



**Trustees of Trust Funds
AGENDA**

City Hall 2nd Floor Conference Room
March 16, 2022
9:30 AM

Martha Curtis
Michael Forrest
Marilyn Gemmell, Vice Chairman
Jennie Newcombe, Chairman
Susan Silver

-
1. Approval of the February 2022 minutes
 2. Common Trust Fund
 - a. Approval of Receipts
 - i. None
 - b. Approval of Disbursements
 - i. None
 3. Capital Reserve Portfolio
 - a. Approval of Receipts
 - i. None
 - b. Approval of Disbursements = \$197,686.28
 - i. #600 Fire Equipment = \$12,127.00
 - ii. #607 Martell Court = \$2,958.89
 - iii. #608 Wastewater Treatment Plant = \$6,054.14
 - iv. #613 Sewer Infrastructure = \$147,079.59
 - v. #614 Water Infrastructure = \$29,466.66
 4. Distribution of MS9's for period ending February 28, 2022
 - a. Common Trust Funds
 - b. Capital Reserve Funds
 5. Periodic Review of Trust Funds
 - a. #510 Police Benevolent Fund
 - b. #511 Renouf Firefighters Relief Fund
 6. Updates/Future Items
 - a. Review of Trust Fund Overview (last updated 4/18/18)
 - b. July 20, 2022 – Cambridge Trust quarterly review of trusts & capital reserves

City of Keene
NEW HAMPSHIRE

TRUSTEES OF TRUST FUNDS
MEETING MINUTES

Wednesday, February 16, 2022 9:30 AM City Hall-2nd Floor Conference Room

Members Present:

Jennie Newcombe, Chair
Marilyn Gemmell, Vice Chair
Martha Curtis
Sue Silver

Staff Present:

Karen Gray, Senior Staff Accountant
Andrew Bohannon, Director of Parks, Recreation & Facilities

Absent:

Michael Forrest

Other:

Chair Newcombe called the meeting to order at 9:30 AM with Trustees Curtis, Gemmell, Newcombe and Silver present. Trustee Forrest was absent.

APPROVAL OF MINUTES

Trustee Curtis made a motion to approve the minutes of the January 2022 meeting as presented, Trustee Gemmell seconded. Motion carried unanimously.

COMMON TRUST FUNDS

#529 Ashuelot River Park Budget 2022

Andy Bohannon, Parks, Recreation & Facilities Director presented the 2022 Ashuelot River Park budget. He explained that the proposed budget, \$10,500.00, was adopted by the Ashuelot River Park Advisory Board at their February 8, 2022 meeting. The Ashuelot River Park Advisory Board has revised the scope of the budget to reflect the continued implementation of the Climate Resiliency Master Plan. This includes a more organic approach to the garden beds, reduces the mulching, and plants more pollinator friendly shrubs and flowers. The budget also includes the annual work with Bartlett Tree's certified arborist.

Trustee Curtis made a motion to approve the 2022 Ashuelot River Park budget for \$10,500.00 as presented, Trustee Silver seconded. Motion carried unanimously.

#568 Cemetery Trust Fund B – Capital Reserve

Andy Bohannon, Parks, Recreation & Facilities Director presented a plan to enter into a professional services agreement with Bahar Mapping to map the City's cemeteries and provide "Find Your Love One". Mr. Bohannon requested that the Trustees authorize the use of up to \$8,000.00 income in the Cemetery Trust Fund-B Capital Reserve (\$5,000.00 mapping; \$3,000.00 annual fee). He further explained that Attorney Mullins has reviewed the request and it is an appropriate use of the funds and the terms of the Trust require that after approval by the Trustees, the request must then be approved by City Council. Discussion followed regarding the \$3,000.00 annual fee and how it would be funded in the future. The Trustees were agreeable to include authorization for use of the Cemetery Trust Fund B income for up to 3 years of the annual maintenance fee. Mr. Bohannon would return to the Trustees at the end of the 3 years for an update and to request approval for the continuation of the annual maintenance fee.

Trustee Silver made a motion to approve the use of \$14,000.00 from the Cemetery Trust Fund B-Capital Reserve income for the purpose of hiring Bahar Mapping for a professional services contract to map the City cemeteries, which includes an interactive navigation station that allows and ability for cemetery guests to “Find Their Love One.” The authorization includes \$8,000.00 for the initial year (\$5,000.00 mapping; \$3,000.00 annual fee) plus up to 3 years additional annual maintenance fees of \$3,000.00, which may include a periodic increase. Trustee Curtis seconded. Motion carried unanimously.

#582 Maurice Alger Scholarship for 2022

Chair Newcombe indicated that it is time to determine the amount of the annual scholarship award from the Maurice Alger Scholarship Fund. After Trustee discussion and review of the current income balance it was decided that there was sufficient funding for a \$5,000.00 scholarship. The Trustees requested that Ms. Gray remind the school district that this scholarship does not require attendance at a 4 year college but did require at least an Associate Degree and not just a certificate program.

Trustee Silver made a motion to award the 2022 Maurice Alger Scholarship in the amount of \$5,000.00. Trustee Gemmell seconded. Motion carried unanimously.

Ms. Gray stated that she would notify Keene High School of the award and requirements.

#581 Frank Wright Scholarship for 2022

Chair Newcombe stated that the Frank Wright Scholarship is usually awarded every 4 years and the next scheduled award is currently 2023. The income in the Trust has grown significantly and a review had been requested by the Trustees. Discussion ensued. The Trustees agreed that sufficient funds are available to permit them to move the scholarship award from 2023 to 2022 and that 2 scholarships would be active during 2022 and part of 2023– the final 1.5 years 2019 award to Owen Fauth and the first year of the new award. The Trustees felt the intent of the scholarship is to use the funds as quickly as possible to assist students with their college tuition.

Trustee Gemmell made a motion to award the 2022 Frank Wright Scholarship at \$20,000.00 per year for 4 years for a total of \$80,000.00. Trustee Silver seconded. Motion carried unanimously.

Ms. Gray stated that she would notify Keene High School of the award.

RECEIPTS

None

DISBURSEMENTS

None

CAPITAL RESERVES

RECEIPTS

None

DISBURSEMENTS

Chair Newcombe presented disbursements totaling \$22,249.60 noting that the funds are reimbursing the City of Keene. Supporting documentation was presented for the Trustees review.

- #607 Martell Court = \$11,606.87
- #608 Wastewater Treatment Plant = \$4,282.86
- #614 Water Infrastructure = \$3,861.48
- #623 Reappraisal = \$2,498.39

Trustee Silver made a motion to approve the disbursements as presented, Trustee Curtis seconded. Motion carried unanimously.

Distribution of MS9s

Chair Newcombe asked if there were any questions on the MS9 reports for the Common Trust and Capital Reserves for the period ending December 31, 2021. No questions were asked.

Updates/Future Items

Review of Trust Fund Overview (last updated 4/18/18)

Ms. Gray distributed a copy of the Trust Fund Overview (last updated 4/18/18) for discussion. The Trustees agreed that this had been a very worthwhile project and should be maintained for the future. Discussion followed. The Trustees agreed that they would like to begin periodically reviewing individual Trust documents in small groups at subsequent meetings. They requested that Ms. Gray include the Police Benevolent Fund and the Renouf Firefighters Relief Fund on the March agenda.

