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 D. SEELMAN, INVESTIGATOR II

SUBJECT: BITLEY CEMETERY ASSOCIATION, #62-003

RE: HAZARDOUS MONUMENT REPAIR CHECKLIST

DATE: MARCH 17, 2025

Application dated October 23, 2024, completed, notarized and signed

27 Monuments Requested

Legal Notice run 3 times in The Chronical Express for $256.01

27 Monuments Appear Eligible

Estimate: **DC Masonry repair estimate $36,930 (average $1,368 / monument)**

Everblasting Memorials LLC repair estimate $40,203 (average $1,489/ monument)

Both contractors propose 42-inch concrete foundations, DC Masonry offers a 15-year warranty and Everblasting offers a 10-year warranty.

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

Recommend Approval in the amount of $37,186.01.

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: Bitley Cemetery Association, #62-003

RE: Application for Repair of Hazardous Monuments

DATE: March 10, 2025

Exhibits

A) Application for Repair/Removal of Dilapidated/Disrepair Monuments that Create a Hazardous Condition.
B) DC Masonry estimate for $36,930
C) EverBasting Memorials LLC estimate for $40,203
D) Invoice and copy ads for lot owners in the Chronicle Express for $256.01

Introduction and Recommendation

I received an application (Exhibit A) for the repair of 27 hazardous monuments located in the Bitley Cemetery of the Town of Jerusalem, Yates County. The application was submitted by Jamie L Sisson, the president of the Bitley Cemetery Association. Included with this application were estimates from DC Masonry for $36,930 (Exhibit B), EverBasting Memorials LLC estimate for $40,203 (Exhibit C). Also included was a legal notice to lot owners (Exhibit D) that was run for three consecutive weeks in the Chronicle Express for $256.01. 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 July 1, 2024 and found that 27 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 its legal advertisement that it placed, and has no funds dedicated to the restoration of monuments. Ms. Virginia Turner, Sectary 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 1939.

All bidders propose 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 DC Masonry 15-Years and EverBlasting 10-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 $37,186.01. I recommend that this application be approved.

EXHIBIT A

NEW YORK STATE OF OPPORTUNITY. | 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	COUNTY IN WHICH CEMETERY IS LOCATED
$36,930 + 256.01 = $37,186.01	Yates
CEMETERY NAME	CEMETERY ID NUMBER
Bitley Cemetery Association	62003
NAME OF CEMETERY OFFICIAL	TITLE
Jamie L Sisson	President
STREET ADDRESS	
[redacted]	
CITY/TOWN/VILLAGE	ZIP CODE
Penn Yan	14527
TELEPHONE NUMBERS:	
Home [redacted]	Work ( )
E-MAIL ADDRESS	FAX
jlsissonconstruction@yahoo.com	jlsissonconstruction@yahoo.com

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

*If YES, when? 2006 Amount Received: $7,965.75

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:
   Please see attached for details on 27 monuments.

   Please see attached for details on 27 monuments.

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: Jamie L Sisson *Date:* 10/23/24

Sheila A. McMichael
Notary Public, State of New York
No. 01MC6102564
Qualified in Yates County
Commission Expires December 8, 2027

On this 23rd day of Oct. 2024
appeared Jamie L. Sisson
known to me to be said person.
Sheila A. McMichael
Notary Public

Grave Markers in Bitley Cemetery, Branchport NY Asking for State Help to Repair

Old Section of Cemetery Starting in Southeast Corner Numbered from South to North

1.	Plot 6	Grave 7	John F. Swift		1798-1875
2.	Plot 6	Grave 8	Lavinia Culver Swift		1799-1861
3.	Plot 13	Grave 4	Nathaniel G. Hibbard		1806-1888
4.	Plot 13	Grave 8	Casper Hibbard		1830-1863
5.	Plot 24	Grave 14	Elizabeth M. Hibbard		1866-1891
6.	Plot 24	Grave 8	H.E.L. 2 infants of John & Helen Laird		1849 & 1851
7.	Plot 27	Grave 8	Claude Shull		1869-1876
8.	Plot 27	Grave 9	George S. Cole		1850-1877
9.	Plot 27	Grave 10	Charles Cole	(2 stones for	1819-1863
10.	Plot 27	Grave 12	Charles Cole	same person)	1819-1863
11.	Plot 28	Grave 2	Reuben Poyneer		1781-1853
12.	Plot 28	Grave 4	John C. Miller		1811-1883
13.	Plot 28	Grave 5	Mary Miller		1820-1875
14	Plot 28	Grave 6	John Miller		1843-1864
15.	Plot 29	Grave 1	Ira Pierce		? - 1869

