



# TOWN OF AMHERST

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## **Memorandum of Understanding between the Amherst New Hampshire Board of Selectmen and Amherst New Hampshire Cemetery Trustees**

### **Purpose**

This Memorandum of Understanding (MOU) between the Amherst New Hampshire Board of Selectmen (BOS) and the Amherst New Hampshire Cemetery Trustees (CT) is an agreement to establish a clear policy and communication process in order to:

- Maintain the current high standard of physical condition present in existing Amherst public cemeteries, and apply the same standard to future Amherst public cemeteries, and
- Resolve inconsistent existing public and private cemetery trust fund status for expenditure to support Amherst public cemeteries for existing and future public cemeteries, and
- Recognize, that over time this MOU will need revision to respond to changes in the economy and NH law, such that the BOS and CT cooperate in their response as these issues occur, and lastly,
- Create an atmosphere of "Good Faith" between the BOS and CT so as to guide both present and future boards in communication, policy setting, and decision making.

### **Authority**

It is the Town of Amherst's statutory responsibility to provide public cemeteries within its boundaries for the interment of Amherst deceased persons. In discharging that responsibility the citizens of Amherst have used NH RSA 289:6 to elect Cemetery Trustees. Nothing in this MOU reduces or enhances the authority granted to both the Amherst BOS and CT. Rather this MOU is designed to address the unique circumstances in Amherst not directly covered by NH RSA's.

## **Financial Resources Available for the Operation, Maintenance, and Construction of Amherst Cemeteries**

### **Private Trusts - June 2014 approximate value, under NH AG Charitable Trust, principal may not be expended.**

- Wilkins: Principal \$31,000 Accumulated Income \$30,000 applies to Meadowview only.
  - CT are Agents to expend from this trust.
  - Last 5 years average income: \$950.
- Putnam: Principal \$16,000 Accumulated Income \$15,000 applies to Meadowview only.
  - CT are Agents to expend from this trust.
  - Last 5 years average income: \$450.
- Perpetual Care \$826,000 Accumulated Income \$142,000 applies to Meadowview only.
  - CT are agents to expend from this trust.
  - Last 5 years average income: \$23,500.

### **Public Trusts - June 2014 approximate value, principal may not be expended.**

- Other/Unrestricted: Principal \$101,000 Accumulated Income \$40,000 applies to all Amherst Cemeteries.
  - CT are the agents to expend.
  - Last 5 years average income: \$2,950.

### **Public Trust - June 2014 approximate value, believed principal and income may be spent.**

- Cemetery Lot Maintenance: Principal \$105,000 Accumulated Income \$43,000 applies to all Amherst Cemeteries and for cemetery purposes only, established by Town vote in 1987. The legislative body (Town Meeting) is the agents to expend.
  - Last 5 years average income: \$100

### **Other Funds Sources: Deposited to various Accounts/Trusts**

- Burial fees, last 5 years average income: \$6,800
- Tomb fees, unknown five year income, usually deposited into Cemetery Lot

- Trust Current Cemetery Expenses
  - Last 5 years average expense: \$41,079

#### **Future Forestview Cemetery Capital Costs**

- Phase One Proposed expenditure, \$160,000- \$180,000

#### **The Amherst BOS and CT Agree as follows:**

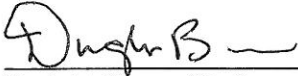
- The CT shall prepare and submit for review to the BOS an annual operating budget for the maintenance of cemeteries. The CT will also include an estimate of the total amount of monies from every available resource which can be applied against the appropriated operating budget, with the goal of contributing as much as possible annually without jeopardizing the long-term viability of the trusts, and
- The Town will make up any "shortfall" to cover the difference between budget request and CT contributions. For revenue and expense purposes, this agreement begins fiscal year 2014 (ending June 30, 2014) and continuing thereafter, and
- NH law required gross budgeting. The annual budget for maintenance of cemeteries therefore does not take into consideration revenues and reimbursements received from cemetery services during the course of a fiscal year. It is appropriate to deduct from the gross maintenance budget all monies received for burial fees and tomb fees to determine the net cost of maintaining town cemeteries, and
- All revenue from lot sales, burial and tomb fees will go to the Town's General Fund, and
- Both the BOS and CT acknowledge that "hard and fast" fiscal rules would likely hinder a balanced response to external economic conditions where cemetery trust income or Town taxes could either increase or decrease for both Boards, so they will cooperate in response to these or other unanticipated events, and
- CT will request and the BOS will agree to place an article or articles on the 2015 Warrant in language approved by Town Counsel that gives the voters the choice to build Forestview Cemetery with no tax impact, and other articles as agreed
- Both the BOS and CT agree to consult in response to changes in NH law and setting policy that affects revenue or services, and

The BOS agrees that Cemetery Trustees may issue rights to inter so that citizens won't have to wait for BOS to meet to do so.

