

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
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 D. SEELMAN, INVESTIGATOR II

SUBJECT: CUBA CEMETERY ASSOCIATION, #02-010

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: January 23, 2025

Application completed, notarized and signed

23 Monuments Requested

Legal Notice run 3 times in The Olean Times Herald \$216

23 Monuments Appear Eligible

Estimate: **Wright Monumental Works repair estimate \$38,613 (average \$1,679/monument)**

Suffolk Wholesale Monuments repair estimate \$46,780 (average \$2,034/monument)

Olney Foust Monuments repair estimate \$55,000 (average \$2,391/monument)

All three contractors will provide 42-inch foundations, Wright offers a 75-year warranty, Suffolk offers a 10-year warranty and Olney Faust offers a 5-year warranty.

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

Recommend Approval in the amount of \$38,829.



Department of State
Cemeteries

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

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

SUBJECT: Cuba Cemetery Association, #02-010

RE: Application for Repair of Hazardous Monuments

DATE: January 22, 2025

Exhibits

- A)** Application for Repair/Removal of Dilapidated/Disrepair Monuments that Create a Hazardous Condition
- B)** Suffolk Wholesale Monuments & Imports estimate for \$46,780
- C)** Wright Monumental Works, Inc estimate for \$38,613
- D)** Olney Foust estimate for \$55,000
- E)** Invoice and copy ads for lot owners Olean Times Herald for \$216

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 23 hazardous monuments located in the Cuba Cemetery of the Town of Cuba, Allegheny County. The application was submitted by Kathy Morris, a trustee of the Cuba Cemetery Association. Included with this application were estimates from Suffolk Wholesale Monuments & Imports estimate for \$46,780 (Exhibit B), Wright Monumental Works, Inc estimate for \$38,613 (Exhibit C), Olney Foust estimate for \$55,000 (Exhibit D) . Also included was a legal notice to lot owners (Exhibit E) that was run for three consecutive weeks in the Olean Times Herald for \$216(Exhibit E). The ad included first and last names as well as section numbers.

I recommend approval of this application.

The Monuments

I visited the cemetery on June 6, 2024, with Kathy Morris, a trustee of the Cuba Cemetery Association, and found that 23 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 either legal advertisement that it placed, and has no funds dedicated to the restoration of monuments. Ms. Morris stated that she checked cemetery records and did not have contact information for the last known lot owners, based upon this information, it is the Division's understanding that the cemetery has determined that the lot owners cannot be located. 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 monument is dated 1908.

All three bidders propos to remove the monuments from the existing foundations; dig out the existing foundations; place new foundations made of solid concrete poured to a depth of forty-two inches with the dimensions being equivalent to the length and width of the monument; and replace the monument, resealing all

joints with setting compound or epoxy. The warranties from the contractors are Suffolk Wholesale Monuments & Imports 10 years, Wright Monumental Works 75 years, and Olney Foust 5 years.

Recommendation

The cemetery is current with its payments to the vandalism fund and with the filing of its annual reports. All documents are in order, and this is a legitimate claim for \$38,829. I recommend that this application be approved.

EXHIBIT A

Cuba Cemetery Association
17 Maple Ave.
Cuba, NY 14727

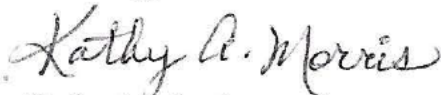
Department of State
Division of Cemeteries
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001

Whom it may concern,

Cuba Cemetery is a 12.7-acre cemetery located in the northeast section of the village of Cuba, in Allegany County, in the southern tier of New York state. Since its inception in 1841, the Cuba Cemetery contains approximately six thousand internments. It was placed on both the New York State and National Register of Historic places. It has many monuments that are in various states of disrepair, including cracked foundations and tipping or leaning monuments. The gravestones featured in this grant application are in one of the historic sections of our cemetery. They have been deemed most likely to cause injury to people who might be walking by or visiting the grave sites.

After months of attempting to locate family members of the deceased monument owners, we have been unable to locate any relatives or receive the funds needed to make repairs. Therefore, the Cuba Cemetery Association is requesting the funds for necessary repairs as a grant from the Vandalism, Abandonment & Monument Repair Fund. As requested, please find attached photos and descriptions of twenty-three monuments in dangerous disrepair; bids from three contractors for the cost of repairs; and a notarized application. We thank you for your consideration and look forward to hearing from you soon. Thank you.

