**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:** CONCORDIA CEMETERY, #15-013

**RE:** HAZARDOUS MONUMENT REPAIR CHECKLIST

**DATE:** SEPTEMBER 26, 2025

Application dated July 18, 2025, completed, notarized and signed

20 Monuments Requested

**Legal Notice run 3 times in The AmPol Eagle- $144**

20 Monuments Appear Eligible

Estimate: **Western New York Cemetery Services repair estimate $19,716 (average $986/ monument)**

Western New York Cemetery Services proposes 42-inch concrete foundations and provide a 20-year warranty

**Cemetery posted a bid solicitation in The AmPol Eagle with no results $33**

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

**Recommend Approval in the amount of $19,893.**

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COMMISSIONER OF HEALTH

**TO:** New York State Cemetery Board

**FROM:** Michael Catena, Investigator

**SUBJECT:** Concordia Cemetery Association,#15-013

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

**DATE:** July 21, 2025

## Exhibits

**A)** Application for Repair/Removal of Dilapidated/Disrepair Monuments that Create a Hazardous Condition
**B)** Letter from Concordia explaining only one bidder found.
**C)** Western New York Cemetery Service estimate for $19,716
**D)** invoice and copy of ads soliciting Am Pol Eagle $33
**E)** Invoice and copy of ads notifying lot owners lot owners. Am Pol Eagle for $144

## Introduction and Recommendation

I received an application (Exhibit A) for the repair of 20 hazardous monuments located in the Concordia Cemetery of the city of Buffalo, Erie County. The application was submitted by Bonnie Fleischauer, director of the Concordia Foundation. Included with this application is letter from Concordia explaining why there is only one bid for repairs ( Exhibit B), an estimate from Western New York Cemetery Services of $19,716 (Exhibit C), an invoice from the Am Pol Eagle for ad looking for bidders for $33 (Exhibit D), invoice for an ad that was run for three consecutive weeks in the Am Pol Eagle for $144 (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 October 16, 2024, and found that 20 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. Fleischauer 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 1976.

Western New York Lawn Services proposes 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 with a warranty of 20 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 $19,893. 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: $19,716 $19,893

COUNTY IN WHICH CEMETERY IS LOCATED: ERIE

CEMETERY NAME: Concordia Cemetery

CEMETERY ID NUMBER: 16-1071686

NAME OF CEMETERY OFFICIAL: Bonnie Fleischauer

TITLE: Director

STREET ADDRESS: 438 Walden Ave

CITY/TOWN/VILLAGE: Buffalo, NY

ZIP CODE: 14211

TELEPHONE NUMBERS:
Home (585) 638-8128
Work ( ) none

E-MAIL ADDRESS: ConcordiaButtalo@gmail.com

FAX: none

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

*If YES, when? 2024 Amount Received: $ 19,070.00

Was proof of completed work forwarded to the Division of Cemeteries? ..... [X] YES [ ] NO

1. Provide a description of each damaged monument and/or marker and enclose referenced photos:
please see attached photos and spread sheet

2. Attach copies of bids submitted by at least *two* contractors for the cost of repairs or removal and replacement. only 1 would bid - we ran an additional ad

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. Please see attached ads

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:* Bonnie L Fleischauer *Date:* 7/18/2025

On this 18 day of July 20 25
appeared Bonnie Fleischauer
~~known to me~~ to be said person.

Tiffany L Keiffer
*Notary Public*

TIFFANY L. KEIFFER
NOTARY PUBLIC STATE OF NEW YORK
ORLEANS COUNTY
LIC. #01KE6433515
COMM. EXP. 05/16/26

# EXHIBIT B

**Concordia Cemetery Association, Inc.**
P.O. Box 1773, Buffalo, New York 14226
438 Walden Avenue, Buffalo NY 14211
**(716) 892-2909**

***Every Stone Tells a Story***

Mr. Michael Catena
NYS Department of Cemeteries
Ellicott Square Building
295 Main Street, Room 821
Buffalo, NY 14203

Mr. Catena;

In regard to the application for repair of dilapidated and disrepaired monuments at Concordia Cemetery, we received only one quote. We initially contacted 6 different service companies beginning in April, 2025 and sent them a map, a list and photos of the monuments. We followed up with phone calls in May. The companies that did not bid said they did not have the equipment or enough manpower to take on this project. The only quote we received was from Western New York Cemetery Services.