The meeting adjourned at 10:30 AM.

Respectfully submitted,
Karen P. Gray

**City of Keene, New Hampshire Trust Funds
Withdrawal from Capital Reserves**

Date: 3/16/2022
To: Trustees of Trust Funds
From: Karen Gray, Senior Staff Accountant
RE: Capital Reserve Withdrawals

Capital Reserve	Purpose of Withdrawal		Amount
#600 Fire Equipment			12,127.00
90003-21	Brush Truck	12,127.00	
#607 Martell Court			2,958.89
08098-17	Force Main Emergency Plan	2,958.89	
#608 Wastewater Treatment Plant			6,054.14
08082-ZZ	Sludge Pump Replacement	6,054.14	
#613 Sewer Infrastructure			147,079.59
08055-19	FY19 Sewer Main Improvement (Marlboro)	147,079.59	
#614 Water Infrastructure			29,466.66
05090-18	Drummer Hill Pump Replacement	24,446.74	
05096-20	1.5 MG Storage Tank Repairs	5,019.92	
Total Withdrawal Request			197,686.28

**Amount of
Withdrawal:** \$197,686.28

**Account to be
Charged:** City of Keene [REDACTED]

ACH Funds To: [REDACTED]

Approved By Trustees:

X _____

X _____

X _____

X _____

X _____

Capital Reserve Withdrawal																					
FY22 March 2022 Trustees Meeting																					
Project #	Reserve	Fund	Project Name	Cap Reserve Budget	Status	FY22 3/11/22 Expense	Revenue	NET	Prior Mos Reimb	REQUEST											
							Other Sources	Exp Less Other Rev	Revenue	FY22	March										
90003-21	600	26	Fire Dept Brush Truck	45,000.00		44,937.39		44,937.39		44,937.39										0.00	Fire Equipment Capital Reserve
90003-22	600	26	Fire Dept Tanker Truck	725,000.00		351,625.50		351,625.50		339,498.50										12,127.00	Fire Equipment Capital Reserve
08072-A	607	32	Martell Ct- McGrinder Rehab /Headworks	200,000.00		538,914.12	1,350,000.00	(811,085.88)		16,960.65										(828,046.53)	Martell Court Capital Reserve
08093-A	607	32	Martell Ct Roof	10,135.00		0.00		0.00		0.00										0.00	Martell Court Capital Reserve
08098-17	607	32	FY17 Martell Court Force Main Emergency Plan	45,000.00		29,586.93		29,586.93		26,628.04										2,958.89	Martell Court Capital Reserve
08099-18	607	32	Martell Court Ph2 Generator/Transformer	334,292.00		0.00	18,224.65	(18,224.65)		0.00										(18,224.65)	Martell Court Capital Reserve
08081-B	608	32	WWTP Blower Replacement	61,076.00		0.00		0.00		0.00										0.00	Wastewater Treatment Plant Reserve
08082-ZZ	608	32	Sludge Pump Replacement	182,216.33		15,870.45		15,870.45		9,816.31										6,054.14	Wastewater Treatment Plant Reserve
08091-A	608	32	WWTP Roof Replacement	234,780.00		0.00		0.00		0.00										0.00	Wastewater Treatment Plant Reserve
08095-A	608	32	FY17 & FY16 WWTP Aeration Gate & Mixer Replace	247,358.00		244,829.44		244,829.44		244,829.44										0.00	Wastewater Treatment Plant Reserve
08096-A	608	32	Grit Removal	20,420.00		0.00		0.00		0.00										0.00	Wastewater Treatment Plant Reserve
08061-19	608	32	WWTP Generator Replacement	21,131.00		0.00	290,400.00	(290,400.00)		0.00										(290,400.00)	Wastewater Treatment Plant Reserve
08103-19	608	32	Non-Potable Water System	65,400.00		0.00		0.00		0.00										0.00	Wastewater Treatment Plant Reserve
08106-21	608	32	WWTP Laboratory Renovations	117,150.00		27,240.50	143,000.00	(115,759.50)		0.00										(115,759.50)	Wastewater Treatment Plant Reserve
08108-22	608	32	Sludge Drier	100,000.00		0.00		0.00		0.00										0.00	Wastewater Treatment Plant Reserve
05059-20	609	34	WTF Filter Media & Underdrain	394,592.00		186,054.33	7,000.00	179,054.33		179,054.33										0.00	Water Treatment Plant Reserve
05082-A	609	34	WTF PLC Replacement	73,317.52		67,918.66		67,918.66		67,918.66										0.00	Water Treatment Plant Reserve
05038-21	609	34	Radio & PLC Upgrade	2,922.48		28,829.98	34,007.50	(5,177.52)		0.00										(5,177.52)	Water Treatment Plant Reserve
05089-17	609	34	FY17 WTF Pressure Reduction Valve Upgrade	101,648.00		36,078.73		36,078.73		36,078.73										0.00	Water Treatment Plant Reserve
05081-19	609	34	FY19 WTF Instrument Upgrade (on-line monitor)	49,522.00		8,011.38		8,011.38		8,011.38										0.00	Water Treatment Plant Reserve
90069-22	610	26	Recycling Center Equipment	75,000.00		0.00		0.00		0.00										0.00	Transfer/Recycling - Solid Waste Facility
90000-22	611	26	FY22 Ambulance	260,000.00		260,000.00		260,000.00		260,000.00										0.00	Ambulance Cap Reserve
11003-A	612	41	FY22 Fleet (11003)	923,332.00		77,412.00		77,412.00		77,412.00										0.00	Equipment Fund Capital Reserve
08025-20	613	32	Sewer Water Rate Study	40,000.00		23,356.53		23,356.53		23,356.53										0.00	Sewer Infrastructure Capital Reserve
08055-19	613	32	FY19 Sewer Main Improvements (Marlboro)	878,180.59		878,180.59		878,180.59		731,101.00										147,079.59	Sewer Infrastructure Capital Reserve
08055-20	613	32	FY20 Sewer Main Improvements (Blossom/Winch)	997,476.00		916,656.76		916,656.76		916,656.76										0.00	Sewer Infrastructure Capital Reserve