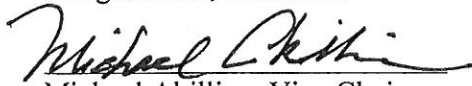
Both the BOS and CT agree to jointly submit this agreement to the NH Attorney General, Charitable Trust Division and Town Counsel for review and endorsement before this MOU takes effect.

**The attached Appendix A is for information only, and acts as a guide for immediate and future action, or as source references.**

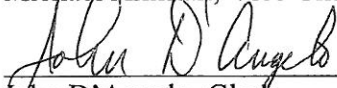
This MOU becomes effective on December 9, 2014.



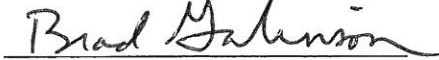
Dwight Brew, Chairman



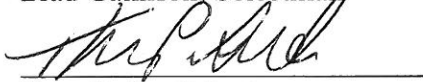
Michael Akillian, Vice Chairman



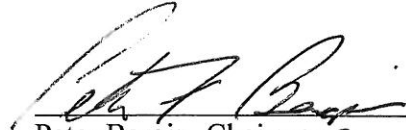
John D'Angelo, Clerk




Brad Galinson, Selectman



Tom Grella, Selectman



Peter Bergin, Chairman



William Belvin



Marie Grella

# Appendix A

## Statement of Findings & Recommendations Cemetery Finance Committee

### **Statement of Findings:**

General Statement: The trusts related to cemetery maintenance and improvements are well funded and the principal is invested in a manner that has produced good growth and adequate yearly income. This income, along with burial fees and lot sales, is sufficient to meet the current needs of Amherst cemeteries. The major finding of this committee is that no agreement or understanding exists for:

- The receipt and use of the available sources of cemetery related revenue.
- The expenditure of this revenue.
- The trust funds purposes and limitations are not well understood in several of the Trusts.
- The procedures and accounting currently being used require clarification and agreement for the current needs between the BOS and Cemetery Trustee's.

#### **1. Applicable RSA's:**

- a. The RSA related to Cemeteries is Chapter 289. Below are some excerpts related to our directive:

- **41:11-a Town Property. –**

I. The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

II. The authority under paragraph I shall include the power to rent or lease such property during periods not needed for public use, provided, however, that any rental or lease agreement for a period of more than one year shall not be valid unless ratified by vote of the town.

- **31:19-a Trust Funds Created by Towns. –**

I. A town may at any annual or special meeting grant and vote such sums of money as it deems necessary to create trust funds for the maintenance and operation of the town; and any other public purpose that is not foreign to the town's institution or incompatible with the objects of its organization. The town may appoint agents to expend any funds in the trust for the purposes of the trust. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.

II. Trust funds created pursuant to this section shall be revocable by majority vote of the legal voters present and voting at any annual meeting, unless the vote creating the trust expressly provides that the trust shall be irrevocable, and upon revocation the trustees of trust funds holding the account for said trust shall pay all the moneys in such fund to the town treasurer.

- **289:4 Maintenance.** – Every municipality shall raise and appropriate sufficient funds, by taxation or otherwise, to provide for the suitable care and maintenance of the municipal public cemeteries within its boundaries which are not otherwise provided for by an alternative funding source. Every municipality may raise and appropriate annually a sufficient sum to provide for the suitable care and maintenance of deserted burial grounds and cemeteries which have been declared abandoned in accordance with RSA 289:19-21.
- **289:7 Powers and Duties.** –I. Except in those municipalities in which other provisions have been made by a general or special act of the legislature, all cemetery trustees in the state shall: (a) Adopt bylaws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility. (b) Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality. A separate budget request shall be submitted for planning and establishment of a new public cemetery and for capital improvements or expansion of an existing public cemetery. (c) Expend all moneys raised and appropriated by the municipality for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner that funds of other municipal departments are paid. (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. (e) Prepare deeds of cemetery lots for the governing body to sign. II. Cemetery trustees may appoint a cemetery custodian or sexton who shall not be a trustee and who shall be responsible to the cemetery trustees for supervising work done in the cemeteries.

**289:9 Use of Trust Funds.** – Cemetery corporations and the trust fund trustees of municipalities may take and hold funds in trust, and may apply the income of the trust to the improvement, watering, or embellishment of the cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances

## **2. Trust Funds:**

There are 2 distinct types of trusts funds according to the Department of Revenue; private & public. Private trusts are created with private donations or bequeaths. In regards to the cemeteries, these private trusts have the Cemetery Trustees as the “agent to expend” by virtue of their elected position. The expenditures from these private trusts are guided by the intent of the donor.

