



# Funeral Consumers Alliance of the Finger Lakes

## Fall 2015 Newsletter

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### Aid For Some Failing and Abandoned Cemeteries

In the course of updating the list of cemeteries in our service area, one of our members came to appreciate the bind in which local towns are put when a cemetery association can no longer maintain its property and its cemetery goes under (financially, that is) and is entered on the books as "abandoned." According to statistics compiled by the New York State Division of Cemeteries, nearly five percent of regulated cemeteries have come to this pass in the last twelve years. The number of abandoned private cemeteries is unknown. New York State Town Law dictates that an abandoned public cemetery becomes the ward of the municipality in which it is located. Private and family cemeteries are excluded from this requirement. In the age of tight budgets, reduced revenue, and mandated tax caps, this is not good news for elected officials charged with making best use of taxpayer dollars. Maintaining a cemetery may not be a town's heaviest financial burden, but it can be substantial when it involves mowing extensive acreage or maintaining access after a storm that leaves damaged trees in its wake.

A recent article by David Fleming Jr. in *Town Topics*, a bulletin published by the Association of Towns of New York State, outlines several possible relief strategies that a town may apply when faced with the unwelcome inheritance of an abandoned cemetery. The first of these comes by way of legislation signed into law in 2010 known as the Municipal Assistance Statute:

"Any municipal Corporation may appropriate and provide funding to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law. In lieu of or in addition to providing funding to a public cemetery corporation, any municipal corporation may provide goods and/or services to a public cemetery corporation as defined in article fifteen of the not-for-profit corporation law."

In many cases a municipality would rather provide ad hoc maintenance (as for example by having its highway workers provide periodic mowing of a failing cemetery) than be saddled with long-term, open-ended responsibilities of full operation of that cemetery.

Those responsibilities of course include more than physical upkeep, and it appears that the 2010 statute will also allow municipalities to provide professional help with managing financial records, something that is typically handled by a volunteer member of a cemetery board who may not be up to speed on current regulations or have access to the tools (e.g. computer software) that are available to the expert employed by a municipality to keep its financial house in order.

A second relief strategy involves another New York State statute bearing on abandoned cemeteries. Communities that have more than one public cemetery are free to arrange for mergers in which a well-managed public cemetery may take over responsibility for one that is in financial straits. In cases like this, a viable cemetery corporation could merge with or acquire assets of a cemetery association that is on the verge of going under.

A third strategy involves more direct support through the so-called Abandoned Cemetery Fund, which is available through the New York State Cemetery Board and the Division of Cemeteries. This fund is reserved for one-shot repair of cemetery property, such as broken fences and damaged monuments. The kinds of repairs that are envisioned in this statute also lend themselves to volunteer help by members of the community that appreciate the existence of a public cemetery in their midst and show their appreciation for endangered items of local history and pride.

Fleming's article includes an inspiring narrative about how the Town of Nassau in Rensselaer County organized a grass-roots citizen activity to restore one of its cemeteries that had become so overgrown that most residents were unaware of its existence. By means of the Abandoned Cemeteries Fund, the town was able to mount a short-term restoration, in the course of which townspeople became re-engaged with their local asset and contributed time, energy, and financial support to preserve it from unwanted abandonment.

Our FCAFL volunteer is interested in compiling information about all kinds of cemeteries, including private and family burial grounds, which are not regulated by the State and are not subject to the abandonment provisions described here. He is especially interested in acquiring contact information

(a responsible party's name and phone number or email address) for active public cemeteries in Tompkins County. If you have current contact information, please send it to [info@fingerlakefunerals.org](mailto:info@fingerlakefunerals.org).

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## What Should You Do If Someone Dies At Home?

*by Carol Hardy*

Several years ago the health of a good friend of mine began to fail, but he insisted on living at home, alone, with minimal help. I felt responsible and of necessity went into a frequent-checking mode. Several times he did not answer his phone as expected, and I began to wonder, "what I am supposed to do if I go to the house and find that he has died?"

My friend and I had talked about end-of-life issues, and he had made it clear that there was to be no resuscitative effort. He had signed an Out-of-Hospital DNR (Do Not Resuscitate) form and had copies in his wallet and on his refrigerator. [Note: It is important to have the DNR on hand if you call 911. Otherwise, when the EMTs arrive they will attempt to resuscitate a body that is still warm, even if there is no pulse or breathing. A MOLST form (Medical Orders for Life-Sustaining Treatment) also has legal force at home, but a living will or health care proxy is NOT valid in a home setting.]