We ran an additional ad asking for quotes for this project for 4 weeks in June and received no responses. I have submitted proof of the ads being run.

If you need any additional information, please do not hesitate to contact me.

Sincerely,
Bonnie Fleischauer
Director
Concordia Cemetery, Inc.

***Our Mission:*** *to restore, preserve and protect the cemetery grounds, its history and its records and to lay the groundwork to ensure its appropriate maintenance and preservation for years to come.*

# EXHIBIT C

**Concordia Cemetery, Attn: Bonnie Fleischauer - 438 Walden Ave, Buffalo, NY 14211**

**Western New York Lawn Service Inc, 4463 Wethersfield Road, Warsaw, NY 14569**

| # | Surname | First Name(s) | Sect/Lot | # Pieces | Size | Foundation $ | Remove, Repair, Reset | Total | Remove & dispose | Bronze maker | Foundation Cost | Total with Bronze | Remove & dispose | Granite Maker | Foundation Cost | Total with Granite |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Smith | Frederick,Lisetta, Amelia,Charles | Trinity | 3 | 22 x 46 | $1,107 | $600 | $1,707 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 2 | Bock | Elizabeth | St. Stephen | 2 | 16 x 28 | $490 | $400 | $890 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 3 | Simon | Jacob | St. Stephen | 3 | 22 x 22 | $529 | $600 | $1,129 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 4 | Speck | Anna | St. Stephen | 2 | 16 x 24 | $420 | $400 | $820 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 5 | Kehl | Peter, Louisa | St. Stephen | 2 | 14 x 38 | $582 | $400 | $982 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 6 | Gerlach | Elizabeth,Philip | St. Stephen | 4 | 28 x 28 | $858 | $800 | $1,658 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 7 | Moeloth | Magdalena,Peter | St. Stephen | 4 | 34 x 34 | $1,264 | $800 | $2,064 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 8 | Jung | Daniel, Elizabetha, Margaretha | St. Stephen | 2 | 16 x 16 | $280 | $400 | $680 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 9 | Frank | Philip | St. Stephen | 2 | 14 x 21 | $322 | $400 | $722 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 10 | Frank | Elizabeth | St. Stephen | 2 | 14 x 21 | $322 | $400 | $722 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 11 | Schalk | Philip,Louise | St. Stephen | 3 | 14 x 30 | $459 | $600 | $1,059 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 12 | Fritz | Lillie | St. Stephen | 2 | 14 x 21 | $322 | $400 | $722 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 13 | Fritz | Carl | St. Stephen | 2 | 14 x 21 | $322 | $400 | $722 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 14 | Fritz | Gertrude | St. Stephen | 2 | 14 x 21 | $322 | $400 | $722 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 15 | Fritz | Caroline | St. Stephen | 2 | 14 x 21 | $322 | $400 | $722 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 16 | Hintermeier | Margaretha | St. Stephen | 2 | 16 x 32 | $560 | $400 | $960 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 17 | Hintermeier | Leonard | St. Stephen | 2 | 16 x 32 | $560 | $400 | $960 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 18 | Brost | Frederick, Augusta | St. Stephen | 2 | 14 x 32 | $490 | $400 | $890 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 19 | Scott | Jennie | St. Stephen | 2 | 12 x 28 | $368 | $400 | $768 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| 20 | Bast | Emilie | St. Stephen | 2 | 16 x 24 | $420 | $400 | $820 | $275 | $1,500 | $355 | $2,130 | $275 | $725 | $355 | $1,355 |
| | | | | | Total | $10,316 | $9,400 | $19,716 | $5,500 | $30,000 | $7,100 | $42,600 | $5,500 | $14,500 | $7,100 | $27,100 |