Public trusts are created by towns. The agent to expend is determined by the wording of the warrant article. If no agent to expend is specified in the warrant then the Governing legislative body is the agent to expend.

A. There are 5 accounts related to Cemeteries

a. Wilkins:

- i. \$2,000 given in 1938 with bequest in will as to be used only in Meadowview Cemetery for general care and upkeep.
- ii. The intent of the of the trust is known
- iii. This is a private charitable trust under the review of the AG's office
- iv. No expenditures have been made from the trust since 1977 (assuming 91-94 listed expenditures are actually expenses)

b. Putnam:

- i. \$1,000 given in 1932 with bequest in will as to be used only in Meadowview Cemetery for beautifying and improvements
- ii. The intent of the of the trust is known
- iii. This is a private charitable trust under the review of the AG's office
- iv. No expenditures have been made from the trust since 1977 (assuming 91-94 listed expenditures are actually expenses)

c. Perpetual Care:

- i. Trust was broken by 1981 -1990 Cy Pres
- ii. This is a private charitable trust under the review of the AG's office
- iii. Income may be used for the general care and upkeep of Meadowview Cemetery.
- iv. The practice of selling new "perpetual care" has been discontinued.
- v. The by laws of the Cemetery Trustees (CT) were changed to "general care" with a 1/25/2007 vote of the CT
  1. There was no change in the administrative process as the same deed was used prior to and after the vote.
  2. The deed makes no reference to "care".
  3. The minutes of the CT meeting on 1/9/2007 with Terry Knowles states "This money would no longer be considered trust funds and would be listed as a maintenance fund. This would have to be stated in the deed as well as the cemetery by-laws"
  4. There is no evidence that any accounting changed after the CT vote on 1/25/2007.
  5. A portion of cemetery lot sales were deposited into this trust until 2011.
    - a. Approximately \$19,000 of lot sale proceeds were deposited into perpetual care after the 1/25/2007 vote
- vi. A "Right to Inter" process replaced general care in 2013 by a vote of the CT Board on 3/26/2013
- vii. The first Right to Inter contract was used in May, 2013
  1. The Right to Inter allows both principal and income to be used for general care expenses.



2. There is no appropriate Trust (that allows the principal to be expended) to accept deposit the right to inter funds into at this time.
3. The proceeds from the "Right to Inter" sold since May 2013 have been deposited to:
  - a. 50% Other/Unrestricted
  - b. 50% Cemetery Lots Maintenance fund.
- viii. Since 1987 the trust has generated a total of \$643,129.96 in income.
- ix. Since 1987 The Perpetual Care Trust has expended \$387,489.86 for Cemetery maintenance costs.
  1. This offsetting revenue incorrectly covered costs related to cemeteries not covered by the perpetual care trust fund in some years.(ie: Cost related to the cemetery by Town Hall)
  2. During some of this time, 100% of the maintenance costs of cemeteries were covered by the Trust.
  3. In 1993 – 95 The Trust used \$140,000 for the purchase of Forestview Cemetery with the permission of the courts.
- x. Since 1987 \$39,020 has been added to this Trust from the sale of lots.

d. Other / Unrestricted:

- i. According to Peter Bergin, who is Chairman of the Board of Cemetery Trustees and Chairman of the Trustees of the Trust Funds, there are no restrictions on this trust as it relates to cemetery expenses, but he has deferred it to the AG office as to whether it is a private charitable trust or a public trust.
- ii. Peter Bergin has stated that the principal may not be spent.
- iii. The fund first appears on the Trustee of the Trust fund reports in 1967.
- iv. The creation of it is a split from the 1966 balance in the Perpetual Care Trust fund and appears to be a reclassification of Funds previously deposited.
  1. 1966 Perpetual care ending balance: \$74,259.78
  2. 1967 Perpetual Care – Restricted: \$66,559.04
  3. 1967 Perpetual Care – Unrestricted: \$7,700.74
- v. It was common at the time to sell cemetery lots without perpetual care.
- vi. There was no warrant article at the time creating the Fund.
- vii. Since 1967, there have been 8 years with deposits into this trust that appear to be from lot sales totaling \$13,885.00
- viii. Since 2011, this has been the primary place for 50% of lot sales
  1. \$12,300 occurred after the 1/25/2007 vote
- ix. In 1998, 1999, & 2008 this trust was the sole source of "offsetting revenue" to the Town for Cemetery Expenses.
- x. 50% of the lot sales from "Right to Inter" process currently being used are placed into this trust currently even though it is believed the principal of this trust may not be expended.



