

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: UNION CEMETERY ASSOCIATION, #45-066

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: JULY 21, 2023

Application completed, notarized and signed

97 Monuments Requested

Legal Notice run 3 times in The Watertown Daily Times \$310.72

82 Monuments Appear Eligible- 15 removed from consideration and cemetery notified

Estimates: Frary Monument repair estimate \$56,639.53 (average \$691/ monument)

Frary proposes 42-inch foundations and offers a 10-year warranty.

Note that the cemetery attempted to solicit a second bid from three contractors without success.

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

Recommend Approval in the amount of \$56,950.25.



**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
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: Union Cemetery Association, #45-066

RE: Application for Repair of Hazardous Monuments

DATE: July 21, 2023

Exhibits

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Frary Memorial repair estimate for \$56,639.53 (average \$691 / per monument)
- C) Invoices and copies from The Watertown Times for \$310.72

Introduction and Recommendation

The Division received an application (Exhibit A) for the repair of 97 hazardous monuments located in the Union Cemetery, town of Stockholm, St Lawrence County. The application was submitted by Bruce Winters, Secretary of the Union Cemetery Association. Included with this application was an estimate, from Frary Monument (Exhibit B) totaling \$64,033.41, (adjusted to \$56,639.53) and an invoice from The Watertown Daily Times for a legal notice (Exhibit D) that was run for three consecutive weeks from January 24, through February 7th, 2023, for \$310.72.

I recommend approval of this application.

The Monuments

The Union Cemetery was visited, and 82 monuments were found to be either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. The Bates 3, Chamberlain 11, Dyke 16, Hardy 24, Lewis 32, Riggs 58, Riggs 64, Scott 77, Smith 82, Smith 84, Smith 85, Smith 86, Taggart 88, Wheelock 95 and Wheelock 96, monuments did not appear to pose a hazard as they were solid and not tipping. As such these monuments were removed from consideration and the estimate was adjusted to reflect this. Winters 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 1931. 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

Frary 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 inches and replace the monument, resealing all joints with setting compound or epoxy, they provide a 10 - year warranty.

Included in this application was a statement that the cemetery was unable to solicit a second bid after reaching out to three contractors in the area. The Frary bid falls below the average price for similar work, and the cemetery requests that the requirement for a second bid be waived.

Recommendation

The Cemetery is up to date on annual reports and vandalism payments. This appears to be a legitimate claim for \$56,950.25. 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 \$ 64,033	64,344.08	\$56,950.25	COUNTY IN WHICH CEMETERY IS LOCATED Saint Lawrence
CEMETERY NAME Union Cemetery Association Incorporated	CEMETERY ID NUMBER 45066		
NAME OF CEMETERY OFFICIAL Bruce Winters	TITLE Union Cemetery Association Secretary		
STREET ADDRESS [REDACTED]		[REDACTED]	
CITY/TOWN/VILLAGE [REDACTED]		ZIP CODE 13687	
TELEPHONE NUMBERS: Home [REDACTED] Work ()			
E-MAIL ADDRESS [REDACTED]		FAX N/A	

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? YES* NO
 *If YES, when? JUNE 9, 2020 Amount Received: \$ 5,580.70

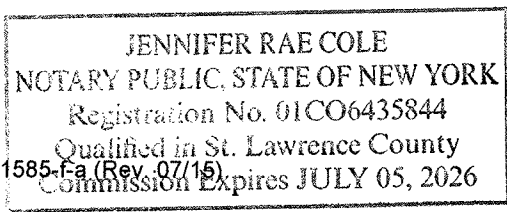
Was proof of completed work forwarded to the Division of Cemeteries? YES NO

- Provide a description of each damaged monument and/or marker and enclose referenced photos:
see attached estimate from Fray Monument
- Attach copies of bids submitted by at least two contractors for the cost of repairs or removal and replacement.
- 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: Bruce A Winters Date: 2/28/23

On this 28 day of February 23
appeared Bruce Winters
known to me to be said person.
[Signature]
Notary Public



RECEIVED February 28, 2023
DIV. OF CEMETERIES

MAR 02 2023

ALBANY OFFICE
DEPARTMENT OF STATE

Department of State
Division Of Cemeteries
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231-0001

To Whom It May Concern:

Please find attached the *Application for the Repair or Removal of Dilapidated or Dis-repaired Monuments that Create a Dangerous Condition* for Union Cemetery Association (cemetery # 45066). We have utilized the August 8, 2018 Memorandum regarding Potentially Hazardous Monuments to develop this information and believe you will find all the supporting documentation requested.

