

Town of Deering, New Hampshire Listing of Funds under Fiduciary Care of the Trustees of the Trust Funds (TOTTF)

1) Town Funds

Expendable Trust and Capital Reserve Funds

Section one contains transcriptions of the approved warrant articles creating the town's numerous individual reserve funds. They are collected here for ease in quickly finding each fund's purpose, and are presented in chronological order based on each fund's initial origin date without regard to subsequent modifications in later meetings. Please note, formatting and language style in the articles, and how the minutes of the meeting were kept, changed over time with the different persons involved. Some minor grammatical changes were made here for consistency sake and readability; however the content was not changed. For the article of record and final approved wording as applicable, please reference the article in the annual report minutes for year following the town meeting in which the article was brought to vote.

2) Private Funds

Perpetual Care, donated funds etc

Section two contains known information relative to the creation and use of the various privately donated funds under the Trustees care. Where original documentation has been found, it is in the care of the Trustees.

Last revision: July 6, 2020

Section One: Town Funds (Expendable Trust and Capital Reserve Funds)

Enacted by the Legislative Body at Town Meetings

Agents to expend are identified in the article

Each fund has individual TD accounts

Formatting of Information Below:

Fund Name as Presented in Warrant – Town Meeting Date when Established

Warrant article language, with amendments as applicable as noted in next year's report minutes. Any amendments in subsequent years are included.

RSA 31:19-a (III.) "...The legal validity of such a fund properly established shall not be affected by its designation as a 'trust,' 'reserve,' 'capital reserve,' or any other designation.

Bridge Improvement Fund – 03/13/2003

Article 20: It was voted to establish a Capital Reserve Fund to be known as the **Bridge Improvement Fund**, under provisions of RSA 35:1 for the purpose of bridge improvements and repairs, and to appropriate the sum of TWO THOUSAND FIVE HUNDRED (\$2,500) to be placed into this fund, and to name the Board of Selectmen as Agents to expend.

Computer System Reserve Fund – 03/13/2003

Article 21: It was voted to establish a Capital Reserve Fund to be known as the **Computer System Reserve Fund**, under the provisions of RSA 35, for the purpose of providing for the future upgrade and/or replacement requirements of the Town's computer system, and to appropriate the sum of TWO THOUSAND FIVE HUNDRED (\$2,500) to be placed in this fund, and to name the Board of Selectmen as agents to expend.

Highway Department Vehicle Replacement Fund – 03/13/2003

This fund was modified on 03/08/2005 to the language presented below

Article 16: To see if the Town will vote to change the purpose of the existing **Vehicle Replacement Fund to the Highway Dept. Vehicle Replacement Fund**, under the provisions of RSA 35:1 for the purpose of providing for future vehicle replacement requirements for the Deering Highway Department, and to name the Board of Selectmen as agents to expend.

Exotic Weed Control – 03/13/2003

This fund was modified on 03/08/2016 to the language presented below

Article 15: It was voted to establish an Expendable Trust Fund to be known as the Exotic Weed Control Expendable Trust, under provisions of RSA p l:19-a, and to raise and appropriate the sum of FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500) to be placed into this fund, and to name the Board of Selectmen as agents to expend. The purpose of this fund is for paying the costs of monitoring the public boat launch area at the South end of Deering Reservoir (Deering Lake) during selected, primarily weekend hours, during the summer, in order to make users of the boat launch and the General Public aware of the threat of milfoil and other nuisance exotic aquatic weeds and wildlife carried by boats from nearby infested lakes, and to inspect boats for evidence of such weeds and wildlife and to help fund removal of milfoil and other invasive exotic aquatic weeds and wildlife infesting the lake and to name the Board of Selectmen as agents to expend.

Government Building Improvement – 03/13/2003

Article 14: It was voted to establish an Expendable Trust Fund to be known as the Government Building Improvement Expendable Trust, under provisions of RSA 31:19-a for the purpose of providing funds for improvements and renovations to the Town Hall and to appropriate the sum of FIFTEEN THOUSAND DOLLARS (\$15,000) to be placed into this fund, and to name the Board of Selectmen as agents to expend.