08055-22	613	32	FY22 Sewer Main Improvements (Force Main)	564,217.00		0.00	41,565.00	(41,565.00)		0.00										(41,565.00)	Sewer Infrastructure Capital Reserve
08055-ZZ	613	32	Unused Cap Reserve Sewer Allocations	231,702.46		0.00		0.00		0.00										0.00	Sewer Infrastructure Capital Reserve
08055-A	613	32	Sewer Improvement - Avon Street	68,448.00		53,589.97		53,589.97		53,589.97										0.00	Sewer Infrastructure Capital Reserve
08055-B	613	32	Sewer Improvement - Roxbury Street	215,000.00		140,392.42		140,392.42		140,392.42										0.00	Sewer Infrastructure Capital Reserve
08035-18	613	32	Bridge Main - Roxbury Over Beaver Brook	40,000.00		39,052.64		39,052.64		39,052.64										0.00	Sewer Infrastructure Capital Reserve
08101-19	613	32	State Bypass Utilities (Winchester Isl to Round)	360,291.00		18,750.00		18,750.00		18,750.00										0.00	Sewer Infrastructure Capital Reserve
08102-19	613	32	Sewer Utility Bridges (Winchester over Ash Brook)	43,500.00		0.00		0.00		0.00										0.00	Sewer Infrastructure Capital Reserve
05009-16	614	34	FY16 Water Distribution Improvement	300,000.00		331,975.18	63,605.00	268,370.18		268,370.18										0.00	Water Infrastructure Capital Reserve
05009-17	614	34	FY17 Water Distribution Improvements	146,896.00		207,992.35		207,992.35		178,525.82										29,466.53	Water Infrastructure Capital Reserve
05009-19	614	34	FY19 Water Distribution Improvements	500,000.00		1,359,289.48	627,257.00	732,032.48		500,000.00										232,032.48	Water Infrastructure Capital Reserve
				946,896.00		1,899,257.01	690,862.00	1,208,395.01		946,896.00										0.00	
05009-21	614	34	FY21 Water Distribution Improvements	330,470.00		315,440.52		315,440.52		315,440.52										0.00	Water Infrastructure Capital Reserve
05009-22	614	34	FY21 Water Distribution Improvements	416,946.00		0.00	36,300.00	(36,300.00)		0.00										(36,300.00)	Water Infrastructure Capital Reserve
05034-B	614	34	FY17 & FY16 Babbidge Dam Rehab	880,611.88		1,725,566.18	850,000.00	875,566.18		875,566.18										0.00	Water Infrastructure Capital Reserve
05039-C	614	34	Woodward Dam Improvements	169,388.12		1,831,805.90	1,727,000.00	104,805.90		128,989.00										(24,183.10)	Water Infrastructure Capital Reserve
05053-A	614	34	Water Storage Tank Upgrade	47,678.00		105,841.10	65,335.00	40,506.10		40,506.10										0.00	Water Infrastructure Capital Reserve
05085-18	614	34	Bridge Main - Roxbury Over Beaver Brook	40,000.00		39,052.64		39,052.64		39,052.64										0.00	Water Infrastructure Capital Reserve
05053-18	614	34	3.0 MG Water Tank Study	97,500.00		33,670.00		33,670.00		33,670.00										0.00	Water Infrastructure Capital Reserve
05071-B	614	34	Well #1 Repair & Rehab-West Street Well (05019)	31,250.00		25,370.18		25,370.18		25,370.18										0.00	Water Infrastructure Capital Reserve
05090-18	614	34	Drummer Hill Pump Replace	2,184,598.00		2,013,493.21	15,402.00	1,998,091.21		1,973,644.47										24,446.74	Water Infrastructure Capital Reserve
05091-19	614	34	Water Utility Bridges (Winchester over Ash Brook)	38,300.00		0.00		0.00		0.00										0.00	Water Infrastructure Capital Reserve
05092-19	614	34	State Bypass Utilities (Winchester Isl to Round)	250,500.00		12,494.96		12,494.96		12,494.96										0.00	Water Infrastructure Capital Reserve
05093-20	614	34	Well Field Evaluation	75,000.00		0.00		0.00		0.00										0.00	Water Infrastructure Capital Reserve
05094-20	614	34	Black Brook Tank Repairs	40,000.00		3,246.25		3,246.25		3,246.25										0.00	Water Infrastructure Capital Reserve
05095-20	614	34	Chapman Tank Repairs	79,449.00		3,246.25		3,246.25		3,246.25										0.00	Water Infrastructure Capital Reserve
05096-20	614	34	1.5 MG Storage Tank Repairs	433,708.00		14,673.62		14,673.62		9,653.70										5,019.92	Water Infrastructure Capital Reserve
05070-20	614	34	Water Booster Station (Fox Ave)	21,446.00		10,627.68		10,627.68		10,627.68										0.00	Water Infrastructure Capital Reserve
05097-20	614	34	Water Booster Station (Glen Road)	21,446.00		10,627.69		10,627.69		10,627.69										0.00	Water Infrastructure Capital Reserve
90081-20	615	26	City Hall Parking Structural Repairs	52,300.00		0.00		0.00		0.00										0.00	City Hall Parking Deck Reserve
90041-F	616	26	Wells Parking Structure Maintenance	55,100.00		0.00		0.00		0.00										0.00	Wells St Parking Garage
90277-A / T0617-C	617-C	26	Winchester Over Ash Swamp	449,107.16		91,544.89		91,544.89		91,544.89										0.00	Bridges Capital Reserve
90186-A / T0617-D	617-D	26	Roxbury Street Over Beaver Brook	239,178.28		1,383,084.18	1,224,271.97	158,812.21		45,787.02										113,025.19	Bridges Capital Reserve (City = 20% expenses)
90328-22/T0617-G	617-D	26	George Over Beaver Brook	23,480.00		0.00		93,918.00		(93,918.00)										(93,918.00)	Bridges Capital Reserve (City = 20% expenses)