Included in this packet of information are the following:

- Pictures of the damaged stones and brief descriptions of work required
- Bids from one contractor covering the cost of repairs*
- Proof Union Cemetery Association is providing 60 day notice to the last known owner to repair or remove the monument

Please feel free to contact me if there are any questions, need for clarification or more information is required.



Bruce A. Winters
Secretary Union Cemetery Association Inc.
315-261-4357
winters4@att.net

- Union Cemetery Association was unable to secure a second quote for these services after approaching all known area businesses (Withebee & Whalen, Canton N.Y., Upstate / Arnold Monuments, Malone, NY, Adirondack Memorials, Plattsburgh NY) and therefore request an exception to the process regarding two bids be submitted as only Frary Monument Company was interested in quoting on the work required.

EXHIBIT B



Frery Monument Company
P.O. Box 1036
Ogdensburg, NY 13669
315-393-1011

Union Cemetery
East Part Rd.
Winthrop, NY 13697

Frery Monument Company would like to provide you with a quote for the cost of removal and repair of monuments in Union Cemetery.

Enclosed you will find a copy of our Hazardous Monument Application Spreadsheet. This lays out the total cost to remove, repair and reset each monument, as well as the cost of foundation. For convenience, the total cost of repair for each monument can be found in column 7. We have included photos of each monument that is to be replaced/repared with corresponding names and plot numbers.

Foundation dimensions will be specific to each monument following the same formula. Each foundation will have a margin of 2 inches around the base of the monument, and will be 42 inches deep.

The total number of monuments included in this quote is 97. The total cost of repair for all monuments is \$64,033.41. This includes removal of the aforementioned damaged monuments and materials from the cemetery and restoration of cemetery due to any regular damages that may occur during the restoration process (tire tracks, seeding etc.)

We thank you for this opportunity. Please reach out to our office if you have any questions or concerns at 315-393-1011, Monday to Friday 9:00am-5:00pm.

Regards,

A handwritten signature in black ink that reads "Ryan P. Frery". The signature is written in a cursive style.

Ryan P. Frery,
President
Frery Monument Company



Frery Monument Company
P.O. Box 1036
Ogdensburg, NY 13669
315-393-1011

Union Cemetery
East Part Rd.
Winthrop, NY 13697

To Whom It May Concern;

Frery Monument Company hereby issues a 10-year warranty of work for the following estimate to repair stones in Union Cemetery. Our warranty includes that our repair work will guarantee memorials be straight, level, foundations will be 42" in depth, and sealed with no lateral movement. If there are any questions regarding this statement of warranty, please contact our office by calling 315-393-1011 or by mail at PO Box 1036, Ogdensburg, NY 13669.

Thank you for your time,

A handwritten signature in black ink that reads "Ryan P. Frery". The signature is written in a cursive style.

Ryan P. Frery,
President
Frery Monument Company

Hazardous Monument Application Spreadsheet

Date: 12/16/2022

Cemetery Name & Address							Contractor or Monument Company Name & Address						
Name: Union Cemetery		Total of Stones: 97					Name: Frary Monument Company						
Address: East Part Rd, Winthrop NY, 13697							Address: 515 Caroline St. Ogdensburg, NY 13669						
Phone: [REDACTED]							Phone: 315-393-1011						
Contact Person: Bruce Winters <small>(Please print clearly)</small>							Contact Person: Nathan Molinari						