Fire and Rescue Dept Vehicle Replacement Fund – 03/09/2004

Article 17: It was voted that the Town shall establish a Capital Reserve Fund to be known as the Fire and Rescue Dept. Vehicle Replacement Fund, under provisions of RSA 35:1 for the purpose of providing for future vehicle replacement requirements for the Deering Fire and Rescue Department, and appropriate the sum of TWENTY-FIVE THOUSAND DOLLARS (\$25,000) to be placed in this fund, and to name the Board of Selectmen as Agents to expend.

Grants Reimbursable – 03/09/2004

Article 18: It was voted that the Town shall establish an Expendable Trust Fund to be known as the Grants Reimbursable Expendable Trust Fund, under provisions of RSA 31:19-a for the purpose of providing the Town's portion of any grants for municipal projects the Town might receive from private or governmental sources, and to raise and appropriate the sum of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500) to be placed into this fund and to name the Board of Selectmen as agents to expend.

Fire Department Personal Protective Equipment Replacement – 03/08/2005

This fund was modified on 03/14/2020 to the title above and language presented below

Article 22: To see if the Town will vote to establish an expendable trust fund to be known as the Turn Out Gear Equipment Fund, under the provisions of RSA 31:19-a for the purpose of providing for the turn out gear requirements, self-contained breathing apparatus, and any other accessory appropriate for fire and rescue personal protection for the Deering Fire and Rescue Department, and to raise and appropriate the sum of TEN THOUSAND DOLLARS (\$10,000) to be placed in this fund, and to name the Board of Selectmen as agents to expend.

Dry Hydrant Installation and Maintenance – 03/08/2005

Article 23: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Dry Hydrant Installation and Maintenance Expendable Trust, under the provisions of RSA 31:19-a for the purpose of providing funds for dry hydrants to be installed and maintained to the benefit of public safety in emergency related situations and to raise and appropriate the sum of THREE THOUSAND DOLLARS (\$3,000) to be placed into this fund, and to name the Board of Selectmen as agents to expend.

Road Reconstruction and Maintenance – 03/14/2006

Article 8: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Road Reconstruction and Maintenance Expendable Trust Fund, under the provisions of RSA 31:19-a for the purpose of providing funds to perform maintenance and road reconstruction for the roads in the Town and to raise and appropriate the sum of ONE HUNDRED AND EIGHTY-FIVE THOUSAND DOLLARS (\$185,000) to be placed into this fund and to name the Board of Selectmen as agents to expend.

Health and Safety – 03/14/2006

Article 10: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Health and Safety Expendable Trust Fund, under the provisions of RSA 31:19-a for the purpose of providing funds to perform clean-up and disposal of health and safety hazards in the Town and to raise and appropriate the sum of FIVE THOUSAND DOLLARS (\$5,000) to be placed into this fund and to name the Board of Selectmen as agents to expend.

Heritage Commission – 03/14/2006

Article 11: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Heritage Commission Trust Fund, under the provisions of RSA 31:19-a for the purpose of compiling and preserving the history of Deering and to provide information to the public regarding this history and to raise and appropriate the sum of FIVE HUNDRED DOLLARS (\$500) to be placed into this fund and to name the Board of Selectmen as agents to expend.

Cemetery – 03/14/2006

Article 12: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Cemetery Expendable Trust Fund, under the provisions of RSA 31:19-a for the purpose of providing funds to perform maintenance and repairs at the Town cemetery properties and to raise and appropriate the sum of TWO THOUSAND DOLLARS (\$2,000) to be placed into this fund and to name the Board of Selectmen as agents to expend.

During the March 12, 2019 Town Meeting, article #10 was passed:

‘To see if the Town will vote to adopt the provisions of RSA 289:2-a, whereupon the proceeds from the sale of cemetery lots shall be deposited into the Cemetery Maintenance Expendable Trust Fund.’