CITY OF KEENE, NH
 REPORT OF THE TRUSTEES OF TRUST FUNDS
 COMMON TRUST FUND (ACCOUNT NUMBER XXX4482)
 FOR YEAR ENDING: 06/30/2022
 AS OF: 02/28/2022

FUND NAME	FUND #	PURPOSE	HOW INVESTED	DATE OF CREATION	PRINCIPAL										INCOME					TOTAL COST PRINCIPAL & INCOME	TOTAL MARKET VALUE PRINCIPAL & INCOME		
					PRINCIPAL BEGIN MARKET VALUE	PRINCIPAL BEGIN COST BALANCE	PRINCIPAL NEW FUNDS	%	PRINCIPAL UNREALIZED GAIN/LOSS	PRINCIPAL REALIZED GAIN/LOSS	CAPITAL GAINS DIVIDENDS *	PRINCIPAL FEES	PRINCIPAL WITHDRAWALS	PRINCIPAL ENDING COST BALANCE	PRINCIPAL ENDING MARKET VALUE	INCOME BEGIN BALANCE	INCOME PERCENT	INCOME	INCOME FEES			INCOME EXPENDED	INCOME ENDING BALANCE
Abbott A. Lane Park Fund	524	Parks/Recreation	Common Investment	1/1/1934	85,456.78	57,543.48	0.00	0.734929%	(2,005.06)	2,289.69	0.00	0.00	0.00	59,833.17	83,451.72	529.55	0.734929%	106.72	(48.26)	0.00	588.01	60,421.18	84,039.73
Abbott A. Lane Playground Fund	525	Parks/Recreation	Common Investment	1/1/1934	16,599.51	11,174.00	0.00	0.142756%	(389.47)	444.76	0.00	0.00	0.00	11,618.76	16,210.04	102.85	0.142756%	20.74	(9.37)	0.00	114.22	11,732.98	16,324.26
Ashuelot River Park Trust	529	Parks/Recreation	Common Investment	1/1/1996	501,720.34	408,880.47	0.00	4.314801%	(11,771.82)	13,442.87	0.00	0.00	0.00	422,323.34	489,948.52	15,823.98	4.314801%	626.64	(283.31)	0.00	16,167.31	438,490.65	506,115.83
Campo Santo Trust	570	Cemetery Perpetual Care	Common Investment	1/1/1959	14,209.54	11,020.61	0.00	0.122202%	(333.40)	380.72	0.00	0.00	0.00	11,401.33	13,876.14	1,135.64	0.122202%	17.75	(8.02)	0.00	1,145.37	12,546.70	15,021.51
Caroline H. Ingersoll	523	Parks/Recreation	Common Investment	1/1/1894	5,228.35	3,537.32	0.00	0.044964%	(122.67)	140.09	0.00	0.00	0.00	3,677.41	5,105.68	32.39	0.044964%	6.53	(2.95)	0.00	35.97	3,713.38	5,141.65
Caroline Ingersoll	543	Library	Common Investment	1/1/1894	5,152.55	3,533.56	0.00	0.044312%	(120.89)	138.06	0.00	0.00	0.00	3,671.62	5,031.66	306.67	0.044312%	6.44	(2.91)	0.00	310.20	3,981.82	5,341.86
Carrie K. Hersey Trust	548	Library	Common Investment	1/1/1974	175,636.13	118,253.00	0.00	1.510473%	(4,120.93)	4,705.92	0.00	0.00	0.00	122,958.92	171,515.20	10,453.03	1.510473%	219.37	(99.18)	0.00	10,573.22	133,532.14	182,088.42
Cemetery Trust Fund A - Perpetual Care of Cemeteries	565	Cemetery Perpetual Care	Common Investment	6/20/1985	1,968,052.69	1,345,649.27	0.00	16.925278%	(46,176.25)	52,731.11	0.00	0.00	0.00	1,398,380.38	1,921,876.44	12,165.26	16.925278%	2,458.03	(1,111.34)	0.00	13,511.95	1,411,892.33	1,935,388.39
Cemetery Trust Fund B - Cemetery Capital Reserve	568	Maintenance and Repair	Common Investment	8/20/1985	1,343,355.80	962,577.65	0.00	11.552877%	(31,519.04)	35,993.28	0.00	0.00	0.00	998,570.93	1,311,836.76	162,667.19	11.552877%	1,677.81	(758.57)	0.00	163,586.43	1,162,157.36	1,475,423.19
Charles A. Jones Fund	513	Parks/Recreation	Common Investment	1/1/1928	31,231.54	20,471.90	0.00	0.268592%	(732.78)	836.81	0.00	0.00	0.00	21,308.71	30,498.76	17,194.87	0.268592%	39.01	(17.64)	0.00	17,216.24	38,524.95	47,715.00
Clara B. Abbott	547	Library	Common Investment	1/1/1955	24,575.18	16,363.51	0.00	0.211347%	(576.61)	658.46	0.00	0.00	0.00	17,021.97	23,998.57	356.80	0.211347%	30.69	(13.88)	0.00	373.61	17,395.58	24,372.18
Clement Woodward Fund	503	Poor/Indigent	Common Investment	1/1/1960	1,116,503.06	751,786.50	0.00	9.601940%	(26,196.41)	29,915.09	0.00	0.00	0.00	781,701.59	1,090,306.65	154,276.83	9.601940%	1,394.47	(630.47)	0.00	155,040.83	936,742.42	1,245,347.48
Dinsmoor Woods Trust	526	Parks/Recreation	Common Investment	1/1/1980	6,514.43	4,381.10	0.00	0.056024%	(152.85)	174.54	0.00	0.00	0.00	4,555.64	6,361.58	40.34	0.056024%	8.13	(3.68)	0.00	44.79	4,600.43	6,406.37
Emily J. Elliot Daland	522	Parks/Recreation	Common Investment	1/1/1933	7,063.66	4,767.71	0.00	0.060748%	(165.74)	189.26	0.00	0.00	0.00	4,956.97	6,897.92	43.78	0.060748%	8.82	(3.99)	0.00	48.61	5,005.58	6,946.53
Flower Fund	566	Flower/Flag	Common Investment	1/1/1900	198,409.24	135,142.80	0.00	1.706322%	(4,655.26)	5,316.09	0.00	0.00	0.00	140,458.89	193,753.98	1,229.51	1.706322%	247.80	(112.04)	0.00	1,365.27	141,824.16	195,119.25
Frank Wright Scholarship Fund	581	Scholarship	Common Investment	1/1/1930	1,706,863.14	1,170,108.09	0.00	14.679044%	(40,047.97)	45,732.93	0.00	0.00	0.00	1,215,841.02	1,666,815.17	121,052.93	14.679044%	2,131.82	(963.84)	0.00	122,220.91	1,338,061.93	1,789,036.08
George A. Wheelock	521	Parks/Recreation	Common Investment	1/1/1906	73,119.88	49,240.36	0.00	0.628832%	(1,715.61)	1,959.14	0.00	0.00	0.00	51,199.50	71,404.27	453.11	0.628832%	91.33	(41.29)	0.00	503.15	51,702.65	71,907.42
George B. Elliot	545	Library	Common Investment	1/1/1931	1,735.46	1,167.33	0.00	0.014925%	(40.72)	46.50	0.00	0.00	0.00	1,213.83	1,694.74	109.12	0.014925%	2.17	(0.98)	0.00	110.31	1,324.14	1,805.05