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Name on Monument	Location/ Section	Plot/Lot	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
1	Alan	13/8	71	\$150.67	\$853.78		\$1,004.45							
2	Bangs, Mary Jane	13/9	137	\$107.14	\$607.13		\$714.27							
3	Bates, Howard		71	\$60.27	\$341.51		\$401.78	no						
4	Bates, Sarah Riggs	11/5	71	\$50.22	\$284.59		\$334.82							
5	Beach, Mary	16/13	204	\$120.53	\$683.02		\$803.56							
6	Bolton, James	14/3	42	\$73.45	\$416.22		\$489.67							
7	Bolton, Thomas Phippen	19/1	15	\$301.33	\$1,707.56		\$2,008.89							
8	Bond, Amos	2/2	311	\$111.54	\$632.03		\$743.57							
9	Buck, Harriet Chauncey	14/1	10	\$70.31	\$398.43		\$468.74							
10	Cashman, Elias	16/13	204	\$164.06	\$929.67		\$1,093.73							
11	Chamberlain, Chester	15/16	251	\$33.48	\$189.73		\$223.21	no						
12	Cheney, Martha M.	13/6	89	\$93.75	\$531.24		\$624.99							
13	Chubb, Clarisa	14/6	90	\$52.94	\$300.01		\$352.95							
14	Converse, Bertha	15/8	123	\$87.89	\$498.04		\$585.93							
15	Dike, Chandler	15/11	171	\$141.46	\$801.60		\$943.06							
16	Dike, William	14/5	74	\$60.27	\$341.51		\$401.78	no						
17	Dunbar, Gladys & Clinton	15/15	235	\$105.47	\$597.65		\$703.11							
18	Farwell, Jesse	13/6	89	\$131.83	\$747.06		\$878.89							
19	Felix, Brian	20/12	192	\$97.93	\$554.96		\$652.89							
20	Fisher, Melissa	18/4	62	\$48.13	\$272.73		\$320.86							
21	Hale, Calvin	17/8	125	\$188.33	\$1,067.22		\$1,255.56							
22	Hardy, Henry	13/3	41	\$62.15	\$352.18		\$414.33							
23	Hardy, Jesse	14/13	202	\$244.83	\$1,387.39		\$1,632.22							
24	Hardy, Oliver	19/2	31	\$244.83	\$1,387.39		\$1,632.22	no						
25	Harrison, Thomas	14/3	42	\$84.33	\$477.88		\$562.21							
26	Haywood, Johnathon	17/6	93	\$120.53	\$683.02		\$803.56							
27	Hubschmitt, Biff & Rose	15/12	187	\$85.38	\$483.81		\$569.19							
28	Ida Turner ???	9/2	21	\$46.87	\$265.62		\$312.49							
29	Jenkins, Elisa	13/2	25	\$152.55	\$864.45		\$1,017.00							
30	Lane, Sylvester	10/4	54	\$113.84	\$645.08		\$758.91							
31	LaTrace, Bert	10/11	166	\$50.85	\$288.15		\$339.00							
32	Lewis, Benjamine	14/5	74	\$38.50	\$218.19		\$256.69	no						
33	Little Milan	18/5	78	\$46.04	\$260.88		\$306.91							
34	Lyon, John	15/6	91	\$142.30	\$806.35		\$948.64							
35	Martin, Alfred	16/14	220	\$123.04	\$697.25		\$820.30							

85	Smith, Lucy E.	16/3	44	\$33.48	\$189.73		\$223.21	no						
86	Smith, Lurancy	16/3	44	\$33.48	\$189.73		\$223.21	no						
87	Steenberg, Florence	12/14	216	\$45.20	\$256.13		\$301.33							
88	Taggart, Roxana	15/7	107	\$67.80	\$384.20		\$452.00	no						
89	Tamblin, Sarah	18/13	206	\$82.03	\$464.84		\$546.86							
90	Tilden, Theron	16/10	156	\$214.28	\$1,214.26		\$1,428.54							
91	Tucker, Hewey	3/1	306	\$100.44	\$569.19		\$669.63							
92	Turner, James	10/9	134	\$107.14	\$607.13		\$714.27							
93	Weller, P.A.	17/9	157	\$113.00	\$640.33		\$753.33							
94	Weller, Rex	19/5	79	\$107.14	\$607.13		\$714.27							
95	Wheelock, Nancy	11/4	55	\$40.18	\$227.67		\$267.85	no						
96	Wheelock, R.T.	11/4	55	\$40.18	\$227.67		\$267.85	no						
97	White, Hubert	1/1	308	\$161.12	\$913.03		\$1,074.15							
Sub-Total				\$9,605.00	\$54,428.36	=	\$64,033.36							
Total Cost of Repair & Foundation							\$64,033.36							
Estimate to Remove & Dispose														
Cost of Replacement Marker														

