



## **AHERERST TRUSTEES OF THE TRUST FUNDS MINUTES**

**Amherst Safety Complex – EMS Division Meeting Room**

**(Rear entrance of the Police Station)**

**175 Amherst Street**

**Tuesday, March 18, 2014, at 7:00 PM**

**Call to Order 7:00 PM:** Chairman Dwight Brew called the meeting to order. Attendees: Chairman, Dwight Brew; and Selectmen Mike Akillian and Tom Grella. Also present: Town Administrator Jim O'Mara; Cemetery Trustees: Chairman Peter Bergin, William Belvin, and Marie Grella; and Trustees of the Trust Funds: Chairman Peter Bergin (as noted), Lori Mix, and Kenneth Sheldon, Paul Herbert, Town of Amherst Financial Director Vice Chairman Galinson and Selectman D'Angelo were excused.

Chairman Bergin called the Board of Cemetery Trustees and the Trustees of the Trust Funds meetings to order.

**Pledge of Allegiance** – Chairman Brew asked Jim O'Mara to lead the Pledge.

Chairman Brew thanked the Cemetery Trustees and the Trustees of the Trust Funds for attending the meeting. He then explained that the purpose of the meeting is to review finances, not fields. The three boards presented topics that each would like to discuss.

- MS-9
- Trust Policies
- Maintenance of Cemeteries
  - Finance
    - Expense
    - Revenue
- RSA's governing various boards
- Lot Sales
- Trust Funds History

Trustee Bergin handed out the MS-9 and Trust Policies Procedures together with a history of Trust Funds. He explained that the Trustees of the Trust Funds fall under the AG Charitable Trust. In 2013, the Trustees moved their financial transactions to Cambridge Trust. Prior to that, they were with Bank of America doing business with Mike Wrenn. Trustee Bergin responded that the Bertha Roger Fund (bequeath of Bertha Rodgers, grants awarded every 3 years, nothing to do with the Cemeteries) will be moving into common trusts. He then reviewed the MS-9 regarding trust information and explained that the cemetery lots fund started in 1987. At that time, 50% of the money went to the Town, and the other 50% went to perpetual care.

He then reviewed the MS-9 regarding trust information and explained that the cemetery lots fund started in 1987. When a sale of lot took place, the proceeds were sent to the bank to deposit the money in the Amherst Cemetery Trust Funds. It is not clear what the split was from 1987 to 2004 until a change was made in 2005.

Research will have to be done. In 2005, the Cemetery Trustees voted to change the split on a sale of a lot, 50% would go onto the Amherst Cemetery Trust fund, Cemetery Lots-maintenance and 50% into the Cemetery Trust Fund Perpetual Care trust fund. This process has been followed by the banks (Bank of America and Cambridge Trust) to the present.

Trustee Bergin asked that an audit be performed to determine when the Town's 50% portion of the sale of cemetery lots stopped going to the Town and started going into the Cemetery Lots Fund. The purpose of perpetual care is to cover the costs of maintenance of the cemeteries. Trustee Bergin handed out the MS-9 and

Selectman Akillian asked about cemetery maintenance. Trustee Belvin explained perpetual care covers all mowing of graves.

Chairman Brew asked if the cemetery funds could be invested so as to allow for growth and generate income.

Trustee Bergin responded that the Bertha Roger Fund will be moving into common trusts. Chairman Brew asked if there is an obligation to spend the interest on the intended purpose of the trust. Trustee Bergin explained that revenues going into the general fund consist of burial fees and the sale of the lots. No trust fund money/interest has been used for cemetery maintenance since 2008.

Mr. Grasset, citizen and former Trustee of the Trust Fund and Cemetery Trustee, stated that the Attorney General had stepped in to say that towns can't use interest from perpetual care on all graves, only on certain graves. Trustee Bergin announced that Milford pays for 100% of their maintenance out of their budget. Trustee Bergin described Cy Pres process. Cemetery Trustee Belvin described ways for maintenance of graves to occur from perpetual care. The three options are:

1. Individual maintenance of lots.
2. Percentage of total maintenance.
3. Total expense per lot.

Bob Grunbeck said that originally \$250 goes to the Town, and \$50 for perpetual care. He suggested Wilkins Fund, Putnam Fund, and the Perpetual Care Fund can be used for maintenance of Meadowview and the income from the Other Fund can be used for maintenance of the remaining cemeteries.

