

**YORK TOWNSHIP**

**February 15, 2024 – Emergency Meeting, Indigent Burial**

Trustees – Chairman Richard Monroe, Todd Zieja, and Christopher Kosman  
Fiscal Officer Margaret (Peggy) Russell

**Present:**

Trustee Rick Monroe

Trustee Todd Zieja

Trustee Chris Kosman

Heidi Carroll, Assistant Prosecuting Attorney

Zoning Inspector/Twp Administrator, Steve Ibos

Cemetery/Town Hall, Theresa Forlini-Petrey

Administrative Assistant, Kristy McElroy

Chairman Rick Monroe called the meeting to order at 4:03pm and stated the purpose of this meeting is to discuss a possible indigent burial in the township cemetery. Trustee Monroe stated the meeting is being recorded for transcription purposes only.

Heidi Carroll, Assistant Prosecuting Attorney, said the recent death of a person identified as a York Township resident, is believed to be indigent. She briefly reviewed Ohio Revised Code section 9.15 Burial or cremation of body at expense of township or municipal corporation. We believe in this instance the body was claimed by the daughter as at the time of death she directed the body to Bauer Funeral Home and directed that the remains be cremated. At this time, York Township needs to approve a policy and procedure so we can move forward if the daughter proves her indigency.

Heidi Carroll provided a prepared letter to be sent to the funeral home outlining that we believe the body has been claimed and at this time is the daughter's responsibility. She recommended that it come from the Trustees and be sent to the daughter as well.

A sample of another township's Application for Indigent Burial was provided. The application can be used as a starting point and can be modified as needed in the future.

Trustee Zieja said that by implementing this policy and having a form, we will be better prepared in the future. He asked Theresa, Cemetery Sexton, if the policy meets everything she is looking for as presented. Theresa said yes.

**MOTION** to approve and implement the York Township Indigent Burial Policy (attached) with modified changes effective February 15, 2024, **moved by Trustee Zieja, second by Trustee Kosman.** Roll: Zieja, yes; Kosman, yes; Monroe, yes.

**MOTION** to approve and implement the York Township Application for Indigent Burial (attached) with modified changes as discussed effective February 15, 2024, **moved by Trustee Zieja, second by Trustee Kosman.** Roll: Zieja, yes; Kosman, yes; Monroe, yes.

**MOTION** to approve use of the letter as provided with edits and corrections, to send to Bauer Funeral Home via regular mail and a copy to decedent's daughter via certified and regular mail; to be signed by Cemetery Sexton, **moved by Trustee Kosman, second by Trustee Zieja.** Roll: Kosman, yes; Zieja, yes; Monroe, yes.

**MOTION** to authorize the Cemetery Sexton to handle all indigent or unclaimed body issues that arise and to approve any fees encumbered up to \$750 for the indigent cremation, **moved by Trustee Kosman, second by Trustee Zieja.** Roll: Kosman, yes; Zieja, yes; Monroe, yes.

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Trustee Kosman said that the burial location and headstone will be discussed at a later time.

Trustee Zieja thanked Theresa for all her time and effort put into this; Heidi for taking the time to meet with us; and Kristy for typing everything up.

**MOTION to Adjourn at 4:29pm moved by Trustee Zieja, second by Trustee Kosman.** Roll: Zieja, yes; Kosman, yes; Monroe, yes.

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Trustee Richard Monroe, Chairman

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Margaret Russell, Fiscal Officer



YORK TOWNSHIP, MEDINA COUNTY, OHIO

## **Indigent Burial Policy**

### **INTRODUCTION:**

The Board of Trustees of York Township of Medina County, Ohio (hereinafter referred to as “Board”) recognizes its legal duty to provide for indigent burials. This indigent burial policy is enacted to comply with the provisions of Ohio R.C. 9.15 pertaining to the burial of indigent persons found within the unincorporated area of York Township (hereinafter referred to as “Township”) who are not claimed by any person for private interment or cremation at the person's own expense, or interment or cremation when the body of an indigent person is claimed by an indigent person. The purpose of this policy is to provide for the burial of indigents, or the burial of an indigent person claimed by an indigent person, for reasons of public health and sensibilities.

