#### **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

FAX: (518) 4/3-08 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.
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:** MARCH 20, 2024

Application completed, notarized and signed

38 Monuments Requested

Legal Notice run 3 times in The Daily Star \$170.45

38 Monuments Appear Eligible

Estimates: Humphrey Memorials repair estimate \$89,300 (average \$2,350/ monument)

McFee Memorials repair estimate \$98,650 (average \$2,596/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

Recommend Approval in the amount of \$89,470.45.

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JAMES V. McDonald, M.D., M.P.H.

TO: New York State Cemetery Board

FROM: Michael D. Seelman, Investigator II

**SUBJECT:** Lakewood Cemetery Association, #39-016

**RE**: Application for Repair of Hazardous Monuments

**DATE**: March 20, 2024

### **Exhibits**

- A) Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Hazardous Condition
- B) Humphrey Memorials repair estimate for \$89,300 (average \$2,350/ per monument)
- C) McFee Memorials repair estimate for \$98,650 (average \$2,596/ per monument
- D) Invoices and copies from The Daily Star for \$170.45

### **Introduction and Recommendation**

The Division received an application (Exhibit A) for the repair of 38 hazardous monuments located in the Lakewood Cemetery, town of Middlefield, Otsego County. The application was submitted by Milo Stewart Jr., president of the Lakewood Cemetery Association. Included with this application was an estimate, from Humphrey Memorials (Exhibit B) totaling \$89,300, and an estimate from McFee Memorials (Exhibit C) totaling \$98,650. Also included was an invoice from The Daily Star for a legal notice (Exhibit D) that was run for three consecutive weeks from October 11, through October 25, 2023, for \$170.45.

I recommend approval of this application.

### **The Monuments**

The Lakewood Cemetery was visited by Investigator Stanton, and 38 monuments were found to be either loose on their foundations or tipping and appeared to pose a hazard to cemetery visitors and employees. Stewart 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 1926. 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.

### 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 and offer a ten-year warranty. It should be noted that most of these monuments are very large, and Lakewood Cemetery is difficult to access, this

resulted in the price of the estimates being higher than the average cost in the area. The cemetery provided three additional letters from contractors that declined to submit bids.

## Recommendation

The Cemetery is up to date on annual reports and vandalism payments. This appears to be a legitimate claim for \$89,470.45. I recommend that this application be approved.

# **EXHIBIT A**



**New York State** Department of State DIVISION OF CEMETERIES One Commerce Plaza 99 Washington Avenue Albany, NY 12231-0001 Telephone: (518) 474-6226

## Application for Repair or Removal of Dilapidated or Disrepaired Monuments www.dos.ny.gov 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 NYO

| AMOUNT REQUESTED                                       | a Cemetery Board Directive appears on the reverse.  |
|--|---|
| \$89,470,45  | COUNTY IN WHICH CEMETERY IS LOCATED OTS 720   |
| CEMETERY NAME  | - ( ) C ( )   |
| LAKEWOOD COMETERY                                      | CEMETERY ID NUMBER  |
| NAME OF CEMETERY OFFICIAL                              | 39-016  |
| MILO V. STEWART, JR.                                   | PREDIDENT.  |
| 7.55.77.77.77  | TRESIDEN (  |
|  |   |
|  |   |
|  |   |
| TELLITONE NUMBERS:                                     |   |
| tevart-Home  | 187   |
|  | Work (  |
| E-MAIL ADDRESS   | FAX   |
|  |   |
| Has this cemetery previously applied for and re        | ceived a grant from the Vandalism.  |
| Control in Sir & Mountain Kebalt Finds                 |   |
| "If YES, when? <u>3/39/23</u>                          | Amount Received: \$ 68, 106.20  |
| Was proof of completed work forwarded to the Di        | ivision of Cemeteries?  |
| •  |   |
| Cily work and the second damaged monur                 | ment and/or marker and enclose referenced photos:   |
| our managements in the affached                        | Quetos show damades unstable house some to les t  |
| and leaving stones and prese                           | nt hazards to visitors, employees and the lot owners.   |
| 2. Attach copies of bids submitted by at least term    | contractors for the cost of repairs or removal and replacement.   |
| 1 bid, Irefusal  | contractors for the cost of repairs of removal and replacement.   |
| 3. Allach nmof that the comptons communities to        | as given not less than 60-day notice to the last known owner to repair or remove the  |
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| made as quickly as possible and documentation to       | repairly and eleterated the first cleare a dangerous condition, such repairs will be  |
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| Signature of Company Office Of Malle 1/2               | 14.   |
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| OS-1585-f-a (Rev. 07/15)                               | on this 15 day of November 20 23 appeared Milo Stewart known to me to be said person.  Note: Publish Car  |