Sincerely,



Kathy A. Morris
Cuba Cemetery Association
Member of Trustees



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 Up to \$60,000 \$38,829	COUNTY IN WHICH CEMETERY IS LOCATED Allegany
CEMETERY NAME Cuba Cemetery	CEMETERY ID NUMBER #02010
NAME OF CEMETERY OFFICIAL Kathy Morris	TITLE Board of Trustee Member
STREET ADDRESS [REDACTED]	
CITY/TOWN/VILLAGE [REDACTED]	ZIP CODE [REDACTED]
TELEPHONE NUMBERS: [REDACTED] [REDACTED] [REDACTED]	
E-MAIL ADDRESS [REDACTED]	FAX [REDACTED]

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

*If YES, when? _____ Amount Received: \$ _____

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:
Our cemetery has multiple hazardous monuments in need of repair. 23 were selected at this time. See attached descriptions/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: Kathy A. Morris Date: 11/25/24

CHRISTINA CAMPBELL
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CA8441557
Qualified in Allegany County
Commission Expires September 28, 2026

On this 25 day of November, 2024
appeared Kathy Morris
known to me to be said person.
Christina Campbell
Notary Public

EXHIBIT B

SUFFOLK WHOLESALE MONUMENTS & IMPORTS
25 GEAR AVENUE
LINDENHURST, NY 11757
631-226-4774

Cuba Cemetery – Hazardous Monuments
47 Medbury Avenue
Cuba, NY

August 19, 2024

Scope of Work:

- Remove (23) twenty-three Monuments as per photos submitted
- Existing foundations will be assessed at time of inspection
- Existing foundations to be re-capped (or) removed and new foundation poured as necessary
- All Granite Monuments to be set on new (or) repaired foundation
- All Limestone Monuments to be set in wet concrete foundation
- All Monuments to be cleaned prior to resetting

\$46,780.00

Pricing is based on the following site access:

- *Ground surrounding site must be free of all debris and withstand the weight of the trucks and crane*
- *The gravesites shall be within 25-foot reach of trucks*
- *Any additional equipment, labor and/or materials used to gain access to site is not included in this estimate*
- *Suffolk to supply all necessary insurance certificates*
- *Suffolk to be held harmless from further damage incurred by handling*
- *Pricing exclusive of any taxes*

**WHOLESALE MONUMENTS & IMPORTS
25 GEAR AVENUE
LINDENHURST, NY 11757
631-226-4774**

**Cuba Cemetery – Hazardous Monuments
47 Medbury Avenue
Cuba, NY**

December 9, 2024

All foundations poured by Wholesale Monuments & Imports guaranteed to be a minimum of 42” deep.

Schedule of Warranties:

1. All New Foundations.....10 years
2. All Repaired Foundations.....3 years
3. Restoration of Existing Memorials on New Foundations.....10 years
4. Restoration of Existing Memorials on Repaired Foundations.....3 years
5. Cleaning of Memorials.....1 year

The above Warranties are exclusive of Vandalism, Acts of God and Force Majeure.

EXHIBIT C

BID PROPOSAL

To: Cuba Cemetery
Kathy Morris, Trustee
47 Medbury Avenue
Cuba, NY 14727

August 20, 2024

Bid of Proposal from: Wright Monumental Works, Inc.
212 East Main Street
Bradford, PA. 16701
814-368-6836
Email: kelly@wrightmonumental.com
www.wrightmonumental.com

For: Hazardous Monument Project, Cuba, NY


Description: Work will include removal of 23 monuments, remove existing foundations, replace with new foundations sized equal to base to a depth of 42" with 4,000 PSI concrete. After curing, reset monuments with new setting compound and epoxy loose components.


Warranty: The foundations will have structural integrity for 75 years; Exclusions are shrinkage cracks, surface spalling, earth movement from slope of the hill, tree root pressure, collapsed adjacent graves, and other natural factors. This bid includes labor, materials, equipment and mileage.

Projected completion date is Spring 2025 or sooner, weather permitting.

Total Lump Sum Price \$38,613.00

BIDDER

Kelly Platko, Owner 
Signature

Mark Platko, Owner 
Signature

EIN number 25-1706939 Date of Bid Expiration 11/20/24

This bid is made this 20th day of August, 2024

EXHIBIT D

OLNEY FOUST Monuments

621 South Main St.
P.O. Box 384
Ulysses, PA 16948
814-848-7542

296 North Main St.
P.O. Box 368
Wellsville, NY 14895
585-593-5431

www.OlneyFoustMonuments.com

Aug. 20, 2024

Quote

Cuba Cemetery
Fixing & Replacing 24 Monuments

Moving & Re-setting Stones

Removing Old & Pouring New Concrete Foundations

Re-attaching Loose Pieces

Repairing Broken Tablet

Equipment

Working Crew – 1 to 2 Weeks

Inclusive Price - \$55,000.00

Thank you,

Dylan P. Foust

Dylan P. Foust
Vice-President

OLNEY FOUST Monuments

621 South Main St.
P.O. Box 384
Ulysses, PA 16948
814-848-7542

296 North Main St.
P.O. Box 368
Wellsville, NY 14895
585-593-5431

www.OlneyFoustMonuments.com

Cuba Cemetery Project

- Foundations will be made to the size of the memorial and at least 42" deep.
- Any concrete work done by Olney-Foust Monuments will have a 5-year warranty from the date completed.
- Any work for Cuba Cemetery won't be able to start until after June 1, 2025.