Trustee Bergin stated that the January 9, 2006, Board of Selectmen minutes say that the Board voted unanimously to assume the cost of all the maintenance. Bob Grunbeck said that up until 2010, the Cemetery Trustees half the funds from lot sales went into Perpetual Care (restricted) rather than Other (unrestricted).

Cemetery Trustee Belvin said that in 2011 we changed from Perpetual Care into Other and suggested we were denied revenues from the lease of Cemetery Fields.

Mike Akillian ask how the price of a lot was determined.

Trustee Bergin answered the lot rates went from \$300 to \$500 as a result of a survey taken of costs surrounding towns charge. The money received from the sale of the lots went into the cemetery trust funds. The Cemetery Trustees and the Board of Selectmen may agree to the allocation lot monies subject to the New Hampshire Office of Attorney General, Charitable Trust Unit.

Members of the audience discussed empty lots at Meadowview, the process to revert these unclaimed lots back to the Town, and whether there is a need for a new cemetery at all.

Trustee Bergin stated that there are RSA's governing the Cy Pres process, which basically says that no tax money shall be used to build a new cemetery.

Selectman Akillian suggested a subcommittee be formed consisting of: one Selectman, one Trustee of the Trust Funds, one Cemetery Trustee, the Finance Director, and three citizen members to be appointed by the Board of Selectmen.

Cemetery Trustee Belvin was concerned with the number of proposed members and the potential charge of the committee, and suggested adding other sub-committees as well as delve into the revenues and maintenance, the discrepancies on sale of the lots.

Selectman Akillian wants clarity around the portfolios of the trusts and the RSA's. He would like a process proposed for the monies and an investigation into the back monies owed. Trustee Bergin agreed.

Selectman Grella moved to form a subcommittee to examine cemetery finances comprised of one Selectman, one Trustee of the Trust Funds, one Cemetery Trustee, the Finance Director, and three citizen members to be appointed by the Board of Selectmen. Seconded by Selectman Akillian. Vote 3-0.

Chairman Brew said the announcement asking for community members will be posted to the Town's website by Thursday. Appointments will be made at the Selectmen's March 24<sup>th</sup> meeting, and the subcommittee will be formed and in place by April 14, 2014.

Selectman Grella made motion to form a subcommittee consisting of: one Selectman, one Trustee of the Trust Funds, one Cemetery Trustee, the Finance Director, and three citizen members to be appointed by the Board of Selectmen. Discussion took place on Selectman's Grella motion.

Cemetery Trustee Belvin was concerned with the number of proposed members and the potential charge of the committee, and suggested adding other sub-committees as well as delve into the revenues and maintenance, the discrepancies on sale of the lots.

Selectman Akillian wants clarity around the portfolios of the trusts and the RSAs. He would like a process proposed for the monies and an investigation into the back monies owed. Trustee Bergin agreed. .

Selectman Grella's amended his motion, "Cemetery Finance Subcommittee comprising of one Selectman, one Trustee of the Trust Funds, one Cemetery Trustee, the Finance Director, and three citizen members to be appointed by the Board of Selectmen with its charge to study, Cemetery Lot sales, Cemetery revenues and expenditures relating to maintenance, and burials." Seconded by Selectman Akillian. Vote 3-0.

Selectman Akillian volunteered to write a definition of the subcommittee's charge and send it to members of the Cemetery Trustees, Trustees of the Trust Fund and the Board of Selectmen for approval. Once everyone was in agreement, the Cemetery Finance subcommittee would be posted to ask for citizen volunteers.

Trustee Bergin said he will work with the sub-Committee and Town Administrator, James O'Mara to see if the Town of Amherst is entitled to a 50/50 lot sale distribution. That is, 50% of the proceeds can go into the Town of Amherst General Fund. Such a decision would have to have the approval of Terry Knowles, Assistant Director, New Hampshire Office of the Attorney General, Charitable Trust Unit.

**Adjourn** Selectman Grella motioned to adjourn the meeting at 9:00 PM. Seconded by Selectman Akillian. Vote 3-0.

The meeting adjourned at 9:01 PM.