My Commission Expires March 4, 2026

## Lakewood Cemetery Association

P. O. Box 1314, Cooperstown, NY 13326 (607) 547-9662

Lakewoodcemetery13326@gmail.com <u>www.cooperstownlakewoodcemetery.com</u>

LAKEWOOD 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

## Lakewood Cemetery Association

P. O. Box 1314, Cooperstown, NY 13326 (607) 547-9662

Lakewoodcemetery13326@gmail.com

www.cooperstownlakewoodcemetery.com

February 26, 2024

Brendon Stanton
Investigator, Division of Cemeteries
NYS Department of State
State Office Building 15<sup>th</sup> Floor
44 Hawley Street
Binghamton, NY 13901

Re: Lakewood Cemetery #39-016

Dear Brendon:

As requested the following are attached: Estimate – McFee Memorials, Fort Plain Refusal – Mohawk Valley Memorials, Frankfort Refusal – Barnett, Memorials, Elbridge

This has been a long, discouraging process. It needs to be understood that Lakeview Cemetery has a very difficult terrain to navigate. It consists of 26 terraces from the county highway up an increasingly steeper hillside. Hazardous to say the least. There are a few narrow, paved roads in poor condition; all others are grass. There are very few staging areas big enough for large equipment which is necessary for handling large monuments. Smaller memorial companies do not have the right equipment. Daily commuting is costly—the village is a tourist town and accommodations are booked one and two years in advance.

All of these concerns must be factored into estimating monument repair costs at Lakewood.

We are so pleased with the restoration work by Humphrey Memorials the past three years – well-equipped and experienced. The results have attracted attention from other lot owners, visitors, and the community. We sincerely hope it will continue in 2024.

Sincerely,

Merrity O'Connell

Vice President and Project Manager

## Pickett Memorial Co.

158 E. Fulton St. Gloversville, New York 12078 (518) 725-7619

TO: Lakewood Cemetery Association P.O. Box 1314 Cooperstown, NY 13326 C/O Merrilyn R. O'Connell, Trustee

FR: Pierre L. Alric, Owner Pickett Memorial Co.

RE: Requested bid proposal

November 8, 2023

This is to acknowledge and thank you for requesting an estimate to correct dangerous monuments in the Lakewood Cemetery as part of the NYS Division of Cemeteries' Hazardous Monument program.

I regret to inform, that I will not be submitting a cost proposal for consideration.

My primary concern/obstacle is the Cemetery's location and the significant travel time, energy and expense required to properly work at and supervise the project.

Therefore, it would not be appropriate to submit a bid proposal without a firm commitment to complete the project if selected.

Best wishes to the Association as you continue to pursue this most worthwhile project.



Mohawk Valley Monuments, LLC 2270 Broad St. Frankfort, NY 13340 Phone/Fax (315) 724-7629 MVMonuments@gmail.com

Lakewood Cemetery Association PO Box 1314 Cooperstown, NY 13326 ATTN: Merrilyn O'Connell

Merrilyn,

It was a pleasure to speak with you last week. As requested, I visited the cemetery and assessed the work that will need to be done. I regret to inform you that at this time we are declining to bid on this repair job. Due to the distance from our shop location and the terrain/accessibility at the cemetery this will be difficult to complete with our equipment.

I apologize for the inconvenience and I hope you can find an outfit to complete the work for you.