- xi. There is no evidence that the 'Right to Inter' process was voted on by the Board of Selectman (BOS).
- xii. In most years since 1967, there were no expenditures from this Trust.
- e. Cemetery Lots Maintenance
  - i. Formed in 1987 via a warrant article
  - ii. This fund was created via a town warrant article and no agent to expend was specified.
  - iii. Intended to be the fund to hold "excess accumulated income" from the Cy Pres filing
  - iv. Funds from the Cy Pres were never deposited into this account
  - v. All funds "added" to this fund since 1987 were from town owned cemetery lots totaling \$105,240.10
    - 1. The split of lot sales varied ranging from 90% deposited into the Cemetery Lots fund and 10% Perpetual to 50% going into Cemetery Lots fund and 50% Perpetual (then in 2011 the perpetual portion was placed in the Other fund)
  - vi. There is no evidence that for 27 years anyone questioned what was being deposited into this account.
  - vii. No expenditures were ever paid from this account.
  - viii. In 2011, \$5,000 was incorrectly reinvested from income to principal
  - ix. There was no understanding as to what the intended beneficiary or purpose of this account was when the Cemetery Finance Committee was formed.
  - x. There was general acknowledgement that a split of revenue existed for Cemetery Lot Sales between the Town of Amherst and the Cemetery Trust's.
  - xi.
    - 1. The rationale behind the Town of Amherst receiving some portion of lot sales is because cemetery lots are town land.
    - 2. The CT budget proposed to the BOS in December 2013 incorrectly included a split of cemetery lot sales
    - 3. It was assumed that 50% of lot sales were going directly to the general revenue fund (incorrectly).
    - 4. When this committee was formed on March 18, 2014 all parties were under the impression that a 50/50 split of lot sales was occurring between the Cemetery Trusts and the Town.
    - 5. No specific written agreement has been found to document this convention that lot sale proceeds should be split between the CT's and the Town.
    - 6. The burden of proof for a "claw back" on the split in lot sales falls on the Town since the funds were deposited into an account that is for Cemetery purposes (per AG office as relayed by Attorney Drescher)
  - xii. The fund, as it is currently established has no added benefit beyond other trusts already established.

- xiii. The funds in this account have been invested in cash since inception in 1987 and has had no principal growth.
- xiv. The yield on the portfolio in 2013 was 0.41%, before management fees.
- xv. Vault fees, when collected were usually deposited in this account.

- The balances in the Trusts related to cemeteries as of 6/30/2013 are as follows:

	Principal	Income Value	2013 Income	2013 Expended
Putnam	\$15,659.89	\$15,009.13	\$422.09	
Wilkins	\$31,316.50	\$29,852.27	\$844.12	
Other	\$101,000.41	\$39,600.75	\$2,629.42	\$367.20
Perpetual	\$826,457.22	\$141,814.12	\$22,276.84	
Cemetery Lots	\$105,222.68	\$43,076.89	\$4,284.04	
Totals:	\$1,079,656.70	\$269,353.16	\$30,456.51	\$367.20

- Over the past 5 years the total annual income of the 5 trusts was \$134,632.06
- Over the past 5 years the total expenditures of the 5 trusts was \$32,879.76
- As of 6/30/2013 the 5 accounts had a total of \$374,575.84 held in cash equivalent investments.

### 3. Revenue:

- The sources of revenue related to cemeteries include:
  - Income received on assets held in trust
  - Burial fees
  - Vault Fees
  - Lot sales
- The Selectman are the governing body that has the statutory authority to sell town owned land.
- The BOS should be involved in determining the price of those sales and how the proceeds are handled since it is Town land.
- There will be a time in which yield on the trust portfolio will be considerably higher than it is currently due to an increase in interest rates. This will create a situation in which the income being generated will be significantly higher than the applicable expenses.

### 4. Withdrawals:

- a. There are no procedures currently in place for the following:
  - i. Allocation of expenses to appropriate Trusts
  - ii. Use of vouchers for expenses.
  - iii. Board votes approving the expenditures.
  - iv. Verification of transactions after requests

- b. The only withdrawals over the past 3 years from any cemetery related trust were for the purchase of geraniums to be placed at the Perpetual care grave sites
  - i. The invoices were submitted directly from the Cemetery Trustee's to the Custodial bank. There is no evidence showing that the Trustee of the Trust Funds approved the withdrawal / expenditure.
  - ii. In 2 of these years, the cost and reimbursement were entered in the town ledger as offsetting items creating a 0 line item contrary to the requirements of gross budgeting.
  - iii. Expenditures from the private Trusts should not pass through the Town's ledger.
  - iv. In 2 of the 3 years, the funds were withdrawn from the "other" trust instead of the Perpetual Trust, contrary to the instructions on the invoice from the CT requesting the disbursement.