Middle Section of Cemetery Numbered from South to North

There are 4 sections starting at the Southeastern corner.
The first section is along the South fence Lots 1-24 going East to West with 4 graves per Lot.
The second section is Lots 25-48 going West to East with 8 graves per Lot.
Then there is an old driveway.
The third section has 2 empty rows and Lots 49-71 going East to West with 8 graves per Lot.
The fourth section has 2 empty rows and Lots 72-94 going West to East with 4 graves per Lot with the exception of Lots 76 & 77 which each have 6 graves.
Then there is an open area and the main driveway on the North.

16.	Lot 2	Grave 3	Susan Crouch	?- 1892
17.	Lot 3	Grave 2, 3, 4	Thomas, Betsy, Frederic Pepper (3 names 1 stone)	1836-1914
18.	Lot 4	Grave 1	Mortimer L. Hollister	1852-1924
19.	Lot 8	Grave 3,4	Daniel & Sarah Lynn (2 names 1 stone)	1818-1895
20.	Lot 10	Grave 4	David J. Timmerman	1850-1896
21.	Lot 30	Grave 5,6,8	James, Orpha, Clinton Thomas (3names 1 stone)	1860-1939
22.	Lot 35	Grave 3	Luther S. Turner	1858-1935
23.	Lot 43	Grave 4,5	Elisha & Lucretia Luther (2 names 1 stone)	1824-1896
24.	Lot 52	Graves 3,4	Potter (appears to be a family marker for Delos & Unelia)	1847-1932
25.	Lot 88	Grave 1,2,3	Theodore, Jennie Stiles, Roscoe Palmer (3names 1 stone)	1852-19?
26.	Lot 91	Grave 2	James C. Beddoe	1840-1897
27.	Lot 93	Grave 3	Hazel Hemenway	1895-1904

EXHIBIT B

Bid # 1 - page 1

Hazardous Monument Application Spreadsheet

Date:

Cemetery Name & Address		Contractor or Monument Company Name & Address
Name: Bitley Cemetery		Name: DC Masonry
Address: Brandreport NY	Total Number of Stones: 27	Address: 2329 Chase rd
		Rock Stream NY 14878
Phone:		Phone: 607-738-0730
Contact Person:		Contact Person: David Clancey

(Please print clearly)

1	2	3	4	5		6	7	8	9	10	11	12
Name on Monument Last Name , First Name	Location/ Section Plot/Lot	Cost to Remove, Repair & Reset Monument	Cost of Foundation with 3 Dimensions	Cost of Foundation to Be Capped LXWXD 42"	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. John Swift	6/7	275	900	27X18	1,175							
2. Lavinia Swift	6/8	275	900	27X18	1,175							
3. Nathaniel Hibbard	13/4	275	1,065	24X24	1,340							
4. Casper Hibbard	13/8	275	890	29X15	1,165							
5. Elizabeth Hibbard	24/14	275	980	23X23	1,255							
6. J. & H. Laird	24/18	275	890	21X11	1,165							
7. Claude Shull	27/8	275	890	21X13	1,165							
8. George Cole	27/9	275	920	31X16	1,195							
9. Charles Cole	27/10	275	1,750	43X22	2,025							
10. Charles Cole	27/12	275	890	29X14	1,165							
11. Reuben Paynee	28/2	275	1,065	24X24	1,340							
12. John Miller	28/4	275	1,135	34X18	1,410							
13. Mary Miller	28/5	275	1,135	34X18	1,410							
14. John Miller	28/6	275	1,135	34X18	1,410							
15. Ira Pierce	29/1	275	890	31X14	1,165							
16. Susan Crouch	2/3	275	890	21X21	1,165							
17. Thomas Pepper	3/234	275	1,200	36X18	1,475							
18. Mortimer Hollister	4/1	275	890	21X21	1,165							