Thanks,

Benjamin Morgan

Mohawk Valley Monuments, LLC

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)

26 State St.
Seneca Falls, NY 13148
315-257-0106 (T)
315-257-0146 (F)
barnettmemorials1@gmail.com



February 12, 2024

## Lakewood Cemetery Officials,

Thank you for your request for the Hazardous Monument repair restoration for 2024. We are very sorry, but we must decline the offer to bid due to having a full schedule. Please keep us in mind for future restoration work.

Respectfully, Bill@Barnett Memorials

# **EXHIBIT B**

## Humphrey Memorials, Inc.

3051 State Rt. 28 Herkimer, NY 13350

315-866-4471\*humphreymemorials@gmail.com

November 13, 2023

Lakewood Cemetery Merrilyn O'Connell PO Box 1314 Cooperstown, NY 13326

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. Page 10f2

| ess   |                       |                           | Contracto<br>Name:              | Contractor or Monument        | nent Compa   | Contractor or Monument Company Name & Address Name: The Address | Address                      | Date:  |
|---|-----------------------|---------------------------|---------------------------------|-------------------------------|--|---|------------------------------|--|
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|   | of Stones:            | nes:                      |                                 | Herkimer                      | NY 13  | 330   |                              |  |
|   | 38                    |                           | Phone: (2/5)<br>Contact Person: | $\neg$                        | 8106 - 4471  | 471   |                              |  |
| Proventhanager  |                       |                           |                                 |                               | .  |   |                              |  |
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| 30x30 1,125   |                       | 32,625                    |                                 |                               |  |   |                              |  |
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# **EXHIBIT C**

# McFee Memorials Inc.

65 HANCOCK STREET FORT PLAIN , NY 13339 www.mcfeememorials.org

Lakewood Cemetery Merrilyn O'Connell PO Box 1314 Cooperstown NY 13326 2/14/2024

Thank you for the opportunity to give our bid to restore the Lakewood Cemetery.

You have asked for a written warranty, We can guarantee our workmanship for a time of 10 years.

This would cover our resetting and resealing of monuments, and making them square on the foundation.

However we are not responsible for any acts of nature

and or vandalism that befalls any monument we have reset.

Examples: Ground erosion, trees falling on monuments etc.

I will provide a copy of our Liability Insurance through Acord Insurance agency when necessary.

All of our foundations will be at a minimum of 42" as per your request in depth and level, the length and width to match the bottom stone of the monument. We will also reseed with grass, on the areas we have disturbed. And a Basic Cleansing of monuments when in upright positions.

I have also enclosed a computer copy of your spread sheet, This way the numbers are more readable, with the totals on the page.

If you have any questions please call 518-993-2259 Thank you for allowing us to serve you.

Respectfully,

Christopher McFee for McFee Memorials

CMoFee

Lakewood Cemetery Merrilyn O'Connell PO Box 1314 Cooperstown NY 13326 Chris McFee at McFee Memorials 65 Hancock St Fort Plain NY 13339 518-993-2259 2/14/2024