**5. Expenses:**

- a. There is currently no agreement between the BOS and CT on cemetery related expenses.
- b. The costs for the maintenance of the cemeteries for the past 5 years has been primarily paid for by the taxpayer through the annual town operating budget. This is the result of the CT deciding not to apply the income they had available for that purpose.
- c. The actual amount of the contribution through off setting revenue from the trusts must be negotiated between the CT and BOS.
- d. The net cost of burials is not known at this time due to a lack of proper classifications within the Town's ledger
- e. In approximately 2006, the CT met with the BOS and discussed the need to stop providing offsetting revenue so that they could build up cash reserves in the income side of the perpetual care Trust to pay for the development of Forestview.
  - i. There is no evidence in the minutes that the BOS agreed to this, nor is there any evidence the BOS objected.
  - ii. The BOS may not bind future boards with such an agreement.
  - iii. The stated intent was to be able to buildup enough reserves to ask the courts for permission to use the "excess accumulated income" for Forestview and not have to ask the Town taxpayers for the appropriation.
- f. When Forestview is developed the additional maintenance costs will be the responsibility of the Town6
  - i. These annual maintenance costs have not been presented to date.
  - ii. The costs of this property start 9/1/2014
- g. Over the past 5 years, the absence of offsetting revenues from the income generated by the trusts has increased the burden on the town budget by approximately \$140,000 (90% of total net costs)
- h. Over the past 5 years the budget and offsetting revenue for town cemeteries were:

Cemetery Budgets:  
Town of Amherst

Fiscal Year	Total Appropriation	Burial Fees	Actual Trust	
			Offsetting Revenue	Net Cost
2009	\$44,969.19	\$5,050.00	\$15,446.22	\$24,472.97
2010	\$42,604.83	\$9,600.00	\$5,698.72	\$27,306.11
2011	\$38,322.00	\$4,370.00	\$0.00	\$33,952.00
2012	\$38,765.00	\$6,950.00	\$0.00	\$31,815.00
2013	\$45,910.37	\$7,930.00	\$0.00	\$37,980.37

**Recommendations:**

1. That the primary use of every Trust should be the expressed directive from the donor(s)
  - a. Income balances should be kept at levels consistent with the objectives of the Trust.
  - b. Cy Pres should only be used when "excess accumulated income" exists after meeting the needs of the intentions of the Trust.
2. The Town of Amherst has the final responsibility to see that the cemeteries maintenance is performed and funded properly.
3. The formula for moving forward for revenue and cost sharing should be:
  - a. Lot Sales:
    - i. The Right to Inter contract should be modified to allow the town to directly receive the funds.
    - ii. 100% of lot sales proceeds should go directly to the towns general fund
    - iii. The price of a cemetery lot should be recommended by the CT and approved by the BOS.
  - b. Burial / Vault Fees (paid to the Town):
    1. 100% shall be counted as offsetting revenue for determining annual budgets (current 5 year average is \$6,780).
    2. The previous 5 years burial fees average received shall be used in determining the next year's budget.
      - a. An account code for burial expenses should be created for the tracking of related expenses.
      - b. After 2 years, the cost and expenses should be reviewed to make sure the fees are appropriate.
  - c. Cost Sharing:
    1. The Town and the Cemetery Trustees have a mutual desire to properly fund Cemetery maintenance.

2. At no time shall the Town contribute less than 10% of the annual net budget for cemeteries.
3. All available trust income shall be used to offset expenses; if appropriate to the purpose of the Trust.
4. There is a desire and requirement to maintain certain levels of accumulated income for unexpected costs and events.
5. The following table is suggested target balances in the accumulated income accounts. From time to time the Cemetery Trustees may deem it appropriate to exceed these limits for specific purposes that may require a build up or draw down of income for minor projects allowed under the purpose of the Trust.
  - a. The CT should have a vote on these "minor projects" with supporting documents of cost estimates, statement of work, and expected time frame of work.
  - b. The Trustees of the Trust Fund should be notified of these intentions so that proper investment objectives can be aligned.

Town of Amherst Trust Funds  
Suggested Income Levels

	Low	High	Balance 6/30/13
Putnam	\$1,000	\$4,000	\$15,009.13
Wilkins	\$1,500	\$6,000	\$29,852.27
Other	\$7,000	\$15,000	\$39,600.75
Perpetual	\$45,000	\$75,000	\$141,814.12
Cemetery Lots	N/A	N/A	\$43,076.89

Capital Reserve related to Amherst Cemeteries:

FOREST VIEW CEMETERY DESIGN: \$14,230      Value as of 5-31-2014

**4. The Cemetery Lots Maintenance account: (created in 1987)**

- a. This is a public fund and requires a vote of the legislative body to expend from.
- b. Town Council should be consulted as to the best vehicle to be created as a proper holding account going forward for the available balance (principal and income). This new vehicle shall be the primary holding account for assets to be held for expansion and capital improvements of cemeteries as well as for general care and upkeep.
- c. In developing this vehicle, the following should be taken into consideration:
  - i. Can the funds being held be invested in asset classes to aid in principal growth if desired?

