**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:** PIERREPONT HILL CEMETERY, #45-047

**RE:** HAZARDOUS MONUMENT REPAIR CHECKLIST

**DATE:** JUNE 24, 2025

Application dated February 10, 2025, completed, notarized and signed

26 Monuments Requested

**Legal Notice run 3 times in The Watertown Daily Times- $152.56**

26 Monuments Appear Eligible

Estimate: **Witherbee & Whalen repair estimate $13,637 (average $525/ monument)**

Five additional contractors contacted and opted not to provide estimates

Witherbee & Whalen proposes 42-inch concrete foundations and provides a warrantee against faulty materials and workmanship

The cemetery is up to date on Annual Reports and Vandalism Payments, previous disbursement used appropriately

**Recommend Approval in the amount of $13,789.56.**

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COMMISSIONER OF HEALTH

**TO:** New York State Cemetery Board

**FROM:** Michael Seelman, Investigator II

**SUBJECT:** Pierrepont Hill Cemetery Association, #45-047

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

**DATE:** June 24, 2025

## Exhibits

**A)** Application for Repair or Removal of Dilapidated or Disrepair Monuments that Create a Hazardous Condition
**B)** Witherbee and Whalen estimate for $13,637
**C)** Invoice and copy of notice in The Watertown Daily Times for $152.56

## Introduction and Recommendation

I received an application (Exhibit A) for the repair of 26 hazardous monuments located in the Pierrepont Hill Cemetery of the Town of Pierrepont, St. Lawrence County. The application was submitted by Nancy Rutledge, President of the Pierrepont Hill Cemetery Association. Included with this application was an estimate from Witherby & Whalen (Exhibit B) totaling $13,637, there were no other bids received. Also included was an invoice for a legal notice to lot owners (Exhibit D) that was run for three consecutive weeks in the Watertown Daily Times for $152.56.

I recommend approval of this application.

## The Monuments

I visited the cemetery on May 9, 2025, and found that all 26 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 the legal advertisement that it placed, and has no funds dedicated to the restoration of monuments. Mrs. Rutledge stated that he 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 1950.

Witherbee & Whalen proposes to remove 26 monuments from the existing foundations; dig out 14 existing foundations; place 14 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 monuments, resealing all joints with setting compound/ epoxy or pins when necessary. They warranty the work against defects in workmanship or materials, but did not limit it to a time period.

Rutledge stated that she requested estimates from five additional contractors who opted not to provide estimates. As the Witherbee & Whalen estimate is below the average price for work in this region ($525 / monument) and this company has experience restoring dilapidated monuments, the cemetery has requested that the Board accept the single bid.

**Recommendation**

The cemetery has used previous funds appropriately, 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 $13,789.56. 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 |
|---|---|
| $13,637 13,789. 56 | St. Lawrence |
| CEMETERY NAME | CEMETERY ID NUMBER |
| Pierrepont Hill Cemetery | 45-047 |
| NAME OF CEMETERY OFFICIAL | TITLE |
| Nancy Rutledge | President, Board of Trustees |
| STREET ADDRESS | |
| 729 State Highway 68 | |
| CITY/TOWN/VILLAGE | ZIP CODE |
| Canton, NY 13617 | |
| TELEPHONE NUMBERS: | |
| Home [redacted] | Work ( ) |
| E-MAIL ADDRESS | FAX |
| pierreponthillcemetery@gmail.com | pierreponthillcemetery@gmail.com |

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

*If **YES**, when? 2-10-25 Amount Received: $ $17917

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.

   Please see attached.

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:* Nancy Rutledge *Date:* 2-10-25

On this 10th day of Feb. 20 25
appeared Nancy Rutledge
known to me to be said person.

Jean M Tupper
*Notary Public*

JEAN M TUPPER NOTARY PUBLIC
State of New York
Qualified in St. Lawrence County
My Commission Expires 7/31/2025

**Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Dangerous Condition**

Notarized statement signed by a cemetery corporation officer that the cemetery corporation has not been able to obtain sufficient funds from the family of the deceased (include copies of letters or newspaper advertisements); and that the proposed costs of the repairs or removals and replacements are fair and reasonable.

The Pierrepont Hill Cemetery Association received no responses to the legal notice published in the Watertown Daily Times for three weeks. (Affidavit enclosed) so has been unable to raise funds from the families of the deceased. The proposed costs of repairs are fair and reasonable

Signed: Nancy Rutledge Date 2-10-25

Nancy Rutledge, President

On this 10th day of Feb., 2025

Appeared Nancy Rutledge

known to me to be said person.

*Notary Public*

JEAN M TUPPER, NOTARY PUBLIC
Qualified State of New York
Qualified in St. Lawrence County
My Commission Expires 7-31-2026
My Commission Expires

Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Dangerous Condition

Attach copies of bids submitted by at least two.contractors for the cost of repairs or removal and replacement.