|    | Monument name        | section  | Pieces | remove repair res |       | sq. in | cost of found | stone total |
|----|----------------------|----------|--------|-------------------|-------|--------|---------------|-------------|
| 1  | Avery, David         | 314      | 2      | 1200              | 40x20 | 800    | \$1,200.00    | \$2,400.00  |
| 2  | Babcock, Hiram       | 77       | 3      | 1200              | 28x28 | 784    | \$1,176.00    | \$2,376.00  |
| 3  | Clarke, Alfred       | 130      | 2      | 1800              | 34x34 | 1156   | \$1,734.00    | \$3,534.00  |
| 4  | Clarke, Tertius      | 1002     | 5      | 2700              | 42x42 | 1764   | \$2,646.00    | \$5,346.00  |
| 5  | Clinton, Williams    | 151A     | 3      | 1400              | 30x30 | 900    | \$1,350.00    | \$2,750.00  |
| 6  | Coleman, Fennimore   | N1/2 807 | 2      | 1200              | 38x20 | 760    | \$1,140.00    | \$2,340.00  |
| 7  | Cooper, Van Ness     | 1021     | 4      | 3100              | 60x34 | 2040   | \$3,060.00    | \$6,160.00  |
| 8  | Davidson, Amy        | С        | 2      | 400               | 24x10 | 240    | \$360.00      | \$760.00    |
| 9  | Doane, John          | 822      | 1      | 600               | 24x14 | 336    | \$504.00      | \$1,104.00  |
| 10 | Farquharson, Henry   | 829      | 2      | 800               | 32x14 | 476    | \$714.00      | \$1,514.00  |
| 11 | Fern, James          | 1016     | 2      | 800               | 28x18 | 504    | \$756.00      | \$1,556.00  |
| 12 | Foster, Frank        | 818      | 2      | 800               | 38x14 | 532    | \$798.00      | \$1,598.00  |
| 13 | Graham, David        | 917      | 5      | 1400              | 30x30 | 900    | \$1,350.00    | \$2,750.00  |
| 14 | Hoke, Menzo          | 1015     | 4      | 2700              | 42x42 | 1764   | \$2,646.00    | \$5,346.00  |
| 15 | Lord, William        | С        | 3      | 1000              | 32x20 | 640    | \$960.00      | \$1,960.00  |
| 16 | Losee, Cornelius     | 71       | 5      | 2400              | 40x40 | 1600   | \$2,400.00    | \$4,800.00  |
| 17 | May, William         | С        | 2      | 1200              | 40x20 | 800    | \$1,200.00    | \$2,400.00  |
| 18 | Mc Donald, Alexander | 141      | 2      | 600               | 26x14 | 364    | \$546.00      | \$1,146.00  |
| 19 | McEwen, Amanda       | 1020     | 3      | 2300              | 50x30 | 1500   | \$2,250.00    | \$4,550.00  |
| 20 | McNamee, Lawrence    | 143      | 5      | 2200              | 38x38 | 1444   | \$2,166.00    | \$4,366.00  |
| 21 | Noonan, Daniel       | С        | 3      | 1800              | 42x28 | 1176   | \$1,764.00    | \$3,564.00  |
| 22 | Palmer, Sabrina      | S1/2 819 | 2      | 1200              | 40x20 | 800    | \$1,200.00    | \$2,400.00  |
| 23 | Price, Mary          | 142      | 2      | 800               | 30x16 | 480    | \$720.00      | \$1,520.00  |
| 24 | Powers, John         | 813      | 2      | 700               | 38x12 | 456    | \$684.00      | \$1,384.00  |
| 25 | Rathbun, George      | 816      | 3      | 2600              | 54x32 | 1728   | \$2,592.00    | \$5,192.00  |
| 26 | Russell, Robert      | 140A     | 4      | 1800              | 34x34 | 1156   | \$1,734.00    | \$3,534.00  |
| 27 | Shaw, Andrew         | 315      | 2      | 600               | 40x10 | 400    | \$600.00      | \$1,200.00  |
| 28 | Sherwood, George     | 905      | 2      | 700               | 30x14 | 420    | \$630.00      | \$1,330.00  |
| 29 | Skillen, Squire      | С        | 2      | 900               | 32x18 | 576    | \$864.00      | \$1,764.00  |
| 30 | Smith, Robert        | 75       | 3      | 1200              | 28x28 | 784    | \$1,176.00    | \$2,376.00  |
| 31 | Stillman, Harry      | 63       | 1      | 600               | 26x14 | 364    | \$546.00      | \$1,146.00  |
| 32 | Stimers, Anson       | 590      | 2      | 1100              | 38x18 | 684    | \$1,026.00    | \$2,126.00  |
|    | Tarpenning, George   | С        | 2      | 900               | 32x18 | 576    | \$864.00      | \$1,764.00  |
|    | Thompson, S.K.       | 316      | 5      | 1600              | 32x32 | 1024   | \$1,536.00    | \$3,136.00  |
| 35 | Tunnicliff, Clara    | 65       | 5      | 1100              | 26x26 | 676    | \$1,014.00    | \$2,114.00  |
| -  | Tyley, Gabriel       | 51/2 820 | 1      | 900               | 30x18 | 540    | \$810.00      | \$1,710.00  |
|    | VaDeusen, Harry      | С        | 2      | 1000              | 44x14 | 616    | \$924.00      | \$1,924.00  |
| 38 | Walters, Harry       | 801-802  | 2      | 900               | 30x18 | 540    | \$810.00      | \$1,710.00  |
|    | 42" foundation       |          | pcs.   |                   |       | sq ins | Foundation    | Total       |
|    |                      |          |        | 502               | 200   |        | \$48,450.00   | \$98,650.00 |