- ii. The legislative body should approve any expenditures from this account for cemetery expansion as required under RSA 289:7
  - iii. The AG's office should be consulted to confirm their agreement with this transfer of assets.
- d. The results of the above should be communicated to the BOS for inclusion in the next town vote.
- e. The CT should not pursue Cy Pres but instead use the funds available in this new account to build Forestview.
  - i. The amount under Cy-Pres would have been approx. 50% of the available income balance in the Perpetual care account (approx. \$75,000)
  - ii. The available funds in this new account are approximately \$150,000
  - iii. In either case, additional appropriations would have been necessary to meet the estimated cost of Phase 1 of Forestview.
  - iv. The BOS should vote to approve and endorse this approach.
  - v. This approach would save on time and legal costs.
- f. The BOS should support the inclusion of a warrant article on the ballot once proposed by the CT for the development of Forestview provided:
  - i. They are in agreement with the scope of work to be completed.
  - ii. The need for cemetery expansion has been presented.

**5. Other / Unrestricted Fund:**

- a. This account should be renamed to Cemetery General Maintenance
- b. A warrant article should appear on the next ballot clarifying the following:
  - i. Name the CT as Agent to expend.
  - ii. Clarify the purpose of the account; to expend annually the income generated from the fund for any expenses related to cemeteries.
- c. The Other / Unrestricted fund should be used as the last source of offsetting revenue. (This is done so that when Forestview Cemetery is completed, a partial source of applicable income is available.)

**6. Cemetery Mapping Software:**

- a. The purchase of mapping software should be requested by the CT to the Trustee of the Trust Funds (TT) as an allowable expense under the Putnam Trust as an "improvement".
  - i. The software will help the CT improve their management and understanding of the current Meadowview Cemetery.
  - ii. Funds should also be requested for the implementation of this software.
  - iii. Once the mapping is completed, the results should be presented to the BOS in an effort to address the controversy on the availability of lots in existing cemeteries. These results should include the total number of lots & plots available.

**7. Other Recommendations:**

- a. An account-code should be created for Meadowview general care and upkeep expenses so that they can be applied to the appropriate Trusts.
- b. The selling of deeds / right to inter involves town property. A review of applicable RSA's and authorization should be done by the BOS. Any changes to process should be coordinated with the CT. If the changes require legislative body approval, they should be included in the next town warrant.
- c. In an effort to bring down accumulated income levels in some of the Private Trusts closer to the suggested levels, the following Vouchers shall be issued to the CT and approved by the TT before the current FY14 ends:
  - i. Putnam Fund: \$11,000 for expenses of Meadowview in 2013-14.
  - ii. Wilkins Fund: \$20,000 for expenses of Meadowview in 2013-14.
  - iii. These disbursements would fall within the purpose of each trust.
  - iv. The Town would still have paid for more than 10% of the net cemetery costs in FY2014.
- d. The cost sharing and offsetting revenues should apply for FY 2015.
- e. Burial Fees & Lot sales are unrestricted and may be used for general cemetery expenses.
- f. When determining cost allocation to the Trusts with similar purposes, allocation of costs should be done based off the past years income %. For illustration purposes, it is listed below.

Town of Amherst FY 2015

Cemeteries			Costs at Meadowview Cemetery (est)	All Other Cemetery Costs (est)
Total (est)	Burial Fees	Net		
Appropriation:	Projected	Appropriation		
\$48,000.00	\$7,930.00	\$40,070.00	\$37,000.00	\$11,000.00

Minimum				
Town	Putnam	Wilkins	Perpetual	Other/Unrestricted
Contribution	Trust	Trust	Trust	Trust
\$4,007.00	\$591.51	\$1,182.94	\$31,218.55	\$3,070.00
Total Trusts:	\$36,063.00			
Total Town:	\$4,007.00			
Total:	\$40,070.00			

- g. A standardized process should be developed for the request and withdrawals of funds from the Trusts by the Trustee of the Trust Funds. This process should include the following.



- i. Standard form for all boards to use that includes all required signatures.
- ii. Vouchers be submitted
- iii. Record of the vote by the Board agent to expend
- iv. Explanation of the expenditure as it relates to the Trust's purpose.
- v. Verification that the funds were withdrawn from the proper account.

**8. Outstanding balance due:**

- a. There is currently a long standing "Accounts Receivable" on the town ledger for \$31,973.46 due from the CT
- b. The accounting of line item 01-1310-60-1012 contains many smaller entries that have no offsetting revenue and inadequate notation.
- c. Current legal bills incurred by the CT are also posted here.
- d. The main entry accounting for the AR is a 6/30/05 for \$31,866.24
- e. There are no withdrawals from the Trusts in FY 2005.
- f. There is no evidence as to whether an invoice was generated or not.
- g. This should be followed up by the BOS and CT.
  - i. Payment of the outstanding invoice should follow the process as approved by this committee.