George B. Elliot Fund	516	Library	Common Investment	1/1/1931	658.92	451.24	0.00	0.005667%	(15.46)	17.66	0.00	0.00	0.00	468.90	643.46	134.63	0.005667%	0.83	(0.37)	0.00	135.09	603.99	778.55
Greenlawn Cemetery	561	Cemetery Trust (Other)	Common Investment	1/1/1900	638,152.58	433,793.91	0.00	5.488120%	(14,972.92)	17,098.38	0.00	0.00	0.00	450,892.29	623,179.66	3,954.55	5.488120%	797.04	(360.35)	0.00	4,391.24	455,283.53	627,570.90
Ingersoll Collection Trust	585	Maintenance and Repair	Common Investment	1/1/1998	15,184.48	12,586.34	0.00	0.130587%	(356.27)	406.85	0.00	0.00	0.00	12,993.19	14,828.21	4,041.47	0.130587%	18.97	(8.57)	0.00	4,051.87	17,045.06	18,880.08
John E. Colony Cemetery Fund	567	Cemetery Perpetual Care	Common Investment	6/28/1945	30,209.81	22,714.98	0.00	0.259805%	(708.81)	809.43	0.00	0.00	0.00	23,524.41	29,501.00	14,836.40	0.259805%	37.72	(17.06)	0.00	14,857.06	38,381.47	44,358.06
John Symonds Fund	541	Library	Common Investment	1/1/1902	27,939.08	9,725.97	0.00	0.240276%	(655.53)	748.59	0.00	0.00	0.00	10,474.56	27,283.55	403.41	0.240276%	34.90	(15.78)	0.00	422.53	10,897.09	27,706.08
John T. Foster Library Trust	549	Library	Common Investment	1/1/2003	21,592.22	15,806.32	0.00	0.185693%	(506.62)	578.53	0.00	0.00	0.00	16,384.85	21,085.60	314.59	0.185693%	26.97	(12.19)	0.00	329.37	16,714.22	21,414.97
Keene Downtown Memorial Tree Fund	527	Beautification	Common Investment	1/1/1967	411,748.61	302,788.37	0.00	3.541043%	(9,660.82)	11,032.21	0.00	0.00	0.00	313,820.58	402,087.79	2,550.51	3.541043%	514.26	(232.51)	0.00	2,832.26	316,652.84	404,920.05
Marcus W. Knight	576	Maintenance and Repair	Common Investment	1/1/1932	218,756.84	159,447.78	0.00	1.881312%	(5,132.67)	5,861.27	0.00	0.00	0.00	165,309.05	213,624.17	9,255.93	1.881312%	273.22	(123.53)	0.00	9,405.62	174,714.67	223,029.79
Maria Giffin Fund	514	Poor/Indigent	Common Investment	1/1/1914	6,349.78	4,280.65	0.00	0.054608%	(148.98)	170.13	0.00	0.00	0.00	4,450.78	6,200.80	1,302.95	0.054608%	7.93	(3.59)	0.00	1,307.29	5,758.07	7,508.09
Maria W. Osborne Library Fund	546	Library	Common Investment	1/1/1909	856.81	579.78	0.00	0.007369%	(20.10)	22.96	0.00	0.00	0.00	602.74	836.71	108.09	0.007369%	1.07	(0.48)	0.00	108.68	711.42	945.39
Mary P. Lane Trust Fund	502	Poor/Indigent	Common Investment	1/1/1934	102,242.46	68,835.69	0.00	0.879286%	(2,398.90)	2,739.44	0.00	0.00	0.00	71,575.13	99,843.56	633.60	0.879286%	127.69	(57.73)	0.00	703.56	72,278.69	100,547.12
Mary R. Hall Charitable Fund	501	Poor/Indigent	Common Investment	1/1/1907	31,550.28	21,272.07	0.00	0.271333%	(740.26)	845.34	0.00	0.00	0.00	22,117.41	30,810.02	195.52	0.271333%	39.40	(17.82)	0.00	217.10	22,334.51	31,027.12
Mary R. Hall Library Fund	544	Library	Common Investment	1/1/1907	2,603.25	1,750.38	0.00	0.022388%	(61.08)	69.75	0.00	0.00	0.00	1,820.13	2,542.17	157.75	0.022388%	3.25	(1.47)	0.00	159.53	1,979.66	2,701.70
Maurice Alger Scholarship Fund	582	Scholarship	Common Investment	1/1/1970	308,578.92	209,493.14	0.00	2.653783%	(7,240.16)	8,267.93	0.00	0.00	0.00	217,761.07	301,338.76	3,289.11	2.653783%	385.41	(174.25)	0.00	3,500.27	221,261.34	304,839.03
Milan F. Jones Fund	512	Flower/Flag	Common Investment	1/1/1934	12,908.41	8,691.70	0.00	0.110112%	(302.87)	345.86	0.00	0.00	0.00	9,037.56	12,605.54	79.99	0.110112%	16.12	(7.29)	0.00	88.82	9,126.38	12,694.36
Miscellaneous Cemeteries	564	Cemetery Trust (Other)	Common Investment	1/1/1900	41,356.03	27,144.28	0.00	0.355662%	(970.33)	1,108.07	0.00	0.00	0.00	28,252.35	40,385.70	256.28	0.355662%	51.65	(23.35)	0.00	284.58	28,536.93	40,670.28
Police Benevolent Fund	510	Police/Fire	Common Investment	1/1/1901	289,747.60	179,008.43	0.00	2.491833%	(6,798.32)	7,763.37	0.00	0.00	0.00	186,771.80	282,949.28	62,234.25	2.491833%	361.89	(163.62)	0.00	62,432.52	249,204.32	345,381.80
Renouf Firefighters Relief Fund	511	Police/Fire	Common Investment	1/1/1888	160,858.43	93,285.63	0.00	1.383385%	(3,774.21)	4,309.97	0.00	0.00	0.00	97,595.60	157,084.22	120,773.71	1.383385%	200.91	(90.83)	0.00	120,883.79	218,479.39	277,968.01
Serena W. Upton Fund	515	Poor/Indigent	Common Investment	1/1/1929	38,860.05	27,727.64	0.00	0.334197%	(911.77)	1,041.20	0.00	0.00	0.00	28,768.84	37,948.28	5,394.43	0.334197%	48.54	(21.94)	0.00	5,421.03	34,189.87	43,369.31
Simons, Eastburn & Morse	500	Poor/Indigent	Common Investment	1/1/1887	20,927.58	14,092.95	0.00	0.179977%	(491.02)	560.72	0.00	0.00	0.00	14,653.67	20,436.56	129.69	0.179977%	26.14	(11.82)	0.00	144.01	14,797.68	20,580.57
Summer Knight Chapel	575	Maintenance and Repair	Common Investment	1/1/1930	32,133.28	21,952.64	0.00	0.276347%	(753.94)	860.97	0.00	0.00	0.00	22,813.61	31,379.34	1,362.53	0.276347%	40.13	(18.15)	0.00	1,384.51	24,198.12	32,763.85
Thayer and Chapin Fund	542	Library	Common Investment	1/1/1899	85,639.18	57																	

