast Cemetery Services proposes repair of 32 stones in Oriskany Cemetery, located In Oriskany, NY. For a total of \$45,600.

Repair of the monuments described in the attached spreadsheet will be performed as follows:

- Monuments will be set aside.
- The original foundation and soil will be excavated to a depth of 42" below grade.
- The excavated material will be placed in the dump area off Cemetery property.
- Concrete will be poured in the excavated hole to a few inches below grade.
- The base stone/tablet will be set in wet concrete.
- Topsoil and seed will be applied around the base to cover the concrete.
- The remaining pieces of the monument will be assembled with appropriate adhesive and all joints will be sealed with caulk.
- Work to begin after %50 down payment

Please note: some excavated holes may be formed with wood at the discretion of the contractor. Base pieces deemed unreparable will be discarded and the tablet/monument will be placed in/on a foundation the same dimensions as described in the spreadsheet.

While Northeast Cemetery Services agrees to use due care while handling these monuments, due to age and fragile condition of the pieces we will not be held liable for chips, breaks or cracks beyond a best effort repair.

The work mentioned above will resolve the current hazardous condition. The depth of the foundation and the joint sealing will resist frost movement for the foreseeable future.

A workmanship warranty of ten (10) years applies. Only violations of this agreement apply. Further natural deterioration of the stone and other damages caused by outside forces including mowers, tree limbs and other such circumstances are not covered.

Thank you.

Edward McOwen.

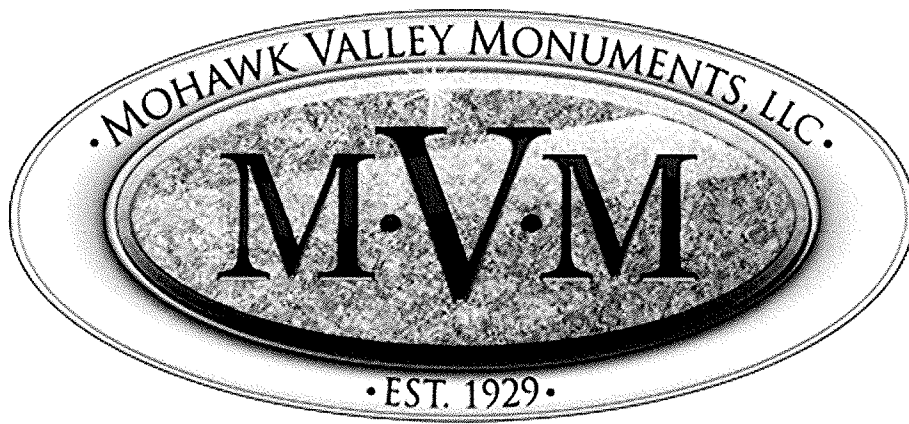
HAZARDOUS MONUMENT SPREADSHEET

Cemetery- ORISKANY

Contractor - Northeast Cemetery services. 11383 Steuben Rd East. Deerfield, NY 13502. Contact Edward McOwen (315) 725-2385