Requests for bids were sent to the following list:

| | | | | | |
|---|---|---|---|---|---|
| Witherbee & Whalen, Inc. | 3 Hodskin St. | Canton | NY | 13617 | witherbeeandwhalen@gmail.com |
| Frary Monument Services | 515 Caroline St. | Ogdensburg | NY | 13669 | info@fraryfuneralhome.com |
| Mohawk Valley Monuments | 2270 Broad St. | Frankfort | NY | 13340 | mvmonuments@gmail.com |
| A Cozzi Monuments | 619 Mill St. | Watertown | NY | 13601 | acozzico@yahoo.com |
| Wilson Monument Company | 861 Coffeen St. | Watertown | NY | 13601 | Wilsonmonuments@aol.com |
| Arnold Monuments | 295 Elms St. | Malone | NY | 12953 | sales@malonelumber.com |

We are unable to obtain two bids within our rural geographic area as there are few service providers. Witherbee & Whalen and Frary Monument Services are the only two known to us in St. Lawrence County. We did seek bids from neighbor counties but without success. The only bid received was from Witherbee and Whalen, Inc.

- Mohawk Valley (Utica area) responded that they will not be bidding due to distance.
- Arnold Monuments responded that they no longer are in the business.
- Frary Monument Services indicated, “Unfortunately, we won't be able to begin the bidding process at this time, as we do not have enough time to take the necessary measurements for each stone foundation before the snow arrives. This would delay the foundation work until the 2026 season.”
- A. Cozzi Monuments acknowledged receipt of the RFP but did not submit a bid.

# EXHIBIT B

January 23, 2025

Pierrepont Cemetery Association

Estimate for work to be done in the Pierrepont Cemetery:

26 memorials at $13,637.00

Cost includes:

monument taken apart, removed from existing foundation, removal of old foundation
new foundation installed using poured concrete
(foundation depth is 42” as long as applicable)
monument will be reset, rejointed (sealed), and leveled with no lateral movement
debris and dirt will be removed
lots will be graded and reseeded

Warranty of work is against defects in material or workmanship, we have an unwritten guarantee that if we feel a complaint is our fault, we will fix it. The concrete is not guaranteed from aging. We use the best concrete we can. It will weather and change color where it is exposed. It may also become chipped and damaged by lawn care vehicles. This is out of our control.

If the bid is accepted, work to be completed by the end of the 2025 year.

We would like to take this opportunity to thank you for the trust and confidence that you have placed in our company. Please do not hesitate to call our office should you have any questions or concerns at any time.

Sincerely,

Roberta W Yaeger

Witherbee & Whalen, Inc.

**Hazardous Monument Application Spreadsheet** Date: 11/18/24

**Cemetery Name & Address**

Name: Pierrepont Hill Cemetery Association

Address: C/O [redacted]

[redacted]

Phone: [redacted]

Contact Person: Nancy Rutledge

**Total Number of Stones: 26**

**Contractor or Monument Company Name & Address**

Name: Witherbee & Whalen, Inc.

Address: 3 Hodskin St.

Canton, NY 13617

Phone: 315-386-8566

Contact Person: Roberta W. Yaeger

(Please print clearly)

| 1 | 2 | 3 | 4 | 5 | | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of Monument<br>Last Name, First Name | Location/Section<br>Lot/Plot | 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 |
| Gleason, Lucy | 4 | 360 | 235 | | 595 | | | | | | | |
| Vanderburg, Luly | 7 | 360 | 235 | | 595 | | | | | | | |
| Merritt, Arthur & Baby | 9 | 450 | | | 450 | | | | | | | |
| Matthews, Arvilla | 10 | 360 | | | 360 | | | | | | | |
| Bacheller, Perry, Lavina, Sally & Samuel and Packard, Mayfred | 15 | 360 | | | 360 | | | | | | | |
| Howard, Appleton | 17 | 360 | 234 | | 594 | | | | | | | |
| Howard, Leonara Loomis | 17 | 360 | 273 | | 633 | | | | | | | |

| Name of Monument<br>Last Name, First Name | Section Row<br>Lot/Plot | 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 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Leonard, Vernia | 23 | 360 | 234 | | 594 | | | | | | | |
| Leonard, Little Lorson | 23 | 360 | | | 360 | | | | | | | |
| Leonard, Lorson & Anna | 23 | 360 | | | 360 | | | | | | | |
| Hewitt, William | 35 | 360 | | | 360 | | | | | | | |
| Butterfield, Ephrain | 41 | 360 | 312 | 672 | 672 | | | | | | | |
| Hundley, Caroline Morrill | 75 | 360 | | | 360 | | | | | | | |
| Crary, Julia | 79 | 360 | 234 | | 594 | | | | | | | |
| Leonard, Alvah | 97 | 450 | | | 450 | | | | | | | |
| Plumb, Lucina A. Leonard | 101 | 360 | | | 360 | | | | | | | |
| Leonard, WC, Mary & Lucina | 102 | 360 | | | 360 | | | | | | | |
| Lawrence, Maria | 115 | 360 | 286 | | 646 | | | | | | | |
| Butterfield, Hiram | 116 | 450 | 690 | | 1140 | | | | | | | |
| Alford, William | 135 | 360 | 286 | | 646 | | | | | | | |
| Crossman, Merton & Gertrude | 159 | 360 | 234 | | 594 | | | | | | | |
| Searles, Marcey Gleason & Lilla Northrop | 182 | 360 | | | 360 | | | | | | | |
| Paro, Fred & Eva | 188 | 360 | 234 | | 594 | | | | | | | |