CITY OF KEENE, NH
 REPORT OF THE TRUSTEES OF TRUST FUNDS
 CAPITAL RESERVE (ACCOUNT NUMBER XXX4474)
 FOR YEAR ENDING: 06/30/2022
 AS OF: 02/28/2022

FUND NAME	FUND #	PURPOSE	HOW INVESTED	DATE OF CREATION	PRINCIPAL									INCOME						TOTAL COST PRINCIPAL & INCOME		
					COST OPENING BALANCE	PRINCIPAL NEW FUNDS	%	PRINCIPAL REALIZED GAINS	CAPITAL GAINS DIVIDENDS *	PRINCIPAL FEES	PRINCIPAL WITHDRAWALS	PRINCIPAL ENDING COST BALANCE	PRINCIPAL ENDING FAIR VALUE	INCOME BEGIN BALANCE	INCOME PERCENT	INCOME	INCOME FEES	INCOME EXPENDED	INCOME ENDING BALANCE			
Ambulance Capital Reserve	611	Police/Fire	Common Investment	1/1/1998	7,158.69	0.00	0.046884%	0.00	0.00	0.00	0.00	0.00	7,159.54	7,058.98	0.00	0.046884%	0.85	0.00	0.00	0.00	0.00	7,159.54
Bridge Capital Reserve	617	Maintenance and Repair	Common Investment	1/1/2002	1,011,275.12	0.00	6.623035%	0.00	0.00	0.00	0.00	0.00	1,011,395.24	997,190.23	0.00	6.623035%	120.12	0.00	0.00	0.00	0.00	1,011,395.24
City Hall Parking Deck Capital Reserve	615	Maintenance and Repair	Common Investment	1/1/1999	225,896.90	0.00	1.479442%	0.00	0.00	0.00	0.00	0.00	225,923.73	222,750.64	0.00	1.479442%	26.83	0.00	0.00	0.00	0.00	225,923.73
Downtown Infrastructure and Facility Capital Reserve	619	Economic Development	Common Investment	1/1/2008	1,866,531.29	0.00	12.224273%	0.00	0.00	0.00	0.00	0.00	1,866,752.99	1,840,534.52	0.00	12.224273%	221.70	0.00	0.00	0.00	0.00	1,866,752.99
Emergency Communication Capital Reserve	622	Capital Reserve (Other)	Common Investment	5/7/2020	7,143.71	0.00	0.046786%	0.00	0.00	0.00	0.00	0.00	7,144.56	7,044.21	0.00	0.046786%	0.85	0.00	0.00	0.00	0.00	7,144.56
Fire Equipment Capital Reserve	600	Police/Fire	Common Investment	1/1/1968	420,613.37	0.00	2.754678%	0.00	0.00	0.00	0.00	0.00	420,663.33	414,755.13	0.00	2.754678%	49.96	0.00	0.00	0.00	0.00	420,663.33
Fleet Equipment Capital Reserve	612	Maintenance and Repair	Common Investment	1/1/1998	934,967.92	0.00	6.123285%	0.00	0.00	0.00	0.00	0.00	935,078.97	921,945.82	0.00	6.123285%	111.05	0.00	0.00	0.00	0.00	935,078.97
Hazardous Waste Site Capital Reserve	605	Environmental Purposes	Common Investment	1/1/1988	51,041.98	0.00	0.334284%	0.00	0.00	0.00	0.00	0.00	51,048.04	50,331.07	0.00	0.334284%	6.06	0.00	0.00	0.00	0.00	51,048.04
Information Technology Systems and Infrastructure Capital Reserve	624	Capital Reserve (Other)	Common Investment	5/7/2020	73,326.41	0.00	0.480229%	0.00	0.00	0.00	0.00	0.00	73,335.12	72,305.13	0.00	0.480229%	8.71	0.00	0.00	0.00	0.00	73,335.12
Intersection Improvements Capital Reserve	603	Economic Development	Common Investment	1/1/1986	2,008.90	0.00	0.013157%	0.00	0.00	0.00	0.00	0.00	2,009.14	1,980.92	0.00	0.013157%	0.24	0.00	0.00	0.00	0.00	2,009.14
Landfill Closure Capital Reserve	601	Environmental Purposes	Common Investment	1/1/1980	22,275.91	0.00	0.145889%	0.00	0.00	0.00	0.00	0.00	22,278.56	21,965.66	0.00	0.145889%	2.65	0.00	0.00	0.00	0.00	22,278.56
Martel Court Pumping Station Capital Reserve	607	Maintenance and Repair	Common Investment	1/1/1992	761,969.53	0.00	4.914269%	0.00	0.00	0.00	0.00	(11,606.87)	750,451.79	739,911.72	0.00	4.914269%	89.13	0.00	0.00	0.00	0.00	750,451.79
Reappraisal Capital Reserve	623	Capital Reserve (Other)	Common Investment	5/7/2020	32,410.66	0.00	0.195901%	0.00	0.00	0.00	0.00	(2,498.39)	29,915.82	29,495.65	0.00	0.195901%	3.55	0.00	0.00	0.00	0.00	29,915.82
Road and Sidewalk Infrastructure Capital Reserve	621	Maintenance and Repair	Common Investment	5/7/2020	790,270.57	0.00	5.175634%	0.00	0.00	0.00	0.00	0.00	790,364.44	779,263.80	0.00	5.175634%	93.87	0.00	0.00	0.00	0.00	790,364.44
Sewer Infrastructure Capital Reserve	613	Maintenance and Repair	Common Investment	1/1/1998	3,133,691.68	0.00	20.523148%	0.00	0.00	0.00	0.00	0.00	3,134,063.90	3,090,046.13	0.00	20.523148%	372.22	0.00	0.00	0.00	0.00	3,134,063.90
Transfer/Recycling Center Capital Reserve	610	Maintenance and Repair	Common Investment	1/1/1998	285,865.27	0.00	1.872187%	0.00	0.00	0.00	0.00	0.00	285,899.22	281,883.78	0.00	1.872187%	33.95	0.00	0.00	0.00	0.00	285,899.22
Transportation Improvements Capital Reserve	620	Maintenance and Repair	Common Investment	1/1/2015	528,823.31	0.00	3.463366%	0.00	0.00	0.00	0.00	0.00	528,886.12	521,457.94	0.00	3.463366%	62.81	0.00	0.00	0.00	0.00	528,886.12
Wastewater Treatment Plant Capital Reserve	608	Maintenance and Repair	Common Investment	1/1/1992	2,055,185.95	0.00	13.431759%	0.00	0.00	0.00	0.00	(4,282.86)	2,051,146.69	2,022,338.41	0.00	13.431759%	243.60	0.00	0.00	0.00	0.00	2,051,146.69
Water Infrastructure Capital Reserve	614	Maintenance and Repair	Common Investment	1/1/1998	2,362,867.74	0.00	15.449586%	0.00	0.00	0.00	0.00	(3,861.48)	2,359,286.46	2,326,150.36	0.00	15.449586%	280.20	0.00	0.00	0.00	0.00	2,359,286.46
Water Treatment Facility Capital Reserve	609	Maintenance and Repair	Common Investment	1/1/1993	420,141.64	0.00	2.751588%	0.00	0.00	0.00	0.00	0.00	420,191.54	414,289.97	0.00	2.751588%	49.90	0.00	0.00	0.00	0.00	420,191.54
Wells Street Parking Facility Capital Reserve	616	Maintenance and Repair	Common Investment	1/1/1999	297,841.26	0.00	1.950620%	0.00	0.00	0.00	0.00	0.00	297,876.64	293,692.97	0.00	1.950620%	35.38	0.00	0.00	0.00	0.00	297,876.64
TOTALS					15,291,307.81	0.00	100.000000%	0.00	0.00	0.00	(22,249.60)	15,270,871.84	15,056,393.04	0.00	100.000000%	1,813.63	0.00	0.00	0.00	0.00	0.00	15,270,871.84

#510

POLICE BENEVOLENT FUND

#510 Police Benevolent Fund

September 15, 1901 Keene City Council accepts \$500.00 to be known as the Police Benevolent Fund from the Rev. Edward A. Reouf.

- Income to be expended by a board consisting of the mayor, the justice of the police court, and the standing committee on police of the board of alderman to be applied to the relief of the active members of the police force of the city, including special officers who may in any way be disabled while engaged in the performance of their police duties

September 3, 1925 Keene City Council accepts additional \$500.00 from Mrs. Effie A. Ellis as a memorial to Calvin H. Ellis on the same terms and conditions as the funds given by Rev. Edward A. Renouf.

June 18, 1997, the Trustees created a **Benevolent Trust Relief Review Board** for the purpose of providing eligible individuals a mechanism to request assistance from said Trust and develop criteria for dispersal of funds from the Trust.