# **EXHIBIT D**

THE DAILY STAR 473 THIRD STREET NIAGARA FALLS NY 14301 (800)721-1000Fax (607)432-5847

## ORDER CONFIRMATION

| Salesperson: LEGALS  | Printed  | at | 09/28/23 | 13:43 | by | ithor |
|--|--|----|----------|-------|----|-------|
| the same and the same that | while made wide their most \$450 most desire while their most density found from most other state and other their 500 most and |    |          |       |    |       |

Acct #: 58792 Ad #: 416616

Status: New CHOLD

LAKEWOOD CEMETERY ASSOCIATION

PO BOX 1314

COOPERSTOWN NY 13326

Start: 10/11/2023 Stop: 10/25/2023 Times Ord: 3

Times Run: \*\*\* STD 5.00 X 34.00 Words: 320

Total STD 170.00

Class: 147 LEGALS

Rate: LEGL Cost: 170,45

THE VIEW BANK SHARE SHAR

# Affidavits: 1

Contact: KERRY LYNCH Ad Descrpt: TO: THE LAST KNOWN OWNER Phone:

Given by: \* Fax#: P.O. #:

Email:

lakewoodcemeteryassociation@ Created: jthor 09/28/23 13:40
Last Changed: jthor 09/28/23 13:42 Agency:

PUB ZONE EDT TP RUN DATES DS A 97 S 10/11,18,25 IN A 94 S 10/11,18,25

### AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

### THE DAILY STAR 473 THIRD STREET NIAGARA FALLS NY 14301 (800)721-1000Fax (607)432-5847

ORDER CONFIRMATION (CONTINUED)

| Jennefer Skorne | ( | Jer | mefer | Thorne |
|-----------------|---|-----|-------|--------|
|-----------------|---|-----|-------|--------|

Salesperson: LEGALS

Printed at 09/28/23 13:43 by jthor 

Acct #: 58792

Ad #: 416616

Status: New CHOLD CH

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:

David Avery (Lot 314), Hiram Babcock (Lot 77), Alfred Clarke (Lot 130), Tertius Clarke (Lot 1002), William David Avery (Lot 314), Hiram Babcock (Lot 77), Alfred Clarke (Lot 130), Tertius Clarke (Lot 1002), William Clinton (Lot 151A.) Fennimore Coleman (Lot N1/2 807), Van Ness Cooper (Lot 1021), Amy Davidson (Lot Sec C/N1/2 27), John Doane (Lot 822), Henry Farquaharson (Lot 829), James Fern (Lot 1016), Frank Foster (Lot 818), David Graham (Lot 917), Menzo Hoke (Lot 1015), William Lord (Lot Sec. C/9), Cornelius Losee (Lot 71), William May (Lot Sec C/2), Alexander McDonald (Lot 141), Amanda McEwen (Lot 1020), Lawrence McNamee (Lot 143), Daniel Noonan (Lot Sec C/13), Sabrina Palmer (Lot \$1/2 819), Mary Price (Lot 142), John Powers (Lot 813), George Rathbun (Lot 816), Robert Russell (Lot 140A), Andrew Shaw (Lot 315), George Sherwood (Lot 905), Squire Skillen (Lot Sec C/23), Robert Smith (Lot 75), Charles Stillman (Lot 63), Anson Stimers (Lot 590), George Tarpenning (Lot Sec C/S1/2 20), Samuel Thompson (Lot 316), Clara Tunnicliff (Lot 65), Gabriel Tyley (Lot \$1/2 820), Harry Van Deusen (Lot Sec C/17), Henry Walters (Lot 801) Walters (Lot 801).

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 December 25, 2023 and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers after December 25, 2023, 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 Merrilyn O Connell, Trustee, Décember 25, 2023.

before