*** Price includes all debris being hauled off site.**

**Western New York Lawn Service Inc.**
**DBA WNY Cemetery Service**
**4463 Wethersfield Road**
**Warsaw, NY 14569**
**(585) 727-8326**

See attached sheets for the breakdown of costs related to the repair of 20 stones at Concordia Cemetery, Buffalo NY. Our total cost for restoring the monuments marked out for this project is $19,716.00. Additional cost information for the replacement of stones with bronze or granite markers is also included.

Upon approval for the grant, WNY Cemetery Service will proceed forward with repairs as follows:

- WNY Cemetery Service will disassemble and move designated stones to a safe location during the completion of the repairs.
- Old foundations will be removed and disposed of based on cemetery guidelines discussed prior to the start of the project.
- New foundations will be dug and poured to a depth of 42 inches to avoid future issues with frost.
- Stones will be set in soft concrete and leveled to ensure stability.
- Stones with multiple pieces will be glued back together and caulked at the seams.
- Topsoil and grass seed will be applied after the concrete hardens to return the base of the stone to grade with the surrounding landscape.

**WARRANTY**

WNY Cemetery Service will warranty the workmanship of the repaired foundations for a period of twenty (20) years from the date of completion. This warranty covers all issues with the structural integrity corrected by the repairs. This warranty does not cover incidental breaking or chipping of monuments due to their age/unrelated to the replaced foundation. WNY Cemetery Service will do everything within our control to repair and replace all monuments to the best of our abilities, and improve the appearance and safety of the stones for years to come.

# EXHIBIT D

Am Pol Eagle
3620 Harlem Road
Cheektowaga, NY 14215
USA

# Invoice

Invoice Number
153765

Invoice Date
6/19/25

Phone: 716-835-9454

Sold To:
Concordia Foundation
Bonnie
P.O. Box 744
Buffalo, NY 14217-0744

Thank you for including your invoice number with payment!

| Customer PO | Payment Terms | Sales Rep ID | Due Date |
|---|---|---|---|
| | Net 30 Days | MK | 7/19/25 |

| Description | Inches | Rate | Amount |
|---|---|---|---|
| 6/5-12-19 2025 legal notice re: Seeking bids for repairs of stones and bases at Concordia Cemetery @ 11.00 wk | | | 33.00 |

| | |
|---|---|
| Subtotal | 33.00 |
| Total Invoice Amour | 33.00 |
| Payment/Credit Applie | |
| **TOTAL** | 33.00 |

A 1% per month late charge will be applied on accounts 30 days past due. We now accept VISA, MasterCard, Discover and America Express!

# AM-POL EAGLE

3620 Harlem Road
Cheektowaga, New York 14215
716-835-9454, Fax: 716-835-9457
advertising@ampoleagle.com


Affidavit of Publication Under Section 206 of the Limited Partnership Law
State of New York
County of Erie, SS:

JUNE 30, 2025

The undersigned, is the Publisher of the AM-POL EAGLE, a Weekly Newspaper published in Erie County, New York. A notice regarding Seeking bids for repairs of stones and bases at Concordia Cemetery.

was published in said newspaper once each week for 4 weeks, commencing on 6/5/25 ending on 6/26/25

The Text of the Notice as published in said newspaper as set forth below, or in the annexed exhibit. This newspaper has been designated by the Clerk of Erie County for this purpose.