**The following procedure can be used in case of an "expected" death** where the person was known to have a terminal condition. First, ascertain that the person has died. Check for a pulse and signs of breathing, and note whether the body is still warm. If you are certain that the person is dead, sit down and consider what to do next. An expected death is not an emergency. You need not to do anything right away. If you wish, sit with the deceased person and reflect on times shared. Do you want to call a friend or family member to be with you? This may be the last quiet time you will have with the

deceased person before medical and funeral protocols begin. When you are ready, call the appropriate agency.

Whom should you call? What information do you need to have available? There are only two choices of whom to call. If the deceased was served by a hospice (Hospicare in Tompkins County), call the hospice. A person with appropriate authority will come, pronounce the death, and put funeral plans into motion.

If the deceased was not with hospice, then prepare to call 911. You will need to have some information ready.

1. Did the deceased have an Out-of-Hospital DNR order or a MOLST form? If so, find it and have it on hand.

2. What is the name of the deceased's physician, and what funeral home or cremation service is to be called? If you do not know which funeral home or cremation service to use, the body will be taken to the morgue and picked up there by the funeral home after one is chosen.

3. Find and be able to present either a list of the person's medications or the prescription containers.

4. Make the 911 call, but tell the 911 operator that the person has died, that the death was expected, and that no emergency exists.

5. Present the DNR to the EMTs when they arrive. They will ascertain that the person has died and will contact the funeral home.

6. Be prepared to deal with law-enforcement people. Even if the death was expected and you were present, it will be considered "unattended" unless hospice was involved or a physician was present. The police or sheriff's deputies will come to investigate.

You can talk with the funeral director about when the body is to be picked up if you want more time with the deceased or if family members and friends want to say goodbye before the body is taken away; removal need not be immediate. This may be important to the survivors. A hospice worker or the funeral director can advise the family on temporary after-death care of the body in the home.

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**The Funeral Consumers Alliance of the Finger Lakes, Inc.**, founded in 1958 as the Ithaca Memorial Society, is a non-profit, tax-exempt, public-service organization that promotes advance planning of funeral arrangements and consumer education and protection with respect to funeral-related issues. Membership is free and open to all. Volunteers provide all services and programs. A Board of Directors is elected by the members. The FCAFL is supported entirely by donations and is a member of the national Funeral Consumers Alliance, Inc., which has more than 90 affiliates. This Newsletter is published twice a year and is freely available.

**The Board of Directors, 2015-2016:** Donna Scott, President; Barry Adams, Vice President; Diana Nathanielsz, Corresponding Secretary; Pat Pryor, Recording Secretary; Carol Hardy, Treasurer; Royal Colle (to 2016), Cathy Darrow (to 2016), Martin Hatch (to 2018), Ralph Jones (to 2016), Angela Mennitto (to 2018), Edie Spaulding (to 2017). Advisors: David Bandler, Carolyn Eberhard, Joel Rabinowitz

**The procedure for unexpected deaths at home is different:** you should call 911 immediately. Unexpected deaths include the death of a person "too young" or who is not known to have any terminal condition. They also include deaths resulting from accidents or foul play or suicide. EMTs will come and attempt resuscitation. If that fails, police or sheriff's deputies will come to investigate the death. It is important to try to find the medications the deceased was taking, as the police may want this information. If you do not have legal authority for the funeral decisions, call a member of the deceased person's family immediately. You or a responsible relative of the deceased will be asked to give the name of the chosen funeral home or cremation service. Later the person with authority will convey decisions about funeral arrangements.

Then you will need to notify other relatives and friends. Here again, there is no immediate rush. If it is dinnertime, wait until after dinner to call; if it is night, wait until morning.

The foregoing information points to the need for preplanning, for both end-of-life issues and funeral arrangements. Even with preplanning, death of a loved one is distressing, but planning ahead does help.

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### **Burying The Ashes**

*By Donna Scott, President, FCAFL*

One day in the mid or late 1990s I heard an interview on National Public Radio with a woman who had arranged to keep her deceased mother's body at home for a day so she could sit with her for as long as she wanted. The woman said that doing this really helped her come to terms with her mother's death and felt like the natural and right thing to do. I remember thinking, "What a good idea, but one would have to plan ahead with various people to achieve this." The planning idea hit home because my family's experience with my father's funeral a few years earlier had been typical of the American way of life, and death. We—my father included—had failed to become informed and make plans before they were needed.

