

DIVISION OF CEMETERIES

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
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[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

CEMETERY BOARD
WALTER T. MOSLEY
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 Catena, Investigator I

Subject: Resthaven Cemetery Association, #35-029

Re: Application for Repair of Vandalized Monuments

Date: August 21, 2024

Exhibits

- A) Application for Restoration of Vandalism Damage
- B) Senecal Memorials Estimate for \$489.00
- C) Finger Lakes Monument Company Inc. Estimate for \$1443.00.
- D) Letter from Donna Exline, Lot Owner/Family Representative
- E) Phelps Police Department Report

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 1 memorial bench that was vandalized in Resthaven Cemetery in the Town of Phelps, Ontario County. The application was submitted by Mark Falkey, President of Resthaven Cemetery. Included with this application were two estimates: one from Senecal Memorials (Exhibit B) for a replacement bench top, totaling \$489.00 with a lifetime warranty or faulty materials and defects. The second bid from Finger Lakes Monument Company Inc. (Exhibit C) for a replacement bench top, totaling \$1443.00 with no warranties specified. Both estimates propose to replace the broken bench top and engrave on the front edge to match the original bench. A letter from Donna Exline the lot owner/family representative (Exhibit D) stating that the family is not in the position repair the damage from the vandalism. Phelps police report is dated 6/27/24 (Exhibit E) indicates one stone bench was damaged.

The Memorial Bench

Michael Seelman visited the cemetery on August 2, 2024 and was able to determine that the memorial bench, included in the application was damaged and in need of repair. The cemetery has reached out to the lot owner and received a reply that they are not in position to repair the monument. No arrests have been made in connection with this act of vandalism.

Recommendation

The cemetery is current with its payments to the vandalism fund and the filing of its annual reports. All documents appear to be in order, and this appears to be a legitimate claim for \$489.00. I recommend that this application be approved.



Department of State
Cemeteries

EXHIBIT A



Division of Cemeteries

RECEIVED
DIV. OF CEMETERIES

AUG 19 2024

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 Restoration of Vandalism Damage

This application applies only to Not-for-Profit Cemetery Corporations and must be completed in full. Funds may be allocated for the above-captioned purposes in accordance with 19 NYCRR §200.11(statutory authority: Not-for-Profit Corporation Law, §1507[h]). This application will not be considered if it can be shown that the cemetery can correct acts of vandalism by means of regular maintenance. The full text of the rules, terms and procedures for funding are on the reverse.

A report must be made to the Cemetery Board within 30 days of the incident of vandalism.

AMOUNT REQUESTED 18 489.00 COUNTY IN WHICH CEMETERY IS LOCATED Ontario

DATE OF VANDALISM 6-27-2024 DATE DIVISION OF CEMETERIES NOTIFIED 7-15-2024

CEMETERY NAME Resthaven Cemetery CEMETERY ID NUMBER 35-029 Fed.# 16-6052264

NAME OF CEMETERY OFFICIAL Mark Falkey TITLE President

STREET ADDRESS [REDACTED]

CITY [REDACTED] ZIP CODE [REDACTED]

TELEPHONE NUMBERS:
Home [REDACTED] Work () [REDACTED]

E-MAIL ADDRESS [REDACTED]

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? YES* NO
*If YES, when? 2023 Amount Received: \$ 80,519.44

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

1. Provide a description of each damaged monument and/or marker and enclose referenced photos:
Memorial Bench was pushed over and the top Bench was broke in 2 pieces. Legs are still Good but top Bench will have to be repaired

- 2. Attach copies of the report filed with the local police or sheriff's department having appropriate jurisdiction.
- 3. Attach two estimates prepared by qualified contractors.

I, the undersigned, hereby certify that the above-named cemetery association has no other money which is authorized for the purpose of repairs; this cemetery association has attempted to notify lot owners, next of kin or family of the decedents immediately affected on (date) 6-27-2024, have advised or attempted to advise them of insurance benefits that may be available on their homeowner's insurance policy and have been unable to recover any necessary money from that source; and the proposed costs are fair and reasonable.

I further agree that upon receipt of monies to repair said vandalism, such repairs will be made as quickly as possible and documentation (receipts and statements) of the repairs will be submitted to the Cemetery Division within 60 days.

Signature of Cemetery Official: Mark Falkey Pres. Date: 8-15-2024

EXHIBIT B

SENECAL MEMORIALS

3815 State Route 31
Palmyra, NY 14522 US
sencoreent@gmail.com

Estimate

ADDRESS

Resthaven Cemetery

ESTIMATE # 1014

DATE 08/08/2024

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Bench	4'x14"x4" GREY GRANITE, BENCH TOP REPLACEMENT. ENGRAVED AS THE ORIGINAL. DRILLED, PINNED, AND GLUED.	1	489.00	489.00

This bench has a lifetime warranty for any faulty material defects.

SUBTOTAL	489.00
TAX	0.00
TOTAL	\$489.00

Accepted By

Accepted Date

EXHIBIT C

Finger Lakes Monument Co., Inc.

3740 Rte. 5 & 20 East
Canandaigua, N.Y. 14424
Phone 585-394-1340

Date

8/5/2024

Memorial Contract

In Agreement with:

Mark Falkey
[REDACTED]

Please enter my memorial order, with letters as specified herein, for which I agree to the sum stated below plus foundation charges, subject to the Rules & Regulations of said Cemetery. Materials, design, dimension, finish and lettering of said Memorial are to be substantially as follows;

		<i>INVOICE#</i>	<i>TERMS:</i>
		506510	
ITEM	DESCRIPTION	AMOUNT	
Granite	Resthaven Cemetery Imp Gray Bench Top Replace due to Vandalism 4-0 x 1-2 x 0-4 PFT Steeled front edge Engrave on front edge In Memory Of Paul & Rose Adams	1,443.00	
TOTAL	ONLY THE LETTERING SPECIFIED HEREIN IS INCLUDED IN THE AGREED PRICE.	\$1,443.00	

This order is subject to any delay caused by strike, fire or any other condition beyond seller's control. I will inform seller forthwith of any change in my address prior to the final payment hereunder. There is no agreement regarding this order other than contained herein.