- Comprised of: Human Resources Director, Chair; Police Chief; Fire Chief; Firefighter; Police officer
- Documented in June 16, 1997 memo from Martha Matson, Finance Director
- Documented in March 10, 1998 memo from Kelly Kramer, Chair of the Benevolent Trust Relief Board established the criteria for dispersal of funds from the Trust.
- Due to continued underutilization of the fund, the Trustees requested that the Trust beneficiaries – Keene Police Department – offer suggestions as to what better use could be made of the income balance.
- KPD formed a committee, representing the three bargaining units, to discuss possible uses of the fund to benefit active members of the police force, as near as possible to the charitable intent of Rev. Renouf.
- February 10, 2010 the Trustees accepted the committee recommendation to use \$150,000 of accumulated income to build a gymnasium and outfit it with equipment and to proceed with a Petition for Cy Pres.

December 2011 - the Probate Court approved a Cy Pres (31402011-EQ-00464) Petition to Allow Deviation from Express Trust Provisions

- To allow the accumulated income in the fund (a/o 7/31/2011 \$173,872.76) to be used as follows:
 - \$10,000 of the current income balance to be expended upon application to and recommendation of the *Benevolent Trust Relief Review Board*, to continue to relieve active members of the KPD, injured in the line of duty, in accordance with the guidelines established in the March 10, 1998 memorandum and the original terms of the Trust. Said \$10,000 is to be set aside and maintained with future income earned on the principal balance.
 - \$150,000 to be used to build and equip a gymnasium for use by active members of the KPD.
 - \$1,000 of future income, and if not expended in any year to be allowed to accumulate, for maintenance of gym equipment. Said maintenance expenditure to continue in perpetuity or until gymnasium no longer exists as long as the City of Keene matches said amount with an equal annual contribution to a non-lapsing special revenue fund.
 - Lease agreement for eight years dated 9/15/2011 for 1,450 square feet at 400 Marlboro Street for use as a gymnasium between the City of Keene (lessor) and the Keene PD Supervisors AFT Local #6305, Keene Police Officer Association AFT Local #6246 and Command Staff (lessee). Auto renewals for one year term upon expiration of prior term if not otherwise cancelled in accordance with terms in lease agreement.
 - Disbursements made upon recommendation to Trustees from the *Gymnasium Maintenance Committee* which consists of the Police Chief, a representative appointed by the Department, and a representative appointed by the City Manager.
 - Any remaining future income, upon application to and recommendation of the *Benevolent Trust Relief Review Board*, to provide scholarships and tuition reimbursement to active members of the

KPD, in addition to any tuition reimbursement that is currently made available to said members, and their dependent children.

Current Practice

- Income balance is used as follows:
 - For expenditures recommended by the Benevolent Trust Relief Review Board and approved by the Trustees of the Trust Funds for relief of active member of the KPD injured in the line of duty and to maintain/replenish the \$10,000 set aside for this purpose under the 2011 Cy Pres.
 - \$1,000 transferred annually to non-lapsing project 90255-B from Police Benevolent Fund income and \$1,000 match transferred annually to non-lapsing project 90255-B for the City of Keene budget line 00081 / 61711 Employee Benefits Wellness Program. Disbursement recommendations from non-lapsing project 90255-B are made by the Gymnasium Maintenance Committee and approved by the Trustees.
 - As of May 2017, no process/procedure for scholarships has been established.

**CITY OF KEENE
NEW HAMPSHIRE**

DATE: June 16, 1997

MEMO TO: Trustees of Trust Funds

FROM: Martha Matson, Finance Director 

RE: Police Benevolent and Fireman's Relief Funds

BACKGROUND:

Recently, disbursements were made by the Trustees from the Police Benevolent Fund that raised questions from City staff, as well as the Trustees, as to how these funds would be requested and disbursed.

Staff has developed a proposal that would provide eligible individuals with a mechanism to request these funds, and would provide the Trustees with a review panel that would evaluate requests and make recommendations for use of the funds.

RECOMMENDATION:

- *That a Benevolent Trust Relief Review Board be established by the Trustees to act as an advisory clearinghouse of employee relief requests on behalf of the Trustees.
- *That the Benevolent Trust Relief Review Board be comprised of: Human Resources Director, Chair; Police Chief; Fire Chief; Firefighter; Police Officer.
- *That the Benevolent Trust Relief Review Board develop criteria upon which their recommendations to the Trustees of Trust Funds will be made, and that such criteria be approved by the Trustees.
- *That the existence of the Trusts, the composition of the Review Board and the procedure to request financial relief from this source be disclosed in the employee handbook.

cc: John MacLean, City Manager
Claudia Jacobs, Asst. Finance Director
Keliy Kramer, Human Resources Director
Thomas Powers, Asst. City Manager/Police Chief
Bill Pepler, Fire Chief
Police Benevolent Association
Fireman's Relief Association

City of Keene
New Hampshire



Human Resources Department

Date: March 10, 1998

Memo to: Trustees of Trust Funds

From: Benevolent Trust Relief Review Board
Kelly A. Kramer, Chair

Re: Criteria to be used in evaluating requests for money from the Police and Fire Benevolent Trusts

A list of criteria was outlined by the Benevolent Trust Relief Review Board which will be used in determining future recommendations on relief requests. These include:

1. Adhere to the established \$1,000 award amount.
2. Funds are available only to police officers or firefighters in any way disabled in the course of their duty.
3. Funds are available only to active members of the police force or fire department, including special police officers.
4. Vouchers will not be necessary.
5. Proof of disability will be required and will be accepted in the form of a worker's compensation, or state retirement board, disability determination.

The criteria was intentionally worded so as to be less restrictive in the event an unforeseen situation occurred that warranted different treatment.

The board members also listed other resources available to disabled workers to be aware of. They include:

- Employer Group Health Insurance
- Worker's Compensation
- Pension System Disability
- Employer Accidental Death and Dismemberment Insurance
- Public Safety Insurance
- Paid Sick Leave
- Donations of Sick Leave

Cc: ✓ Martha Matson, Finance Director
✓ Claudia Jacobs, Assistant Finance Director

RECEIVED

DEC 12 2011

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

8th Circuit - Probate Division - Keene
12 Court St.
Keene NH 03431

City Attorney's Office
Telephone: (603) 357-7786
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**LEON I. GOODWIN
CITY OF KEENE ATTORNEYS OFFICE
3 WASHINGTON STREET
KEENE NH 03431**

Case Name: **THE POLICE BENEVOLENT FUND**
Case Number: **313-2011-EQ-00464**

On December 07, 2011, Judge Richard A. Hampe issued orders relative to:

Assented To Petition For Cy Pres Pursuant To RSA 547:3-d - GRANTED
See enclosed copy with Order thereon.

Any Motion for Reconsideration must be filed with this court by December 19, 2011. Any appeals to the Supreme Court must be filed by January 08, 2012.

December 09, 2011

Larry S. Kane
Clerk of Court

C: City of Keene New Hampshire; Anthony I. Blenkinsop, Director

- E. That the Court allow all reasonable attorneys' fees, costs, and expenses to be paid out of the Trust.
- F. That the Court grant such other and further relief to the City of Keene as may appear just and proper.