Adjusted to \$56,639.53

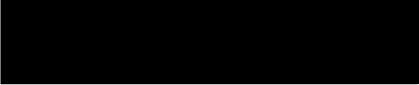
EXHIBIT C

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK
COUNTY OF JEFFERSON

WATERTOWN DAILY TIMES

BUCKTON UNION CEMETERY ASSOCIATION



REFERENCE: 5071085
20456678 LEGAL NOTICE -

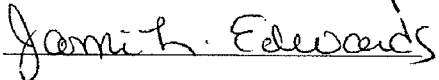
Christa Woodward, being duly sworn, says that she/he is a
Legal Representative of the Johnson Newspaper
Corp., a Corporation duly organized and existing
Under the laws of the State of New York, and
Having its principal place of business in the City
Of Watertown, New York, and that said corporation
Is the publisher of the WATERTOWN DAILY TIMES,
A Newspaper published in the City of Watertown,
Jefferson County and State of New York, and that
A Notice, of which the annexed is a printed copy,
Has been published in said newspaper on dates
listed below.


Christa Woodward, Legal Representative

Published on: 1/24, 1/31, 2/07

AD SPACE 2X63 LINES
FILED ON: 2/07/23

Sworn to and subscribed before me this)
9th day of February 2023

)

JAMI L EDWARDS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ED6283808
Qualified in Jefferson County
My Commission Expires 06-17-2025

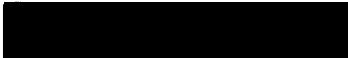
E18DNORTHERN NY NEWSPAPERS CORP.
0 WASHINGTON ST
WATERTOWN, NY 13601-3301
(315)782-1000

01/24/23 - 02/07/23 BUCKTON UNION CEMETERY ASSOCIATIO

310.72

1 02/07/23 5071085

BUCKTON UNION CEMETERY ASSOCIATIO



JOHNSON NEWSPAPER CORPORATION
260 WASHINGTON ST
WATERTOWN, NY 13601

01/24	20456678	*** MEMO INVOICE ***			
	01/24	LEGAL NOTICE - MONUM	2x63L	1	104.61
		ENT REPAIR / REMOVAL			
		BRUCE			
		Affidavit Fee			3.12
01/31	20456678	LEGAL NOTICE - MONUM	2x63L	1	101.50
	01/31	ENT REPAIR / REMOVAL			
		BRUCE			
02/07	20456678	LEGAL NOTICE - MONUM	2x63L	1	101.49
	02/07	ENT REPAIR / REMOVAL			
		BRUCE			

WDT

310.72

NORTHERN NY NEWSPAPERS CORP. (315)782-1000

01/24/23 - 02/07/23 5071085

BUCKTON UNION CEMETE

Johnson Newspaper Corporation

Client: 5071085 BUCKTON UNION CEMETERY ASSO- Phone: [REDACTED]

Class.: [REDACTED] SOUTH COLTON, NY 13687

Ad # 20456678 Requested By: BRUCE Fax:

Sales Rep.: W312 Scott Parks Phone: (315) 782-1000

sparks@wdt.net Fax: (315) 661-2521

Class.: 0610 Announcements

Start Date: 01/24/2023 End Date: 02/07/2023 Nb. of Inserts: 3

PO #: Entered By: SPARKS

Publications: Watertown Daily Times

Paid Amount: \$310.72 Credit Card Balance: \$0.00

Total Price:

