



TOWN OF DEERING
Trustees of the Trust Funds
762 Deering Center Road
Deering, NH 03244

Meeting Minutes
September 17, 2019

MEETING CALL TO ORDER

The meeting was called to order at 6:02PM. In attendance were Stephen Walker, Aaron Gill, and Robert Girard.

MEETING MINUTES:

The meeting minutes from July 9, 2019 were reviewed. A motion was made by Stephen to accept the minutes as amended; Aaron seconded. The motion passed unanimously.

NEW BUSINESS:

- 1967 Cemetery fund in common trust vs. 2006 Cemetery ETF
Aaron informed the board that these two funds are essentially for the same purpose and that the '67 fund should be used first and closed out.
- Distributions of 2018 income from common trust to general fund
Aaron presented the board a list of distributions to be made from the interest of funds in the common trust to the general fund. (see Attachment 1) He also stated that this should be done on a yearly basis around September or October. Robert made a motion to approve the proposed distributions. Stephen seconded. The motion passed unanimously.
- Proposed use and closing of 'Friends of Deering' account
Aaron stated that the Friends of Deering account was to have been spent by 2011, but was never closed out. Per the attached distribution proposal, it will be used to offset some of the costs of the Town Hall kitchen renovation.
- Presentation to the Board of Selectmen
Aaron will be presenting the proposed distribution to the Board of Selectmen at their next meeting on September 19th.

TO BE REVIEWED AND/OR SIGNED:

- 1) Review monthly Bank statements: Aaron noted that the Trustees received a letter from TD Bank indicating a change in the Letter of Credit Trust Agreement. Also, there is a balance of \$25.98 in the escrow account. He stated that this was likely due to something not being transferred correctly when accounts were moved from one bank to another. The account should always have a zero balance after funds are deposited and subsequently withdrawn.
- 2) Fund Withdrawals: none
- 3) Fund Deposits: none

ADJOURN

The meeting adjourned at 6:34PM.

Next meeting: October 8, 2019

Submitted by Robert Girard, Trustee

Attachment 1

TOTTF Current Year Distributions to General Fund:

Friends of Deering (TD# 2121):

Pay for kitchen repair per wishes of donation.

Action: Close account the distribute all funds to general fund

08/31/2019 Balance: \$1,987.46

Reasoning: *Funds were to have been spent by Dec 31, 2011 on a town project.*

BOS ACTION REQUIRED → Need request for funds with invoices for kitchen project

Common Trust: School Funds:

- DICKEY SCHOOL FUND
- FRANKLIN P. GOODALL SCHOOL FUND
- TUBBS SCHOOL FUND f/k/a TUBBS ACADEMY

Action: Distribute 2018 income to general fund **(\$55.22)**

Reasoning: *All three funds were established for general support of the schools (not scholarships). Deering residents pay a considerable portion of their property taxes to fund the H-D school district.*

Common Trust: East Deering Cemetery – 9/23/1915:

Action: Distribute 2018 income to general fund **(\$3.90)**

Reasoning: *This fund was established to be used for basic maintenance of the East Deering Cemetery. Deering residents pay substantially more than generated here for that Cemetery's maintenance.*

Common Trust: Perpetual Care Accounts:

Funding came from individual plot owners/family/friends of decedents for perpetual care of specific identified lots in Deering public and private cemeteries. Income may be spent, but not principal. Income cannot be spent for overall cemetery care, for example, maintenance of common areas or for lots not covered by perpetual care funds. (*This is well-established in NH case law.*) In order to ensure income spent does not cover the cost of maintaining common areas or lots not covered by perpetual care, some method of determining the percentage share of perpetual care lots to non-perpetual care lots and common areas should be carried out.