By: Christine Kane

Christine Kane, Authorized Designee of Renee Harzewski, owner, Buffalo Standard Printing, Publisher of Am-Pol Eagle

SWORN TO ME ,
THIS 30 TH DAY OF JUNE 2025

Roger L. Puchalski
Notary Public, Erie County New York

Roger L. Puchalski
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01PU6329477
Qualified in Erie County
Commission Expires August 24, 2027

**LEGAL NOTICE**

Seeking bids for repairs of stones and bases at Concordia Cemetery. Contact Concordia1859@gmail.com

6/5-6/19/25

# EXHIBIT E

Am Pol Eagle
3620 Harlem Road
Cheektowaga, NY 14215
USA

# Invoice

Invoice Number
153291

Invoice Date
1/23/25

Phone: 716-835-9454

Sold To:
Concordia Cemetery
Bonnie
P.O. Box 1773
Buffalo, NY 14226

Thank you for including your invoice number with payment!

| Customer PO | Payment Terms | Sales Rep ID | Due Date |
|---|---|---|---|
| | Net 30 Days | | 2/22/25 |

| Description | Inches | Rate | Amount |
|---|---|---|---|
| 1/8-1/16-1/23 2025 legal notice re:<br>PLEASE TAKE NOTICE that: @ 48.00 wk | | | 144.00 |

| | |
|---|---|
| Subtotal | 144.00 |
| Total Invoice Amour | 144.00 |
| Payment/Credit Applie | |
| **TOTAI** | 144.00 |

A 1% per month late charge will be applied on accounts 30 days past due. We now accept VISA, MasterCard, Discover and America Express!

# AM-POL EAGLE

3620 Harlem Road
Cheektowaga, New York 14215
716-835-9454, Fax: 716-835-9457
advertising@ampoleagle.com


Affidavit of Publication Under Section 206 of the Limited Liability Company Law
State of New York
County of Erie, SS:

JANUARY 27, 2025

The undersigned, is the Publisher of the AM-POL EAGLE, a Weekly Newspaper published in Erie County, New York. A notice regarding PLEASE TAKE NOTICE that:

was published in said newspaper once each week for 3 weeks, commencing on 1/8/25 – 1/16/25 and ending on 1/23/25

The Text of the Notice as published in said newspaper as set forth below, or in the annexed exhibit. This newspaper has been designated by the Clerk of Erie County for this purpose.

By Christine Kane

Christine Kane, Authorized Designee of Renee Harzewski, owner, Buffalo Standard Printing, Publisher of Am-Pol Eagle

SWORN TO ME ,
THIS 27 TH DAY OF JANUARY 2025

_____
Notary Public, Erie County New York

# LEGAL NOTICE

To the last known owner or owners of the following burial lots located in Concordia Cemetery, City of Buffalo in Erie County New York, and all persons claiming to have an interest in said burial lots:

Frederick, Lisetta, Charles, Amelia Smith, Trinity B4; Elizabeth Bock, St. Stephen K3; Jacob Simon, Mary Jainer, St. Stephen I6; Anna Speck, St. Stephen I11; Peter & Louisa Kehl, St. Stephen I9; Elizabeth & Philip Gerlach, St. Stephen I6; Magdalena & Peter Moeloth, St. Stephen H4; Margaretha, Elizabeth, Daniel Jung, St. Stephen G3; Philip & Elizabeth Frank, St. Stephen G3; Philip & Louise Schalk, St. Stephen G3; Lillie, Carl, Gertrude, Caroline Fritz, St. Stephen F 4; Margaretha & Leonard Hintermeier. St. Stephen E6 & E7; Augusta & Frederick Brost, St. Stephen E7; Jennie Scott, St Stephen D5, Emilie Bast, St. Stephen D2.

**PLEASE TAKE NOTICE that:**

1) The monuments or markers are so badly out of repair or dilapidated as to cre ate 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 March 31, 2025
3) If the persons to whom this notice is addressed fail to repair or remove said monuments or markers after March 31, 2025, the Concordia Cemetery Association may remove or repair said monuments without further notice to persons to whom this notice is addressed.

If you have questions, they can be addressed Bonnie Feischauer, Concordia1859@gmail.com prior to March 31, 2025

1/9-1/16-1/23/25