MONUMENT INFORMATION							NEW FOUNDATION			
NAME ON MONUMENT		LOCATION			DATE	FOUNDATION DIMENTIONS 42" DEEP		NEW FOUNDATION PRICE	REMOVE, REPAIR & RESET	TOTAL FOUNDATION & REPAIR
FIRST	LAST	SECTION	Block	LOT						
1	IAN	WIGGINS	2	C	3	1985	51" X 17"	\$850.00	\$450.00	\$1,300.00
2	MARTHA	MIGLIN	2	C	5	1972	47" X 17"	\$800.00	\$400.00	\$1,200.00
3	SAMUEL	CORTBITT	2	C	36	1905	50" X 29"	\$1,450.00	\$750.00	\$2,200.00
4	HERMAN	GRAHAM	2	A	35	1942	32" X 16"	\$500.00	\$250.00	\$750.00
5	ALICE	GRAHAM	2	A	35	1933	32" X 16"	\$500.00	\$250.00	\$750.00
6	ROSA	GRAHAM	2	A	35	1918	32" X 17"	\$550.00	\$250.00	\$800.00
7	LAUZON	GRAHAM	2	A	35	1912	28" X 16"	\$450.00	\$200.00	\$650.00
8	BENJAMIN	BABCOCK	2	A	33	1912	33" X 22"	\$750.00	\$350.00	\$1,100.00
9	DONALD	CLARK	3	A	28	1998	50" X 16"	\$800.00	\$400.00	\$1,200.00
10	EARL	SMITH	3	A	24	1973	45" X 17"	\$750.00	\$400.00	\$1,150.00
11	PAUL	VANBUSKIRK	3	A	25	1980	57" X 45"	\$2,550.00	\$1,000.00	\$3,550.00
12	ARTHUR	BERG-FERRO	3	A	44	1980	45" X 17"	\$750.00	\$400.00	\$1,150.00
13	WILLIAM	TRINKAUS	3	A	48	1992	51" X 17"	\$850.00	\$450.00	\$1,300.00
14	FLORENCE	SMITH	3	A	46	1977	51" X 17"	\$850.00	\$450.00	\$1,300.00
15	FRANCES	SHAW	2	B	5	1897	32" X 18"	\$600.00	\$300.00	\$900.00
16	EVA	HUMPHREY	2	B	33	1957	45" X 14"	\$650.00	\$300.00	\$950.00
17	MARY	DEWITT	2	B	2	1866	56" X 23"	\$1,300.00	\$650.00	\$1,950.00
18	WILLIAM	SUDLOW	2	D	11	1912	43" X 25"	\$1,100.00	\$550.00	\$1,650.00
19	JOSEPH	PHILPOTT	2	D	38	1923	43" X 23"	\$1,000.00	\$500.00	\$1,500.00
20	EDWARD	PUGH	2	D	64	1928	34" X 21"	\$700.00	\$350.00	\$1,050.00
21	JOHN	OWENS	2	D	47	1927	35" X 22"	\$750.00	\$400.00	\$1,150.00
22	ANDREW	NILES	2	D	6	1909	60" X 40"	\$2,400.00	\$1,000.00	\$3,400.00
23	DANIEL	COOMBS	2	D	21	1908	36" X 24"	\$850.00	\$450.00	\$1,300.00
24	THOMAS	BOLTON	2	D	4	1928	64" X 41"	\$2,600.00	\$1,000.00	\$3,600.00
25	WILLIAM	WICKINS	2	D	50	1939	30" X 19"	\$550.00	\$300.00	\$850.00
26	DENNISON	EARL	2	D	59	1968	35" X 22"	\$750.00	\$400.00	\$1,150.00
27	GEORGE	BELL	2	D	57	1924	34" X 22"	\$750.00	\$350.00	\$1,100.00
28	JANE	WILSON	2	D	24	1893	42" X 25"	\$1,050.00	\$550.00	\$1,600.00
29	NELLIE	STEELE	2	D	49	1919	36" X 25"	\$900.00	\$450.00	\$1,350.00
30	WILLIAM	NEMYIER	2	B	99	1972	51" X 17"	\$850.00	\$450.00	\$1,300.00
31	ROBERT	NEMYIER	2	B	54	1930	34" X 22"	\$750.00	\$350.00	\$1,100.00
32	EDWARD	PHILPOTT	2	B	85	1915	39" X 22"	\$850.00	\$450.00	\$1,300.00
33										
34										
35										
36										
37										
38										
39										
40										
TOTALS								\$30,800.00	\$14,800.00	\$45,600.00