Municipal Transportation Improvement 03/15/2008

Article 3: To see if the Town will vote to establish a Municipal Transportation Improvement Capital Reserve Trust Fund, and to collect an additional fee on motor vehicles in the amount of FIVE (\$5.00) in addition to any other motor vehicle registration fees, for the purpose of funding wholly or in part improvements in the local and regional transportation system in accordance with RSA 261:153 VI (a). Such funds would be used for improvements to roads, bridges, bicycle and pedestrian facilities, parking, etc. and to name the Board of Selectmen as agents to expend. The additional fee shall be collected from all motor vehicles, both passenger and commercial, with the exception of all-terrain vehicles as defined in RSA 215-A:1, I-b and antique motor vehicles or motorcycles, as defined in RSA 259:4.

Deering Library – 03/15/2008

Article 11: To see if the Town will vote to establish an Expendable Trust Fund under the provisions of RSA 31:19-a, to be known as the Deering Library Expendable Trust Fund, for the purpose of providing funds for the operation and future expansion of the Deering Town Library and to appropriate the sum of FIVE THOUSAND DOLLARS (\$5,000) to be placed in the fund, and to name the Library Trustees as agents to expend.

Police Vehicles – 03/15/2008

Article 10: To see if the Town will vote to establish an Expendable Trust Fund

under the provisions of RSA 31:19-a, to be known as the Police Vehicles Expendable Trust Fund for the purpose of providing funds for future Police vehicles and to appropriate the sum of TEN THOUSAND DOLLARS (\$10,000) to be placed in the fund, and to name the Board of Selectmen as agents to expend.

Youth Diversion – 03/08/2011

Article 6: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Youth Diversion Expendable Trust Fund for the purpose of Youth Diversion, and to appropriate the sum of Ten Thousand Dollars (\$10,000) to be placed into this fund and to fund this appropriation by authorizing the withdrawal of said amount from the unexpended fund balance as of December 31, 2010, and further to name the Board of Selectmen as agents to expend.

Deering Reservoir Usage Permit – 03/08/2011

Article 8: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Deering Reservoir Usage Permit Expendable Trust Fund for the purpose of improving / maintaining the Deering Reservoir Beach / Boat Launch area, and to raise and appropriate the sum of ONE THOUSAND FOUR HUNDRED SEVENTY (\$1,470) to be placed in this fund and to fund this appropriation by authorizing withdrawal of this amount from the unexpended fund balance as of December 31, 2010, and further to name the Board of Selectmen as agents to expend. It is the intention that each year the selectmen will submit a warrant article to raise and appropriate a sum equivalent to the fees collected by the issuance of Usage Permit Stickers the previous year to be placed in the fund.

Deering Recreation Program – 03/08/2011

Article 9: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Deering Recreation Program Expendable Trust Fund for the purpose of providing a variety of recreational programs, and to raise and appropriate the sum of TWO THOUSAND DOLLARS (\$2,000) to be placed into this fund, and to name the Board of Selectmen as agents to expend.

Fire Department Building Maintenance – 03/13/2012

Article 8: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Fire Department Building Maintenance Expendable Trust Fund under provisions of RSA 31:19-a, for the purpose of providing funds for maintenance and improvements of the Deering Fire Stations and to raise and appropriate the sum of TEN THOUSAND (\$10,000) to be placed into this fund, and to name the Board of Selectmen as agents to expend.

Library Building Maintenance – 03/13/2012

Article 9: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Library Building Maintenance Expendable Trust Fund under

provisions of RSA 31:19-a, for the purpose of providing funds for maintenance and renovations of the Library building and to raise and appropriate the sum of SEVEN THOUSAND FIVE HUNDRED (\$7,500) to be placed into this fund, and to name the Library Trustees as agents to expend.

Planning Board Master Plan – 03/16/2013

Article 10: To see if the Town will vote to establish an Expendable Trust Fund to be known as the Planning Board Master Plan Expendable Trust Fund under provisions of RSA 31:19-a, for the purpose of providing funds for updating and maintaining the Town's Master Plan and to raise and appropriate the sum of TWELVE THOUSAND FIVE HUNDRED (\$12,500) to be placed into this fund, and to name the Board of Selectmen as agents to expend.