Bid #1 - page 2

Hazardous Monument Application Spreadsheet Date:

Cemetery Name & Address		Contractor or Monument Company Name & Address
Name: D. Hey Cemetery		Name:
Address: Brownsport NY	Total Number of Stones: 27	Address:
Phone:		Phone:
Contact Person:		Contact Person:

(Please print clearly)

	1	2	3	4	5		6	7	8	9	10	11	12
	Name on Monument / Last Name , First Name	Location/ Section / Plot/Lot	Cost to Remove, Repair & Reset Monument	Cost of Foundation with 3 Dimensions	~~Cost of Foundation to Be Capped~~ LXWXD 4"	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
19	Daniel Lyon	8/34	275	890	21X21	1,165							
20	David Timmerman	10/14	275	890	19X19	1,165							
21	James Thomas	30/568	275	1,335	36X20	1,610							
22	Luther Tanner	35/3	275	1,065	32X18	1,340							
23	Elisha Luther	43/45	425	2,390	45X26	2,815							
24	Potter	52/34	275	1,550	38X22	1,825							
25	Theodore Palmer	88/623	275	995	30X18	1,270							
26	James Beddoe	91/2	275	935	28X18	1,210							
27	Hazel Hennessy	93/3	275	890	13X13	1,165							

Total $36,930.00

All foundations have a 15 year guarantee.

EXHIBIT C

Bid #2 - page 1

	A	B	C	D	E	F	G	H
1		**Cemetery**						
2		Name	Bitley Cemetery					
3		Address	172 W Lake Rd.					
4			Branchport, NY 14418					
5								
6		Contact Person	Richard Phillips					
7		Phone Number	[redacted]					
8	[redacted]		[redacted]					
9		**Contractor**						
10		Name	EverBlasting Memorials LLC					
11		Address	18 Edwina St.					
12			Dundee NY 14837					
13		Phone	Corrina Thompson 607-351-8650					
14			Dustyn Thompson 607-644-7353					
15								
16								
17		**Total Number of Stones:**						
18							**Total Cost of**	
19		**Name on Monument**		**Cost of Remove**	**Foundation**	**Cost of**	**Repair and**	
20	Photo	Last	First	**Repair, Reset**	**Dimentions**	**Foundation**	**Foundation**	
21	1	SWIFT	JOHN	300	31X22X42	1193	1493	
22	2	CULVER SWIFT	LAVINIA	300	30X21X42	1148	1448	
23	3	HIBBARD	NATHANIEL G	400	28X28X42	1260	1660	
24	4	HIBBARD	CASPER	300	33X19X42	1170	1470	
25	5	HIBBARD	ELIZABETH	300	26X27X42	1193	1493	
26	6	LAIRD	H.E.L	200	24X15X42	878	1078	
27	7	SHULL	CLAUDE	300	25X17X42	945	1245	
28	8	COLE	GEORGE	300	34X20X42	1215	1515	
29	9	COLE	CHARLES & SAMANTH	400	47X26X42	1643	2043	
30	10	COLE	CHARLES	200	32X18X42	1125	1325	
31	11	POYNEER	REUBEN	300	28X28X42	1260	1560	

Bid #2 - page 2

	A	B	C	D	E	F	G	H
32	12	MILLER	JOHN C.	300	38X20X42	1305	1605	
33	13	MILLER	MARY	300	38X22X42	1350	1650	
34							**Total Cost of**	
35		**Name on Monument**		**Cost of Remove**	**Foundation**	**Cost of**	**Repair and**	
36	Photo	Last	First	**Repair, Reset**	**Dimentions**	**Foundation**	**Foundation**	
37	14	MILLER	JOHN	300	38X22X42	1350	1650	
38	15	PIERCE	IRA	300	35X18X42	1193	1493	
39	16	CROUCH	SUSAN	300	24X24X42	1080	1380	
40	17	PEPPER	THOMAS	200	38X21X42	1328	1528	
41	18	HOLLISTER	MORTIMER L.	300	24X24X42	1080	1380	
42	19	LYNN	DANIEL & SARAH	300	24X24X42	1080	1380	
43	20	TIMMERMAN	DAVID J.	300	19X21X42	900	1200	
44	21	THOMAS	JAMES, ORPHA, CLINTON	200	41X23X42	1440	1640	
45	22	TURNER	LUTHER	200	36X22X42	1305	1505	
46	23	LUTHER	ELISHA	400	47X30X42	1733	2133	
47	24	POTTER	FAMILY Marker DELOS & UN	300	36X25X42	1373	1673	
48	25	PALMER	THEODORE	200	32X21X42	1193	1393	
49	26	BEDDOE	JAMES C.	200	34X23X42	1283	1483	
50	27	HEMENWAY	HAZEL	150	14X14X42	630	780	
51				**7550**		**32653**	**40203**	
52								
53								
54								
55								
56					**TOTAL**	**40203**		