Page 1 of 1

LEGAL NOTICE - MONUMENT REPAIR / REMOVAL

UNION CEMETERY ASSOCIATION

To the last known owner or owners of the following burial lots in the Union Cemetery located on 70 East Part Road in the Town of Stockholm, New York and all persons having or claiming to have interest in said lots: Lot 71 - Alan, Lot 137 - Mary Jane Bangs, Lot 71 - Howard Bates, Lot 71 - Sarah Riggs Bates, Lot 204 - Mary Beach, Lot 42 - James Bolton, Lot 15 - Thomas Bolton, Lot 311 - Amos Bond, Lot 10 - Harriet Chauncey Buck, Lot 204 - Elias Cashman, Lot 251 - Chester Chamberlain, Lot 89 - Martha M. Cheney, Lot 90 - Clarisa Chubb, Lot 123 - Bertha Converse, Lot 171 - Chandler Dike, Lot 74 - William Dike, Lot 235 - Gladys & Clinton Dunbar, Lot 89 - Jesse Farwell, Lot 192 - Brian Felix, Lot 62 - Melissa Fisher, Lot 125 - Calvin Hale, Lot 41 - Henry Hardy, Lot 202 - Jesse Hardy, Lot 31 - Oliver Hardy, Lot 42 - Thomas Harrison, Lot 93 - Johnathon Haywood, Lot 25 - Elisa Jenkins, Lot 54 - Sylvester Lane, Lot 166 - Bert La-Trace, Lot 74 - Benjamine Lewis, Lot 91 - John Lyon, Lot 220 - Alfred Martin, Lot 308 - Elsie Maxfield, Lot 65 - Abiah McIntyre, Lot 86 - Abiah SR. McIntyre, Lot 133 - Barbara Gamar McIntyre, Lot 86 - Mary McIntyre, Lot 77 - Mary K. Munson, Lot 59 - Melissa Munson, Lot 68 - John Cyrus Newtown, Lot 138 - Calvin Nichols, Lot 21 - Freeman Nichols, Lot 57 - Ben Ober, Lot 58 - Richard Ober, Lot 117 - Robert Osgood, Lot 222 - Nellie Page, Lot 122 - Abigail Parks, Lot 190 - John Phippen, Lot 221 - Blake Pierce, Lot 217 - C.E. Reed, Lot 29 - Aaron Riggs, Lot 173 - Gala Riggs, Lot 9 - Calvin & Sally Riggs, Lot 5 - Chauncey Riggs, Lot 236 - Etta Riggs, Lot 12 - Jehiel Riggs, Lot 11 - John Riggs, Lot 219 - Leon Riggs, Lot 8 - Mary L. Riggs, Lot 13 - Philo P. Riggs, Lot 237 - Rupert Riggs, Lot 12 - Silas Riggs, Lot 45 - Carrie M. Russell, Lot 186 - Albert Sargent, Lot 26 - Reuben Riggs Schellenger, Lot 91 - Alfred & Eliza Scott, Lot 78 - Clara Scott, Lot 1 - Dygert Grace Scott, Lot 78 - Milan Little Scott, Lot 126 - Wendell Scott, Lot 50 - Wilber Scott, Lot 218 - Agnes Seaver, Lot 199 - John Seaver, Lot 11 - Arville Sheldon, Lot 234 - Riverius Silsby, Lot 44 - Betsy Smith, Lot 28 - Harrett Smith, Lot 28 - Jesse Smith, Lot 44 - Lucy E. Smith, Lot 44 - Lurancy Smith, Lot 216 - Florence Steenberg, Lot 107 - Roxana Taggart, Lot 206 - Theron Tilden, Lot 156 - Sarah Tombling, Lot 306 - Heway Tucker, Lot 21 - Ida Turner, Lot 134 - James Turner, Lot 157 - P.A. Weller, Lot 79 - Rex Weller, Lot 55 - Nancy Wheelock, Lot 55 - R.T. Wheelock, Lot 308 - Hubert White.

PLEASE TAKE NOTICE that (1) the monuments located at the said burial lot(s) 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 said monument within 60 days of the third publication of this notice and (3) if the person(s) to whom this notice is addressed fail to repair or remove said monuments within a 60 day time period, the Union Cemetery Association may remove or repair said monuments or markers without further notice to the person(s) this notice is addressed.

Contact Union Cemetery Association Secretary Bruce Win-
ters, 60 East Part Road, Stockholm, NY 12152