Assessing – 03/11/2014

Article 7: To see if the Town will vote to establish an Expendable Trust Fund to be known as Assessing Expendable Trust Fund under provisions of RSA 31:19-a, for the purpose of providing funds for the Assessing Contract and to raise and appropriate the sum of THIRTY EIGHT THOUSAND FIVE HUNDRED AND SEVENTY FIVE (\$38,575) to be placed into this fund, and to name the Board of Selectmen as agents to expend.

Police Department Ballistic Vest – 03/14/2015

Article 9: To see if the town will vote to establish a Police Department Ballistic Vest Expendable Trust Fund per RSA 31:19-a, for the purchase of vests for police officers and to raise and appropriate THREE THOUSAND (\$3,000) to put in the fund, and to be funded from the fund balance as of December 31, 2014; further to name the Board of Selectmen as agents to expend from said fund. This appropriation shall not raise any new taxes and have no effect on the tax rate.

Police Department Equipment – 03/14/2015

Article 8: To see if the town will vote to establish a Police Department Equipment Expendable Trust Fund for the purchase of communications equipment for patrol vehicles, portable radios and radar guns per RSA 31:19-a, and to raise and appropriate FIVE THOUSAND DOLLARS (\$5,000) to put in the fund and to be funded from the fund balance as of December 31, 2014; further to name the Board of Selectmen as agents to expend from said fund. This appropriation shall not raise any new taxes and have no effect on the tax rate.

Town Center Improvement – 03/08/2016

This fund was modified on 03/17/2018 to the language presented below

Article 13: To see if the Town will vote to establish an expendable trust fund to be known as the Town Center Improvement Expendable Trust Fund for the purpose of providing funds for the planning and development of a long range community use plan under the provisions of RSA 31:19-a, for the two parcels

commonly referred to as the Town Common and Hotel Lot, and to allow the expenditure of funds for site improvements including, but not limited to, water, electricity, and construction of a pavilion, and to name the Board of Selectmen as agents to expend. This appropriation shall not raise any new taxes and have no effect on the tax rate.

Highway Building Improvement – 03/08/2016

Article 11: To see if the Town will vote to establish an expendable trust fund to be known as the Highway Building Improvement Expendable Trust Fund for the purpose of providing funds for the improvement of the Highway Building under the provisions of RSA 31:19-a, and to raise and appropriate the sum of TWENTY THOUSAND DOLLARS (\$20,000) to be placed into this fund and to be funded from the fund balance as of December 31, 2015, and to name the Board of Selectmen as agents to expend. This appropriation shall not raise any new taxes and have no effect on the tax rate.

Town Solar Energy – 03/16/2019

Article 8: To see if the Town will vote to establish an expendable trust fund to be known as the Town Solar Energy Expendable Trust Fund for the purpose of providing funds for the purchase, installation, maintenance, repair, and replacement of solar arrays and/or panels on Town owned buildings and Town owned property, under the provisions of RSA 31:19-a, and to name the Board of Selectmen as agents to expend and to raise and appropriate the sum of SEVENTEEN THOUSAND DOLLARS (\$17,000) to be placed into this fund and to be funded from the undesignated fund balance as of December 31, 2018. This appropriation shall not raise any taxes and have no effect on the tax rate.

Section Two: Private Funds (Perpetual Care, donated funds etc)

Funds came from individuals or groups. Most funds are within the Common Trust, though others have dedicated accounts as noted:

Individual TD Accounts

Celebration (A)
Friends of Deering
Celebration (Holiday)
Clement Arts

Celebration (A)

Origin and original purpose unknown.

On July 28, 2019, the TOTTF reported to the Charitable Trust Unit (CTU) – when asked - that the origin of this fund was unknown, it has been utilized in recent years through taxation to fund various town events (BBQ), and it was being grown via taxation to facilitate 250th activities. Further, the TOTTF asked if the CTU had any information on the origins. There has been no response as of 07/06/2020.