### **Section 1. General Policy**

When the body of a dead person is found within the Township and such person was not an inmate of a correctional, benevolent, or charitable institution of this State; and the body is not claimed by any person for private interment or cremation at the person's own expense; or delivered for the purpose of medical or surgical study or dissection in accordance with Ohio R.C. 1713.34, the Township shall be liable for the cremation and interment expenses, in the amounts set forth herein, if:

- (a) The deceased is determined to be an indigent person; and
- (b) The person was a legal resident of the Township at the time of death.

When the body is claimed by an indigent person simply as that of a loved one, without undertaking to arrange and pay for private interment, the Township shall be liable for the cremation or interment expenses, in the amounts set forth herein, if:

- (a) The deceased is determined to be an indigent person; and
- (b) The person was a legal resident of the Township at the time of death; and
- (c) The claimant is determined to be an indigent person.

## **Section 2. Determining Indigence**

Prior to the cremation authorization, the Cemetery Sexton shall make reasonable attempt to determine whether the deceased person is in fact indigent, where the deceased person is claimed by an indigent person, and whether the claimant is in fact indigent. The term "indigent claimant" encompasses individuals who are poor, needy, destitute, or in poverty.

“Indigent person” means a person whose income **does not exceed one hundred fifty per cent of the federal poverty line**, as revised annually by the United States department of health and human services in accordance with section 673(2) of the “Omnibus Budget Reconciliation Act of 1981,” 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the person's family.

When determining indigence status of the person claiming the deceased’s body, the Board shall consider gross income of all household members, minus the wage or salary income earned by dependent minors under 18 years of age, number and age of dependents; outstanding debts, obligations and liabilities; and any other relevant considerations concerning the financial condition of the individual. Gross income includes but is not limited to employment benefits, pensions, annuities, social security, unemployment compensation, and inheritances.

## **Section 3. Determining Legal Residency**

Prior to the cremation authorization, the Cemetery Sexton shall make reasonable attempt to determine whether the deceased person was a legal resident of the Township.

- (a) "Legal Residency" means a physical presence in a particular location, coupled with the present intent to make that place a permanent residence for a period of time.
- (b) In cases where the decedent was living in a nursing home or hospital located within the Township, legal residency shall mean intent to make the nursing home or hospital a permanent residence.

## **Section 4. Actions Upon Determination of Eligibility**

Upon finding that the deceased was a legal resident of the Township and an indigent person, and where the deceased person is claimed by an indigent person, that the claimant is indigent, the Cemetery Sexton shall authorize the funeral director or other party to cremate the decedent.

The Township shall dispose of the remains of indigent persons by cremation only. The Township shall pay for the cremation and interment of the remains of the deceased. Said services shall include transportation of the deceased to the funeral home, necessary supplies and procedures, and provide a temporary urn for the storage of the deceased's cremated remains.

The cremated remains of the deceased may be released to the decedent's family. If the cremated remains are not claimed, the Township may cause the remains to be buried. The Township shall

also provide a grave of the person's cremated remains, if such remains are buried, a stone or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

### **UNCLAIMED BODY OF AND INDIGENT DECEASED BURIAL**

In lieu of burying or cremating the unclaimed body of a deceased person pursuant to R.C. 9.15, a board of township trustees may deliver the body to a college or the Board of Embalmers and Funeral Directors in accordance with R.C. 1713.34. 2012 OHIO OAG No. 12-006, 2012 WL 691619.

### **Section 5. Limitations on Township Obligations**

The Township will not pay any part of the expenses if the body of an indigent person is claimed by relatives or friends who arrange for the funeral according to their wishes.

The Township's Indigent Burial Policy is not supplemental. The funeral director or funeral home personnel shall not ask for nor accept any funds above the amounts set forth herein. Upon completion of the cremation, the funeral director shall submit an itemized bill to the Cemetery Sexton containing the following information:

- (1) Name and age of the deceased;
- (2) Place of burial;
- (3) Services performed;
- (4) Total costs of services;
- (5) Amount received from other sources; and
- (6) Amount due from the Township.

The funeral director or funeral home shall reduce the cost to the Township by the amount of funds received from any other source. If additional funds are paid to the funeral director or funeral home after the Township has paid as herein provided, the Township shall be refunded the exact amount of the additional funds paid to the funeral director or funeral home within thirty (30) days of the receipt thereof. The funeral director shall submit a notarized statement to the Cemetery Sexton indicating his understanding and compliance with the provisions of this Policy.

### **Statutes**

*R.C. 1713.34.*  
*2012 OHIO OAG No. 12-006,*  
*2012 WL 691619.C. 9.15*