The day Pa died I received a phone call from my barely coherent mother, who could not even tell me that he was dead. An ambulance person took the phone but would only tell me that I "ought to come home now." My parents' home was a hundred miles away. When I got there my mother hugged me hard and I saw one of her friends phoning people, so I realized Pa was gone. As often happens with the American way of death, my father's body had already been whisked away to the local funeral home. My siblings and cousins arrived later. Mom was still in a daze. This was the day she had

dreaded for years, one that could have been anticipated because of Pa's history of heart attacks.

A pleasant man from the funeral home came to the house with his 3-ring catalog of funeral merchandise and sat with my mother and me. We arranged for cremation and chose a nice but simple oak box for Pa's ashes, to be buried in the family's cemetery plot. Then the man turned the page to show a picture of a tiny concrete vault in which to bury the box of ashes! Suddenly my mother snapped out of her daze and said, "Oh no, we don't want that!" The funeral director hemmed and hawed, and said, "Well, it will, -er, -ah, -uh, it will decay." To which Mom replied, "Well, isn't that the idea?" My sister and I had to stifle our laughter to be polite to the man.

I wanted to go to the funeral home where Pa's body was being held and see him one last time—not as a cosmetically-made-up face, but just as he was, dead. My two siblings and some of our cousins wanted to see him too. When I called the funeral home they said that even though we had requested cremation, we would have to agree to have him embalmed in order for his body to be brought up to the main floor. In my semi-daze I didn't think to ask if we could just all troop into the storeroom to see him. So we agreed to the embalming, not knowing much about what that actually involves.

The next day, after the remaining relatives arrived, we went to the funeral home and viewed Pa, laid out in his nice maroon sweater and a favorite tie, in a cloth-covered, inexpensive wooden box that would soon be burned up. We were all quiet and sad until a cousin, himself a funeral director and a jolly guy, slapped the big Bible on the end of Pa's coffin and cheered us up a little by reading one of his favorite passages and saying how our humorous father would want us to lighten up.

Later, after the cremation and a memorial service at the church, the funeral director brought the box of ashes to the cemetery. Pa had been a professional breeder of vegetable plants, so we in his family brought an assortment of vegetables to put in the grave. The funeral guy seemed a little nonplussed at that, too. After the box was covered my brother planted some seeds of a new tomato variety in the loosened soil. The minister read the Native American prayer about "Do not weep, I am not here..." and some other things I don't remember. And left alone later, the tomato seeds sprouted. My Mom, an accomplished artist, designed the engraving of a red granite gravestone with three of Pa's favorite vegetables on it.

Mom died nineteen years later. My sister and I and a friend who is a hospice chaplain sat with Mom's body for as long as we wanted. Just like the woman in the NPR interview had done with her mother. We then arranged

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for direct cremation and we placed Mom's ashes (in a pretty cardboard box) near my father's in the family plot overlooking a serene creek.

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### **Friends and Loved Ones Remembered**

The Alliance reports memorial donations in each Newsletter. The memories of Molly Adams and Robert and Virginia Powers were honored by donations received since the Spring 2015 issue was published. An envelope for donations is included in this newsletter.

#### **Did You Know ...**

that you can now find a colorful and informative introduction to FCA of the Finger Lakes on *Facebook*?



Check it out!

### **Mailing Error**

During the summer you received a solicitation from the national Funeral Consumer's Alliance (FCA) based in Vermont. The Board of the FCA of the Finger Lakes (FCAFL) arranged to have the mailing prepared in Ithaca and paid for by the national office, rather than giving our mailing list to that office.

The business that handled the printing and mailing failed to follow instructions for addressing the return envelope. They put our local address on it instead of the national FCA's address. If you responded to this solicitation, please know that after we received your donation envelope, we forwarded it unopened to the FCA office in Vermont. And for those who made a donation to the FCAFL in Ithaca using that envelope, the Vermont group kindly returned your donation to us.

We apologize for the confusion experienced with this mailing. Thank you for supporting the national FCA. They bolster our local efforts in many ways, notably with information and publications at [www.funerals.org](http://www.funerals.org).

*Diana Nathanielsz, Corresponding Secretary*