| Name of Monument<br>Last Name, First Name | Section Row<br>Lot/Plot | 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 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Vaughn, Rheuben | 196 | 360 | 247 | | 607 | | | | | | | |
| Cota, Vina Towner | 210 | 360 | 273 | | 633 | | | | | | | |
| Hamilton, Benjamin, Delbert, Hila, & Julia | 273 | 360 | | | 360 | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | 13637 | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| | | | | | | | | | | | | |

# EXHIBIT C

**AFFIDAVIT OF PUBLICATION**
**Watertown Daily Times**

State of New York,
County of, St. Lawrence County,

The undersigned is the authorized designee of Watertown Daily Times, a Daily Newspaper published in St. Lawrence County, New York. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

11/21/2024 ,11/29/2024 ,12/06/2024

This newspaper has been designated by the County Clerk of St. Lawrence County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

_____

Signature

Christina Henke Rea

_____

Printed Name

Subscribed and sworn to before me,

This 09 day of December 2024

DOUGLAS W REA
Notary Public - State of New York
NO. 01RE6398443
Qualified in Albany County
My Commission Expires Sep 30, 2027

**SAINT LAWRENCE COUNTY**
**LEGAL NOTICE**

To: The last known owner or owners of the following burial lots located in the Pierrepont Hill Cemetery, Town of Pierrepont, in St. Lawrence County, New York, and all persons having or claiming to have an interest in said burial lots:

Lot 4 Gleason, Lucy
Lot 5/6 Moore, Bertha & Flora
Lot 7 Vanderburg, Luly
Lot 9 Merritt, Arthur & Baby
Lot 10 Matthews, Arvilla
Lot 15 Bacheller, Perry, Lavina, Sally, Samuel & Packard, Mayfred
Lot 17 Howard, Appleton and Leonara Loomis
Lot 23 Leonard, Vernia, Lorson, Anna, and "Little" Lorson
Lot 35 Hewitt, William
Lot 41 Butterfield, Ephrain & Mehitable
Lot 75 Hundley, Caroline Morrill
Lot 79 Crary, Julia
Lot 97 Leonard, Alvah & Abigail
Lot 101, Plumb, Lucina A. Leonard
Lot 102 Leonard, WC, Mary & Lucina
Lot 115 Lawrence, Maria
Lot 116 Butterfield, Hiram
Lot 135 Alford, William
Lot 159 Crossman, Merton & Gertrude
Lot 182 Searles, Marcey Gleason & Lila Northrop
Lot 188 Paro, Fred & Eva
Lot 196 Vaughn, Reuben
Lot 210 Cota, Vina Towner
Lot 273 Hamilton, Benjamin, Delbert, Hila, & Julia

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 this notice or by Feb 7, 2025 and (3) if the persons to whom this notice is addressed fail to repair or remove said monuments or markers by Feb 7, 2025, the Pierrepont Hill Cemetery Association may remove or repair said monuments without further notice to the persons to whom this notice is addressed. Questions may be directed to Nancy Rutledge, 315-261-3028, prior to Feb 7, 2025.

# Invoice

Watertown Daily Times

| | |
|---|---|
| **Invoice number** | **8449F4A3-0001** |
| Date of issue | November 18, 2024 |
| Date due | December 6, 2024 |
| Check payable to: | Johnson Newspaper Corp |

**Watertown Daily Times**
260 Washington Street
Watertown, New York 13601
United States
+1 518-464-6486
support@nynewspapers.com

**Bill to**
[redacted]

received
11/18/24
pd. #420
11/19/24
academy

## $152.56 USD due December 6, 2024

Pay online

Confirmation Id: 315104bb

| Description | Qty | Unit price | Amount |
|---|---|---|---|
| Publication date: 11/21/2024 | 1 | $51.88 | $51.88 |
| Publication date: 11/29/2024 | 1 | $40.34 | $40.34 |
| Publication date: 12/06/2024 | 1 | $40.34 | $40.34 |
| QAC Affidavit | 1 | $20.00 | $20.00 |

| | |
|---|---|
| Subtotal | $152.56 |
| Total | $152.56 |
| **Amount due** | **$152.56 USD** |



704404296.875_774/000388/000866