Thank you,

Dylan P. Foust

Dylan P. Foust
Vice-President

EXHIBIT E



Bradford Publishing Co.

Olean Times Herald • Bradford Era
Salamanca Press • Allegany Co. Community Source
Cattaraugus Co. Community Source
639 Norton Drive • Olean NY 14760

Olean (716) 372-3121 • Bradford (814) 368-3173

Advertising Invoice / Statement

BILLING DATE	TERMS OF PAYMENT
09/30/2024	27 Days

BILLED ACCOUNT
Cuba Cemetery Association c/o Kathleen Chamberlain 17 Maple St. Cuba, NY 14727

BILLED ACCOUNT NO.	AGENCY/CLIENT
[REDACTED]	[REDACTED]
NAME OF AGENCY/CLIENT	
Cuba Cemetery Association	

DATE	TRANS #	DESCRIPTION	INS	SAU	INCHES	RATE	AMOUNT	TOTAL
08/31/2024		Balance Forward					0.00	0.00
09/24/2024	[REDACTED]	LEGAL - [REDACTED] LEGAL	3	3 x 10	30.00	0.00	216.00	216.00

*Paid 10/11/2024
V# 1039*

0 - 0	AGING			
	1 - 30	31 - 60	61 - 90	91 - 120
\$ 216.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

TOTAL NET AMOUNT DUE
\$ 216.00

We impose a surcharge of 3.99% on credit cards that is not greater than our cost of acceptance.. PLEASE RETURN THIS PORTION WITH YOUR REMITTANCE

If you desire to charge this amount to your credit card, please complete the following information and return to the address below: [] Visa [] Mastercard [] Discover [] American Express

Acct#: _____ Exp Date: _____
Signature _____ CIV _____ Zip Code _____

AFFP
LEGAL

Affidavit of Publication

STATE OF NEW YORK }
COUNTY OF } SS
CATTARAUGUS }

LEGAL

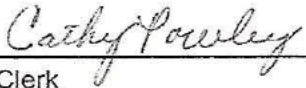
Cathy Powley, being duly sworn, says:

That she is Legal Clerk of the Olean Times Herald, a daily newspaper of general circulation, printed and published in Olean, Cattaraugus County, New York; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

September 10, 2024, September 17, 2024, September 24, 2024

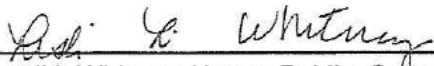
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Legal Clerk

Subscribed to and sworn to me this 24th day of
September 2024.



Lesli L Whitney, Notary Public, Cattaraugus County, New
York

My commission expires: May 24, 2027

Notary number: 01WH6025284

00065402 00635748

Cuba Cemetery Association
c/o Kathleen Chamberlain
17 Maple St.
Cuba, NY 14727

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

Name	Section	Lot#
James Hanlin	RC	B1
Ellen Hanlin	RC	B2
Allen A. Hanlin	RC	B3
Nancy Hanlin	RC	B4
John B. Hanlin	RC	B5
Nellie Bronsan Flavin	RC	B10
Cornelius Brosnan	RC	B11
Mary Brosnan	RC	B12
Jeremiah F. Brosnan	RC	B13
Honora Mangan	RC	B47
John Laydon	RC	B49
Daniel Laydon	RC	B50
James McMahan	RC	B51
Mary McMahan	RC	B52
Mary Breen Linan	RC	C17
Patrick Linan	RC	C18
Anna C. Linan	RC	C19
Maria McMahan	RC	C24
John Kirby	RC	C25
Ann Kirby	RC	C26
Catharine Powers	RC	C27
Thomas (Tho S.) Powers	RC	C28
Ellen Mangan	RC	D19
Thomas Mangan	RC	D20
Rev. John J. Mangan	RC	D21
Lawrence Mangan	RC	D22
Lawrence Mangan	RC	D25
Bridget Daly	RC	D38
Ann Daly	RC	D39
Martin Daly	RC	D40
Patrick M. Casey	RC	F22
Dennis W. Casey	RC	F23
Mary F. Casey	RC	F24
James J. Casey	RC	F25
Michael Clarry	RC	F39
Teresa McKenna	RC	G34
Felix McKenna	RC	G35
Richard Keven	RC	G36
Nora Daley Keven	RC	G37
Mary Daley Keven	RC	G38
John Callahan	RC	G41
Dennis Sullivan	RC	H42
Margaret Sullivan	RC	H43
Mary Sullivan	RC	H44
Mary Harrington	RC	H45
Dennis Harrington	RC	H46

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 by **November 23, 2024** and, (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers by the previously-stated deadline, the Cuba 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 should be directed to **Kathy Morris** at [REDACTED] and sent so that they are received by the previously stated deadline.