

1
2
3
4
5
6
Town of Exeter
Swasey Parkway Trustees Meeting
October 18, 2018
8:00 AM
Nowak Room
Approved Minutes

7 **Present were:** Chair Florence C. Ruffner, Gerry Hamel, Mark Damsell, Anne Surman, Select
8 Board Representative, Don Clement, Select Board, Julie Gilman, Select Board and Russell
9 Dean, Town Administrator and Mr. Donovan, Attorney General Charitable Trust Division

10 **1. Call to Order:** Chair Ruffner called the meeting to order at 8:16 AM.
11
12

13 **2. Trustees of the Trust Fund**

14 Mr. Donovan of the New Hampshire Attorney General Charitable Trusts Division was present to
15 advise the Swasey Parkway Trustees concerning compliance with the statutes concerning how
16 municipalities should hold trust fund monies.

17 Mr. Donovan stated that he was not the Town Counsel and recommended the Town get advice
18 from Town Counsel on how to set up the accounting.

19 Mr. Hamel stated he has been a Trustee for nine years and want to be sure they are doing
20 things right since the Memorandum of Understanding with the Select Board since 1997.

21 Mr. Donovan stated he appreciate the volunteer work the Swasey Parkway Trustees have
22 contributed. Mr. Donovan stated it is key to remember that money is given in trust for charitable
23 purposes and is reported and monitored while being held in trust for the public good. Cities and
24 Towns that hold charitable funds given by donors for the purpose the donor has stipulated have
25 the choice to accept or refuse those funds. In 1929 the Select Board accepted with the
26 conditions that come along with it. There are statutes that govern money given to Towns for
27 charitable purposes. Ambrose Swasey donated in two ways, one for the construction of the
28 parkway and the second held the leftover money in trust for the maintenance of the Parkway
29 once it got built. The bank in Cleveland, OH holds the funds as Trustee and income is
30 distributed yearly to the Town. Previously funds could be held by the Town Treasurer but this
31 was changed to prevent comingling. Since then the legislature passed statute that the Trustee
32 of the Trust Funds would hold funds given to Towns for charitable purposes. Swasey Parkway
33 Trust was created after this legislation so no legislative act authorizes Swasey Parkway
34 Trustees. When you file with the Department of Revenue Administration the Trustee of Trust
35 Funds files Forms MS-9 and MS-10 stating what they are holding and how it is spent. The
36 Charitable Trusts unit's responsibility is to receive this information and make sure the funds are
37 being held properly. The Swasey Parkway funds have not been listed on these reports.

38 Mr. Donovan advised that the second part is the other funds, income from renting the Parkway
39 for certain events, which is kept in the same account.

40 Ms. Surman asked whether the Trustee of Trust Funds should have picked up on this before
41 now. Mr. Donovan responded that there is training available and no one is expected to be

42 experts. Mr. Donovan stated that he can't think of another Town that is holding funds on the
43 side. Its an educational process and they would rather educate than regulate.

44 Mr. Hamel asked about future income. Mr. Donovan stated it is important to separate the
45 charitable income from the bank in Cleveland from the operating revenue of the Parkway. The
46 Select Board may want to vote to create a separate account for those revenues. There are
47 three different vehicles for that: Capital Reserve, Special Revenue and Expendable Funds.

48 Mr. Dean advised the funds in the account currently derived from interest dividends from the
49 Trust are \$72,145 and the funds from revenue are \$23,776. Mr. Dean advised that it is
50 important to move the funds quickly to comply with the next audit reporting. Ms. Gilman agreed
51 that this is a bookkeeping issue and a reporting issue.

52 Mr. Clement recommended moving the interest dividend portion now and creating an account
53 later for the current and future revenues.

54 ***Mr. Hamel motioned to move \$72,145 and any future interest coming from the Cleveland***
55 ***Trust to the Trustee of Trust Funds of the Town of Exeter. Mr. Damsel seconded the***
56 ***motion, with all in favor, so moved.***

57 ***Mr. Clement motioned to move \$72,145 of interest dividend from the Cleveland Trust to***
58 ***the Trustee of Trust Funds of the Town of Exeter to be expended only for the purposes of***
59 ***improvement, maintenance and care of the Parkway. Ms. Surman seconded the motion,***
60 ***with all in favor, so moved.***

61 Mr. Clement asked about creating a line item for the 2019 budget. Mr. Dean advised the first
62 step is to create the account for the revenues. The MS-6 form would show appropriations. Ms.
63 Gilman advised that spending won't change, submit invoices.

64 **3. Adjournment:**

65 Chair Ruffner adjourned the meeting at 8:56 AM.

66 Respectfully submitted,

67

68 Daniel Hoijer
69 Recording Secretary
70 (via *ExeterTV*)