Decades ago, Trust fund Trustees Bev Yeaple and Tom Copadis did exactly this. They counted all the grave sites in the town cemeteries and determined the Common Trust perpetual care accounts amounted to about 17% of the roughly 1,200-1,300 sites they counted. The result of this is that the town annually appropriates the balance of the necessary funds for the general mowing and trimming of the cemeteries.

| | | |
|---|---------------------------------------|----------------|
| 01.4195.22.380 | Cemetery Grounds keeping 2018 Budget: | \$15,400 |
| | Expended: | \$15,400 |
| | 17%: (\$15,400 x 0.17) | <u>\$2,618</u> |
| 2018 Common Trust Perpetual Care Accounts Income: | | \$1,208.59 |

Action: Distribute 2018 income to general fund **(\$1,208.59)**
Reasoning: *Monies spent on the 17% of lots covered by perpetual care exceed the income generated by those perpetual care accounts.*

BOS Advised

Funds Available for Use – Common Trust - General Town Use:

Common Trust: Hannah J.W. and Elizabeth P. Gove – 9/18/1918

This fund was established via will for town purposes that support town projects *excluding* debt repayment or any road expenses.

Agents to expend: TOTTF may expend income only
12/31/2018 income balance: \$5,946

Common Trust: Town Celebration – 1974

This fund was established to be used as seed money for a public celebration such as Old Home Day. It is not meant to pay for an entire event. It came from the Bicentennial Celebration, not tax monies, and Bob Nugent was involved. Principal and income may be expended, though the intention is that principal expended in advance of an activity would be returned with earnings once the activity has occurred.

Agents to expend: TOTTF should expend income only
12/31/2018 income balance: \$2,196

Common Trust: Elmer Locke Memorial Fund – 9/7/1955

This fund was established to maintain the flag pole in the town common. At the time the fund was created, the pole was of dubious construction and often failed requiring replacement. (*Think skinned, straight-growth trees.*) The pole has since been replaced by a substantial steel pole. The fund is NOT for the purchase of flags in the cemeteries. Examples of fund usage may be lighting for the pole, or the eventual replacement thereof.

Agents to expend: TOTTF may expend income only
12/31/2018 income balance: \$31.29

BOS Advised

Funds Available for Use - Common Trust - Specific to Cemeteries:

289:7(d)

RSA 289: Cemeteries
Section 7: Cemetery Trustees

Paragraph (d)

Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality. Such trust funds shall be held in the custody and under the management of the trustees of trust funds. The trust income shall be transferred to the cemetery trustees by the trustees of trust funds in response to vouchers executed by the cemetery trustees, if the requested funds are available. Such trust fund income shall not be commingled with the moneys raised and appropriated by the municipality.
(eff. July 8, 1995)

Common Trust: Wolf Family Cemetery – 1987

This fund was established for the private cemetery on East Deering Road. Income may be used for the care of this parcel only.

Agents to expend: TOTTF may expend income upon request of
Cemetery Trustees
12/31/2018 income balance: \$2,103

Common Trust: Deering Cemetery Maintenance – 1967

This fund was established to be used for maintenance not covered by the perpetual care funds (those funds are more generally used for the mowing of grass on plots.) This fund is to be used for projects and other items such headstone repair, tree removal, etc.

Agents to expend: TOTTF may expend income upon request of
Cemetery Trustees
12/31/2018 income balance: \$5,719

Common Trust: Kohlmann Fund – 2004

This fund was established for the private cemetery at East Deering Road. Income may be used for the care of this parcel only.

Agents to expend: TOTTF may expend income upon request of
Cemetery Trustees
12/31/2018 income balance: \$987

BOS Advised

Funds Available for Use - Common Trust - Specific to Cemetery

Trustees Actions:

TOTTF should distribute income only when asked by the Cemetery Trustees, and invoices are presented that are consistent with the donor(s) wishes – RSA 289:7(d). Further, the Cemetery Trustees are responsible for carrying out the wishes of the donors for these particular funds.

Common Trust: J. Dow Clement Lot Lawn Fund – 1/25/1949

Each fall, new lawn, fertilizer and grass seed is to be placed on the lot. Appleton Cemetery.

12/31/2018 income balance: \$55.98 (*\$7.74 during 2018*)

Common Trust: Clement Iron Fence Mary Atwood and C. Harvey – 4/22/1949

This fund was established for the care, repair and painting of 55' of iron fence surrounding the Clement lot in Appleton Cemetery. Income may also be used for the J. Dow Clement Lot Law Fund purposes noted above.

12/31/2018 income balance: \$517.97 (*\$15.10 during 2018*)

Common Trust: Bessie Dow Ellis Fund – 1969

This fund was established for the placement of flowers on the gravesite in the Appleton cemetery.

12/31/2018 income balance: \$33.98 total (*\$3.19 during 2018*)