**9. Summary of Funds; Purposes / Restrictions:**

Wilkins: Income only, Meadowview general care and upkeep

Putnam: Income only, Meadowview Cemetery for beautifying and improvements

Perpetual Care: Income only, Meadowview general care and upkeep

Other/Unrestricted: Rename, Income only, all other cemetery related expenses

Cemetery Lots: Move assets to new fund.

New Fund: Income and principal for capital improvements and general care and upkeep.

Burial Fees: General Fund to offset Town cemetery expenses

Cemetery Lot Sales: General fund revenue for the sale of town owned land.

MS-9 TF  
REPORT OF THE TRUSTEES OF TRUST FUNDS FOR THE TOWN OF AMHERST, NH  
FOR PERIOD ENDING JUNE 30, 2014  
TRUST FUNDS (ACCOUNT NUMBER XXXXX4, XXXXX17, XXXXX3)  
AS OF: June 30, 2014

PRINCIPAL				INCOME				YTD TOTALS										
DATE OF CREATION	NAME OF TRUST FUND	PURPOSE OF TRUST FUND	HOW INVESTED	BALANCE PRINC END OF MAY	NEW FUNDS CREATED JUNE	PRINC FEES JUNE	CASH GAIN OR AMORTIZATION JUNE	BALANCE PRINC END OF MAY	%XXX JUNE	INCOME AMOUNT JUNE	EXPENSED DURING PERIOD JUNE	BALANCE INCOME END OF JUNE	GRAND TOTAL PRINC AND INCOME JUNE	INCOME	EXPEND	CASH GAIN OR LOSSES AMORTIZATION	NEW FUNDS	
1927	EMMA L. CLARK	LIBRARY	COM. TRUST	8,134.84	0.00	(4.84)	54.11	8,204.11	1,397.72	0.0031	34.80	0.00	1,632.32	9,836.63	246.37	0.00	402.70	0.00
1945	JAMES DAVY	LIBRARY	COM. TRUST	97,464.75	0.00	(57.81)	646.75	98,051.70	19,121.68	0.0368	415.93	0.00	19,517.61	117,291.30	2,668.50	0.00	4,813.12	0.00
1923	FANNIE PARSONS FRENCH	LIBRARY	COM. TRUST	16,239.14	0.00	(9.64)	107.89	16,337.29	1,185.23	0.0061	69.39	0.00	1,254.62	19,612.01	495.21	0.00	802.94	0.00
1902	GEORGE W. GEORGE	LIBRARY	COM. TRUST	8,149.05	0.00	(4.83)	54.07	8,198.29	1,396.60	0.0031	34.78	0.00	1,631.38	9,829.67	248.20	0.00	402.42	0.00
1928	EDMUND M. PARKER	LIBRARY	COM. TRUST	16,239.14	0.00	(9.64)	107.89	16,337.29	1,185.23	0.0061	69.39	0.00	1,254.62	19,612.01	495.21	0.00	802.94	0.00
1957	ANNA H. BOARDMAN	LIBRARY	COM. TRUST	26,794.31	0.00	(15.89)	177.80	26,976.22	5,249.33	0.0101	114.34	0.00	5,363.67	32,318.89	816.08	0.00	1,323.18	0.00
1985	JENNIFER OAKSMITH	LIBRARY	COM. TRUST	767.85	0.00	(0.46)	5.10	772.50	130.35	0.0003	3.28	0.00	133.63	926.13	23.39	0.00	37.93	0.00
1985	HONORA SPALDING	LIBRARY	COM. TRUST	2,989.59	0.00	(1.76)	19.71	2,987.54	581.62	0.0011	12.67	0.00	594.29	3,581.84	90.43	0.00	166.65	0.00
1985	LAURA & JAMES VANLESS	LIBRARY	COM. TRUST	4,100.36	0.00	(2.43)	27.21	4,123.14	803.33	0.0016	17.50	0.00	820.83	4,945.97	124.89	0.00	202.49	0.00
1988	HERBERT BOUTELLE	LIBRARY	COM. TRUST	3,884.36	0.00	(2.28)	25.51	3,868.19	753.26	0.0015	16.41	0.00	769.67	4,637.86	117.10	0.00	189.88	0.00
1942	DAVID E. PECK	HIGHWAY	COM. TRUST	24,391.41	0.00	(14.47)	161.85	24,538.79	7,088.35	0.0032	104.09	0.00	7,192.44	31,731.23	742.90	0.00	1,204.53	0.00