EXHIBIT C



HAZARDOUS MONUMENT SPREADSHEET

MOHAWK VALLEY MONUMENTS
 2270 Broad St.
 Frankfort, NY 13340
 (315) 724-7629

Cemetery- ORISKANY

Contractor -

MONUMENT INFORMATION							NEW FOUNDATION				
NAME ON MONUMENT		LOCATION			DATE	FOUNDATION DIMENTIONS 42" DEEP	NEW FOUNDATION PRICE	REMOVE, REPAIR & RESET	TOTAL FOUNDATION & REPAIR		
FIRST	LAST	SECTION	Block	LOT							
1	IAN	WIGGINS	2	C	3	1985	51" X 17"	\$953	\$520	\$1473	
2	MARTHA	MIGLIN	2	C	5	1972	47" X 17"	\$878	\$400	\$1,278	
3	SAMUEL	CORTBITT	2	C	36	1905	50" X 29"	\$1,595	\$825	\$2,420	
4	HERMAN	GRAHAM	2	A	35	1942	32" X 16"	\$563	\$300	\$863	
5	ALICE	GRAHAM	2	A	35	1933	32" X 16"	\$563	\$300	\$863	
6	ROSA	GRAHAM	2	A	35	1918	32" X 17"	\$598	\$300	\$898	
7	LAUZON	GRAHAM	2	A	35	1912	28" X 16"	\$493	\$225	\$718	
8	BENJAMIN	BABCOCK	2	A	33	1912	33" X 22"	\$799	\$400	\$1,199	
9	DONALD	CLARK	3	A	28	1998	50" X 16"	\$880	\$425	\$1,305	
10	EARL	SMITH	3	A	24	1973	45" X 17"	\$842	\$450	\$1,292	
11	PAUL	VANBUSKIRK	3	A	25	1980	57" X 45"	\$2822	\$900	\$3,722	
12	ARTHUR	BERG-FERRO	3	A	44	1980	45" X 17"	\$842	\$425	\$1,267	
13	WILLIAM	TRINKAUS	3	A	48	1992	51" X 17"	\$954	\$400	\$1,354	
14	FLORENCE	SMITH	3	A	46	1977	51" X 17"	\$954	\$400	\$1,354	
15	FRANCES	SHAW	2	B	5	1897	32" X 18"	\$634	\$375	\$1,009	
16	EVA	HUMPHREY	2	B	33	1957	45" X 14"	\$693	\$350	\$1,043	
17	MARY	DEWITT	2	B	2	1866	56" X 23"	\$1417	\$600	\$2,017	
18	WILLIAM	SUDLOW	2	D	11	1912	43" X 25"	\$1,183	\$650	\$1,833	
19	JOSEPH	PHILPOTT	2	D	38	1923	43" X 23"	\$1,088	\$575	\$1,663	
20	EDWARD	PUGH	2	D	64	1928	34" X 21"	\$785	\$325	\$1,110	
21	JOHN	OWENS	2	D	47	1927	35" X 22"	\$847	\$500	\$1,347	
22	ANDREW	NILES	2	D	6	1909	60" X 40"	\$2,640	\$1,200	\$3,840	
23	DANIEL	COOMBS	2	D	21	1908	36" X 24"	\$950	\$450	\$1,400	
24	THOMAS	BOLTON	2	D	4	1928	64" X 41"	\$2,886	\$950	\$3,836	
25	WILLIAM	WICKINS	2	D	50	1939	30" X 19"	\$627	\$425	\$1,052	
26	DENNISON	EARL	2	D	59	1968	35" X 22"	\$847	\$450	\$1,297	
27	GEORGE	BELL	2	D	57	1924	34" X 22"	\$823	\$425	\$1,248	
28	JANE	WILSON	2	D	24	1893	42" X 25"	\$1,155	\$600	\$1,755	
29	NELLIE	STEELE	2	D	49	1919	36" X 25"	\$690	\$925	\$1,515	
30	WILLIAM	NEMYIER	2	B	99	1972	51" X 17"	\$954	\$450	\$1,404	
31	ROBERT	NEMYIER	2	B	54	1930	34" X 22"	\$823	\$300	\$1,123	
32	EDWARD	PHILPOTT	2	B	85	1915	39" X 22"	\$944	\$500	\$1,444	
33											
34											
35											
36											
37											
38											
39											
40											
TOTALS									34,022	15,920	49,942

836

EXHIBIT D

AFFIDAVIT OF PUBLICATION

Rome Sentinel



To: The last known owner of the following burial lots located in Oriskany Cemetery, 8294 Cider St., Oriskany, NY, and all persons claiming to have an interest in said burials.

Names are followed by section, block letter and lot number.

Ian Wiggins 2c3, Martha Miglin 2c5, Samuel Corbitt 2c36, Herman Graham 2a35, Alice Graham 2a35, Rosa Graham 2a35, Lauzon Graham 2a35, Benjamin Babcock 2a33, Donald Clark 3a28, Earl Smith 3a24, Paul Vanbuskirk 3a25, Arthur Berg-Ferro 3a44, William Trinkaus 3a48, Florence Smith 3a46, Frances Shaw 2b5, Eva Humphrey 2b33, Mary Dewitt 2b2, William Sudlow 2d1, Joseph Philpott 2d38, Edward Pugh 2d64, John Owens 2d47, Andrew Niles 2d6, Daniel Coombs 2d21, Thomas Bolton 2d4, William Wickins 2d50, Dennison Earl 2d59, George Bell 2d57, Jane Wilson 2d24, Nellie Steele 2d49, William Nemyier 2b99, Robert Nemyier 2b54, Edward Philpott 2b85