EXHIBIT D

BITLEY CEMETARY
MONUMENT/MARKER REPAIR/REMOVAL

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

John F Swift	Plot 6, Grave 7
Lavinia Culver Swift	Plot 6, Grave 8
Nathaniel G Hibbard	Plot 13, Grave 4
Casper Hibbard	Plot 13, Grave 8
Elizabeth M Hibbard	Plot 24, Grave 14
H.E.L., 2 infants of John & Helen Laird	Plot 24, Grave 8
Claude Shull	Plot 27, Grave 8
George S Cole	Plot 27, Grave 9
Charles Cole	Plot 27, Grave 10
Charles Cole	Plot 27, Grave 12
Reuben Poyneer	Plot 28, Grave 2
John C Miller	Plot 28, Grave 4
Mary Miller	Plot 28, Grave 5
John Miller	Plot 28, Grave 6
Ira Pierce	Plot 29, Grave 1
Susan Crouch	Lot 2, Grave 3
Thomas, Betsy, Frederic Pepper	Lot 3, Graves 2, 3, 4
Mortimer L Hollister	Lot 4, Grave 1
Daniel & Sarah Lynn	Lot 8, Grave 3, 4
David J Timmerman	Lot 10, Grave 4
James, Orpha, Clinton Thomas	Lot 30, Grave 5, 6, 8
Luther S Turner	Lot 35, Grave 3
Elisha & Lucretia Luther	Lot 43, Grave 4, 5
Delos & Unelia Potter	Lot 52, Grave 3, 4
Theodore, Jennie Stiles, Roscoe Palmer	Lot 88, Grave 1, 2, 3
James C Beddoe	Lot 91, Grave 2
Hazel Hemenway	Lot 93, Grave 3

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 February 15, 2025 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 Bitley 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 Ginny Turner (315-536-6759) and sent so that they are received by the previously-stated deadline.

Published in The Chronicle-Express November 14, 21, 28, 2024.

2870690

The Chronicle-Express

See Proof on Next Page

AFFIDAVIT OF PUBLICATION

The Chronicle-Express
138 Main St, Penn Yan, NY 14527
(315) 536-4422

State of Pennsylvania, County of Lancaster, ss:

I, Rachel Cozart, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of The Chronicle-Express, a qualified newspaper published and of general circulation in Yates county, State of New York was published in regular edition of said paper, and that the notice of which the annexed is a copy was published on the following date(s).

Publication Dates:
- Nov 14, 2024
- Nov 21, 2024
- Nov 28, 2024

Publication Fee: $256.01

Rachel Cozart

Agent

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Signed or attested before me on this: 11/29/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

The Chronicle-Express

Receipt

Column Software PBC
PO Box 208098
Dallas, TX 75320-8098
help.column.us

Paid by
Bitley Cemetery Association

Receipt number	
Invoice number	152BBA4E-0003
Notice ID	paueBbmXM3rUa6NVu9Co
Publisher	The Chronicle-Express
Date paid	Dec 2, 2024
Payment method	Check

Description	Qty	Unit price	Amount
11/14/2024: Legal Notice Notice	1	77.58	77.58
11/21/2024: Legal Notice Notice	1	77.58	77.58
11/28/2024: Legal Notice Notice	1	100.85	100.85

=== Notes ===
Notice Name: Bitley Cemetery
Order Number: 2870690

Net Subtotal	$256.01
Tax	0.00
Amount paid	$256.01