Friends of Deering – 12/15/2006

This fund was created after dissolution of a local charitable group. Funds were to be used for town project(s) and should have been expended by the end of 2011. TOTTF are attempting to liquidate this to fund a town hall project.

Celebration (Holiday)

Origin and purpose unknown. Limited balance.

Clement Arts

This fund was created via donation with direction that principal and income to be used to support the arts, for example, local shows, music etc, maintenance of the town hall piano etc. TOTTF are agents to expend.

Held in Common Trust

The common trust is a collection of smaller accounts pooled into a single fund, as opposed to the accounts noted above that are each individually invested. Generally, individually invested accounts may spend principal and income balances, whereas spending from accounts in the common trust is limited to income (*unless the donor specified otherwise*). For this reason, pooling the accounts together allows for ease in bookkeeping and increased investment potential.

Common trust funds must have their origins outside of taxation.

Income of the common trust may be spent per the wishes of the donor(s) for each particular fund. Annual accounting must include separate ledgers for principal growth (*via additional donations or capital gains and losses*) and income (*interest or dividends*). Any monies spent must be come from the income ledger and meet criteria allowed by the donor(s).

TOTTF should seek to time their regular/annual distributions to occur prior to the Board of Selectmen setting the tax rate, usually in October, to ensure maximum utility to the tax rate. TOTTF may consider distributing the prior year's income for ease in bookkeeping.

School Funds (*not for use as scholarships*)

→ *TOTTF should distribute income each year to the general fund, as Deering residents pay a considerable portion of their property taxes to fund the H-D school district.*

Rachel Dickey – 3/1/1899

This fund was established for general support of the schools (not scholarships). It is unrestricted.

Franklin P. Goodall – 12/1/1914

This fund was established for general support of the schools (not scholarships). It is unrestricted.

Desire Tubbs – 1855-1929

This fund was established for general support of the schools (not scholarships). It is unrestricted.

Town Purpose Funds

→ TOTTF should distribute income only when asked and when the proposed use is consistent with the donor(s) wishes.

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 and any road expenses. (*Documentation exists*)

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. Principal and income may be expended, though the intention is that principal expended in advance of an activity would be returned - hopefully with additional earnings, once the activity has occurred. (*Documentation exists*)

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.

Cemetery Maintenance Funds (not perpetual care)

→ TOTTF should distribute income from the East Deering Cemetery fund each year to the general fund, as Deering residents pay substantially more than generated here for that Cemetery's maintenance. The other funds should only be expended if requested by the Cemetery Trustees and invoices are provided showing work was completed on the correlating yard. TOTTF and the Cemetery Trustees should regularly interact to ensure both are aware of each other's roles.

289:7(d) – Cemeteries, Cemetery Trustees

“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)

East Deering Cemetery – 9/23/1915

This fund was established to be used for maintenance of the East Deering Cemetery.

Wolf Family Cemetery – 1987

This fund was established for the private cemetery on East Deering Road. The town will only maintain to the level that there are funds to do so. It was generally the intent that the owners would maintain it until such time as they were no longer living on site. *(Documentation exists)*

Kohlmann Fund – 2004

This fund was established for the private cemetery at East Deering Road. The town will only maintain the cemetery to the level that there are funds to do so. *(Documentation exists)*

Cemetery Lots Unique Purpose (not perpetual care)

→ 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.

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.

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.

Bessie Dow Ellis Fund – 1969

This fund was established for the placement of flowers on the gravesite in the Appleton cemetery. *(Documentation exists)*

Perpetual Care Accounts

➔ *TOTTF should distribute income each year to the general fund, as Deering residents pay substantially more than generated here for Cemetery maintenance.*

The remainder of the Common Trust funds are 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.

If a cemetery becomes full, it can then revert to town ownership. The Butler cemetery can never be full because there is a large back area that is not accessible.

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