PLEASE TAKE NOTICE (1)

The monuments or markers are so badly out of repair or dilapidated as to create a dangerous condition, (2) the person(s) to whom this notice is addressed must repair or remove markers within 60 days of the date of this publication, and (3) if the person(s) to whom this is addressed fail to repair or remove said monuments or markers within 60 days of this publication, Oriskany Cemetery Association may remove or

AFFIDAVIT OF PUBLICATION

Rome Sentinel

State of New York,

County of, Oneida,

The undersigned is the authorized designee of **Rome Sentinel**, a **Daily** Newspaper published in **Oneida** County, **New York**. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

January 17, 2023, January 24, 2023, January 31, 2023

This newspaper has been designated by the County Clerk of **Oneida** County, as a newspaper of record in this county, and as such, is eligible to publish such notices.



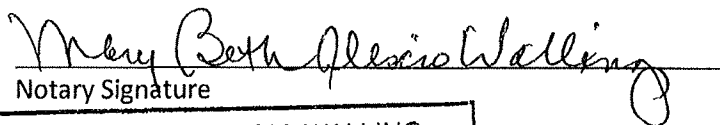
Signature

Eliot T. Putnam

Printed Name

Subscribed and sworn to before me,

This 01 day of February 2023



Notary Signature

MARY BETH ALESCIO WALLING
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01AL5056219
Qualified in Saratoga County
My Commission Expires March 04, 2026

Notary Public Stamp

da0aa5e0-71b4-4ab1-99e5-0c38c1f4ede5

eileenpierson@gmail.com

AFFIDAVIT OF PUBLICATION

Rome Sentinel

repair said monuments without
further notice to the person(s)
addressed. Contact Oriskany
Cemetery Association, c/o
Dolores A. Pugh, President, P.O.
Box 624, Oriskany, NY 13424

Sentinel Media Co., Inc.
Rome Sentinel

Invoice #: da0aa5e0
Date: 01/11/2023

Bill To
EP

Customer Email

Affidavits will be mailed or emailed (as ordered) 7 days AFTER THE
LAST INSERTION DATE.

Description	Publish Date	Amount
PUBLIC	01/17/2023	\$32.68
PUBLIC	01/24/2023	\$25.24
PUBLIC	01/31/2023	\$25.24
Affidavit(eMail)	1	\$20.00
Affidavit(Mail)	0	\$0.00

Total: \$103.16

Please remit checks payable to:

Sentinel Media Co., Inc.
111 Langley Road
PO Box 471
Rome, NY 13442

Balance:
\$103.16

The invoice number **MUST** be included on your check to ensure that your payment is applied correctly.

LEGAL NOTICE

To: The last known owner of the following burial lots located in Oriskany Cemetery, 8294 Cider St., Oriskany, NY, and all persons claiming to have an interest in said burials.

Names are followed by section, block letter and lot number. Ian Wiggins 2c3, Martha Miglin 2c5, Samuel Corbitt 2c36, Herman Graham 2a35, Alice Graham 2a35, Rosa Graham 2a35, Lauzon Graham 2a35, Benjamin Babcock 2a33, Donald Clark 3a28, Earl Smith 3a24, Paul Vanbuskirk 3a25, Arthur Berg-Ferro 3a44, William Trinkaus 3a48, Florence Smith 3a46, Frances Shaw 2b5, Eva Humphrey 2b33, Mary Dewitt 2b2, William Sudlow 2d11, Joseph Philpott 2d38, Edward Pugh 2d64, John Owens 2d47, Andrew Niles 2d6, Daniel Coombs 2d21, Thomas Bolton 2d4, William Wickins 2d50, Dennison Earl 2d59, George Bell 2d57, Jane Wilson 2d24, Nellie Steele 2d49, William Nemyier 2b99, Robert Nemyier 2b54, Edward Philpott 2b85

PLEASE TAKE NOTICE (1) The monuments or markers are so badly out of repair or dilapidated as to create a dangerous condition, (2) the person(s) to whom this notice is addressed must repair or remove markers within 60 days of the date of this publication, and (3) if the person(s) to who this is addressed fail to repair or remove said monuments or markers within 60 days of this publication, Oriskany Cemetery Association may remove or repair said monuments without further notice to the person(s) addressed. Contact Oriskany Cemetery Association, c/o Dolores A. Pugh, President, P.O. Box 624, Oriskany, NY 13424