1867	AARON LAWRENCE	SCHOOL	COM. TRUST	24,391.41	0.00	(14.47)	161.85	24,538.79	7,088.35	0.0032	104.09	0.00	7,192.44	31,731.23	742.90	0.00	1,204.53	0.00
1867	SARAH L. LAWRENCE	SCHOOL	COM. TRUST	8,149.03	0.00	(4.83)	54.07	8,198.27	2,234.81	0.0031	34.78	0.00	2,338.90	26,877.69	495.21	0.00	802.94	0.00
1864	ISAAC SPALDING	SCHOOL	COM. TRUST	144,290.16	0.00	(85.58)	54.07	145,162.05	1,272.32	0.0031	34.78	0.00	1,362.10	9,560.37	248.20	0.00	402.42	0.00
1864	BROADBENT LONG-MILES SULLIVAN SCHL.	SCHOOL	COM. TRUST	204,214.79	0.00	(123.12)	1,355.11	205,448.78	61,202.14	0.0546	615.76	(7,782.50)	54,035.40	199,297.45	4,394.68	0.00	7,125.51	0.00
1976	EDWARD A. CONTI MEMORIAL SCHOLARSHIP	SCHOOL	COM. TRUST	128,224.49	0.00	(76.05)	865.86	128,999.29	5,783.41	0.0072	87.49	0.00	6,654.90	213,103.66	6,319.77	0.00	10,064.78	0.00
VAR.	JOSEPHINE HARE MEMORIAL	SCHOOL	COM. TRUST	6,721.75	0.00	(4.00)	44.74	6,732.49	3,655.43	0.0045	547.20	0.00	4,202.63	133,201.92	3,905.35	0.00	6,322.13	0.00
1996	RICARD V. MERRILL SCHOLARSHIP	SCHOOL	COM. TRUST	380,271.18	0.00	(213.88)	2,380.66	382,448.16	2,389.88	0.0025	28.77	0.00	2,368.75	9,251.24	205.35	0.00	322.94	0.00
1998	DOROTHY DAVIS SCHOLARSHIP	SCHOOL	COM. TRUST	127,386.15	0.00	(75.54)	865.17	128,115.77	10,101.89	0.1362	1,331.45	0.00	11,639.44	374,087.80	10,972.81	0.00	17,791.34	0.00
1932	GEORGE W. PUTNAM	CEMETERY	COM. TRUST	16,259.14	0.00	(9.64)	107.89	16,337.29	3,605.67	0.0482	543.54	0.00	4,348.21	132,484.99	3,879.21	0.00	6,289.74	0.00
VAR.	ALICE M. WILLIAMS	CEMETERY	COM. TRUST	32,514.84	0.00	(19.29)	215.76	32,711.31	15,460.84	0.0061	69.39	0.00	15,590.23	31,687.62	495.21	0.00	802.94	0.00
1938	UNRESTRICTED	CEMETERY	COM. TRUST	109,697.20	0.00	(65.06)	777.92	110,360.06	30,755.88	0.0213	138.76	0.00	30,894.74	63,606.06	990.32	0.00	1,605.68	0.00
VAR.	PERPETUAL CARE	CEMETERY	COM. TRUST	858,082.20	0.00	(508.84)	5,694.00	863,267.27	42,571.76	0.0415	468.13	0.00	43,038.89	1,353,399.55	3,250.75	0.00	5,308.44	0.00
2001	SOUTHEAST COOPERATIVE FUND	SCHOOL	COM. TRUST	194,463.87	0.00	(115.94)	1,280.41	195,638.94	165,660.73	0.0735	1,661.86	0.00	168,372.59	1,052,589.86	2,614.67	0.00	42,734.77	0.00
1999	BERTHA ROGERS FUND	SCHOOL	COM. TRUST	221,080.28	0.00	(131.33)	1,487.09	222,426.24	63,996.99	0.0856	943.30	0.00	64,902.49	282,766.72	11,246.50	0.00	(4,318.67)	0.00
	SUB TOTAL			2,664,912.09	0.00	(1,584.72)	17,550.89	2,660,894.26	51,857.87	1.00	11,287.18	(12,980.00)	517,185.05	3,179,088.31	85,011.07	(50,950.00)	115,248.57	4,250.00
	CEMETERY LOTS	MAINTENANCE	MONEY MKT.	104,773.13	0.00	(65.85)	0.00	104,707.48	43,042.67	1.0000	(31.01)	0.00	43,011.86	151,719.14	(65.33)	0.00	0.00	4,250.00
	GRAND TOTAL			2,753,685.22	0.00	(1,634.37)	17,550.89	2,769,801.74	561,900.54	2.00	11,256.17	(12,980.00)	560,206.71	3,379,808.45	84,945.84	(50,950.00)	115,248.57	9,000.00