TERMS:50% down then upon completion TERMS Net 30 days - service charge 1 1/2% per month (annual rate of 18%) will be charged for any unpaid balance after thirty days.

Finger Lakes Monument Co.,Inc. reserves the right to remove monument from cemetery after thirty days for unpaid balance of bill. Additional charges for removal & resetting of monument will be added to Unpaid Balance.

All work shall be done in a workmanlike manner in accord with the contract terms and specifications.

DATE:

SIGNATURE:

EXHIBIT D

Family Letter

August 4, 2024

Dear Mark:

Thank you for letting me know about the vandalism at the Phelps Resthaven cemetery. I was very saddened to learn that the family memorial bench had been broken.

I am not in a position to have it repaired as I do not have the funds to fix it.

Thank you for connecting with authorities to see if it can be replaced. I greatly appreciate your time and effort to investigate this situation.

Sincerely,

Donna Exline



Donna Exline

EXHIBIT E

7. Report Day THU 8. Date 07 18 24 9. Report Time 1305 10. Day THU 11. Date 06 27 24 12. Time 0001 13. Day FRI 14. Date 06 27 24 15. Time 2400

INCIDENT

16. Incident Type Criminal Mischief 3rd 17. Business Name 18. Weapon(s) 19. Incident Address (Street No., Street Name, Bldg. No., Apt. No.) Resthaven Drive 20. City, State, Zip (C T V) Phelps, New York 21. Location Code 22. OFF. NO. 1 2 3 23. No. of Victims 1 24. No. of Suspects

ASSOCIATED PERSONS

25. Person Type: CO = Complainant OT = Other PI = Person Interviewed PR = Person Reporting WI = Witness NI = Not Interviewed VI = Victim 26. Victim also complainant Y N TYPE/NO NAME (LAST, FIRST, MIDDLE, TITLE) Date of Birth STREET NO., STREET NAME, BLDG. NO., APT. NO., CITY, STATE, ZIP TELEPHONE NO. CO FALKEY, Mark S. 09/21/58 VI Resthaven Cemetary Resthaven Drive Phelps NY 14532 WI WESTON, Joel

VICTIM

27. Date of Birth 28. Age 29. Sex M F 30. Race White Black Other Indian Asian Unk. 31. Ethnic Hispanic Unk. Non-Hispanic 32. Handicap Yes No 33. Residence Status Resident Tourist Student Other Commuter Military Homeless Unk. 34. Victim DID receive information on Victim's Rights and Services pursuant to New York State Law YES NO

SUSPECT/ARRESTED PERSON MISSING

35. Type/No. S1 36. Name (Last, First, Middle) Unknown 37. Alias/Nickname/Maiden Name (Last, First, Middle) 38. Apparent Condition Impaired Drugs Mental Dis Impaired Alco Inj / Ill App Norm 39. Address (Street No., Street Name, Bldg. No., Apt. No., City, State, Zip) 40. Phone No. Home Work 41. Social Security No. 42. Date of Birth 43. Age 44. Sex M F 45. Race White Black Other Indian Asian Unk. 46. Ethnic Hispanic Unk. Non-Hispanic 47. Skin Light Dark Unk. Medium Other 48. Occupation 49. Height ft. in. 50. Weight 51. Hair 52. Eyes 53. Glasses Yes No Contacts 54. Build Small Large Medium 55. Employer/School 56. Address 57. Scars/Marks/Tattoos (Describe) 58. Misc.

PROPERTY

59. Victim or Suspect No. Property Status Property Type Quantity/Measure Make or Drug Type Model Serial No. Description Value 60. Vehicle Status 61. License Plate No. Full Partial 62. State 63. Exp. Yr. 64. Plate Type 65. Value 66. Veh. Yr. 67. Make 68. Model 69. Style 70. VIN. 71. Color(s) 72. Towed By: To: 73. Vehicle Notes

NARRATIVE

74. On 07/18/2024 RO met with the President of the Resthaven Cemetary at Resthaven Drive in the Village of Phelps regarding a Criminal Mischief that had occurred between 06/27/34 and 06/27/24. FALKEY presented a marble type bench which was located in the "Memorial Park" area of the cemetary. The marble bench had been found over on the ground broken in half, by an employee (WESTON) who mows and trims the cemetary. FALKEY advised that the cost of the stone bench was \$1364.00. The bench was donated to the cemetary by the ADAMS family, in memory of Paul and Rose ADAMS. POC for the family donation is Donna ADAMS BERRY who lives out of state with the last known cell phone number of (315) 439-3375. The bench has since been moved back together, however the seat of the bench is not repairable and photographs of the damaged property were taken. Investigation to continue.

ADMINISTRATIVE

75. Inquiries (Check all that apply) DMV Want/Warrant Scofflaw Crim. History Stolen Property Other 76. NYSPIN Message No. 77. Complainant Signature 78. Reporting Officer Signature (Include Rank) John M. Storer Chief 79. ID No. 931 80. Supervisor's Signature (Include Rank) 81. ID No. 82. Status Open Closed (if Closed, check box below) Unfounded Victim Refused to Coop. Arrest Pros Declined Warrant Advised CBI Juv. - No Custody Arrest - Juv Offender Dead Extrad. Declin Unk. 83. Status Date 06/06/22 84. Notified/TOT 85. 1 Page of 1 Pages

B use cover sheet