Respectfully submitted,

CITY OF KEENE
Trustees of Trust Funds
By their Attorney

Dated: September 16, 2011

Leon I. Goodwin III
Leon I. Goodwin III, Esq., NH Bar ID #48346
3 Washington Street
Keene, NH 03431
(603) 357-9806

After a review of the pleadings and hearing on December 6, 2011, the court finds that the original charitable purpose of this trust is impracticable or obsolete or ineffective and GRANTS this petition for cy pres relief. Specifically, the court grants the requests of the petitioner A through E in the petition. The court notes that the Attorney General's Office of Charitable Trusts assented to the petition and did not receive any public comment after publication of notice in the newspaper.
So ordered.

12/6/2011

Approved: 12-7-11

Patricia B. O'Neil
Patricia B. O'Neil
Referee
Richard A. [Signature]
Richard A. [Signature]
Judge.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT

RECEIVED

OCT 11 2011

8th Circuit - Probate Division - Keene
12 Court St.
Keene NH 03431

Telephone: (603) 357-7786
TTY/TDD Relay: (603) 357-7786
City Attorney's Office
<http://www.courts.state.nh.us>

NOTICE OF DECISION

**CITY OF KEENE NEW HAMPSHIRE
C/O CITY ATTORNEYS OFFICE
3 WASHINGTON STREET
KEENE NH 03431**

COPY

Case Name: **THE POLICE BENEVOLENT FUND**
Case Number: **313-2011-EQ-00464**

On October 04, 2011, Judge David D. King issued orders relative to:

Assented To Petition For Cy Pres Pursuant To RSA 547:3-d
See enclosed copy of Court Order.

Following publication, as ordered, the petitioner shall file returns of publication with the Court.

Any Motion for Reconsideration must be filed with this court by October 17, 2011. Any appeals to the Supreme Court must be filed by November 06, 2011.

October 07, 2011

Larry S. Kane
Clerk of Court

C: Leon I. Goodwin; Anthony I. Blenkinsop, Director

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

CHESHIRE COUNTY

8TH CIRCUIT – PROBATE DIVISION

IN RE: THE POLICE BENEVOLENT FUND
314-2011-EQ- 00464

ORDER ON NOTICE

The petitioner, City of Keene, through its Trustees of Trust Funds has filed a *cy pres* petition which involves the Police Benevolent Fund established in 1901 for the relief of active members of the police force including special officers who may be disabled while engaged in police duties. The petitioners seek *cy pres* relief to allow the accumulated income in the fund in the amount of \$150,000 to be used to build and maintain a gymnasium for the police, \$10,000 for the relief of injured police; and that future income would be used as follows: \$1,000 to maintain the gym, and the remainder to be used for scholarships for active members of the police department.

The petitioner names Anthony I. Blenkinsop, Director of the Charitable Trusts Unit of the New Hampshire Department of Justice, as the only other interested party. Mr. Blenkinsop has filed a written assent to the petition with the court. While the Director of Charitable Trusts is a necessary party to these proceedings, there may be members of the public, individually, who wish to be heard. Individual members of the public may present their views, "particularly where they are acting for the benefit of the charitable trust as a whole." Concord National Bank v. Haverhill, 101 N.H. 416 (1958). Since it would be impossible to determine who the interested parties are in this matter,

the court finds that it is appropriate to provide notice to any unknown interested parties by publication.

Having considered the issue of notice, the court orders that the following legal notice be published for three (3) successive weeks in a newspaper of general circulation in the Keene, New Hampshire area:

The City of Keene, Trustees of Trust Funds, has filed with the 8th Circuit Court Probate Division a "Cy Pres" petition (See RSA 564-B:4-413) regarding the POLICE BENEVOLENT FUND. The petitioner seeks to change the use of these funds from relief of disabled police to building and maintaining a gymnasium and creating a scholarship fund for active police members. Interested persons may review the petition at the Probate Division, 12 Court St., Keene, NH 03431 and/or contact the City Attorney's Office, Leon Goodwin, Esq., 3 Washington St., Keene, NH 03431. The Director of Charitable Trusts, Anthony Blenkinsop, Esq., represents the public interest in this matter. Any person with an objection to the petition shall direct any written comments or inquiries within thirty (30) days from the date of the publication of this notice to the 8th Circuit Court Probate Division at the above address, or contact the Charitable Trusts Unit, 33 Capitol Street, Concord, N.H. 03301; Tel: (603) 271-3591; email: charitabletrusts2@doj.nh.gov. Upon review of any objections, the court will schedule a hearing and/or take such other action as may be equitable.

Following publication, as ordered above, the petitioners shall file returns of publication with the court.

SO ORDERED.

10/3/2011
Date

Approved:

10/4/2011
Date



Patricia B. Quigley, Referee



Judge DAVID D. KING



City of Keene
New Hampshire

COPY

September 16, 2011

Larry Kane, Circuit Clerk
New Hampshire Circuit Court
8th Circuit - Probate Division – Keene
12 Court Street
Keene, NH 03431

Re: Assented to Petition for Cy Pres Pursuant to RSA 547:3-d

Dear Clerk Kane:

Enclosed please find an Assented to Petition for Cy Pres Pursuant to RSA 547:3-d, relative to the co-called Police Benevolent Fund administered by the City of Keene Trustees of Trust Funds, along with an Assent from the State of New Hampshire, Director of Charitable Trusts. Also enclosed, please find a List of Interested Parties and a check for the filing fee. Kindly issue Orders of Notice at the Court's earliest convenience.

Thank you.

Very truly yours,

Leon I. Goodwin III
Assistant City Attorney

LIG:bd

Enclosure

Cc: ✓ Anthony I. Blenkinsop, Director, Charitable Trusts Unit
✓ Nancy Burrige, City of Keene, Fund Manager

STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

PROBATE COURT

IN RE: THE POLICE BENEVOLENT FUND

ASSENTED TO PETITION FOR CY PRES PURSUANT TO RSA 547:3-d

NOW COMES, the City of Keene through its duly appointed Trustees of Trust Funds, by their attorney Leon I. Goodwin III, and moves the Court to allow Cy Pres of the Police Benevolent Fund pursuant to RSA 547:3-d, and in support thereof, states as follows:

I. PARTIES

1. Petitioner, City of Keene (hereinafter "City"), acting through its duly appointed Trustees of Trust Funds (hereinafter "Trustees"), is a municipal corporation duly organized and existing under and in accordance with the laws of the State of New Hampshire, with a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire, and is authorized pursuant to RSA 31:25, to have custody of all the City's trust funds.

2. The Director of the Division of Charitable Trusts, Office of the Attorney General, is an indispensable party to this action. Pursuant to RSA 7:20, the Director is empowered to exercise all the common law and statutory rights, powers and duties of the Attorney General in connection with the supervision, administration, and enforcement of charitable trusts operating within the State of New Hampshire.

II. JURISDICTION AND AUTHORITY

3. This Court has jurisdiction over this action and authority to grant the relief requested herein pursuant to RSA 547:3-d.

III. VENUE

4. Venue is proper in this Court because the City acting through its Trustees, as custodians of the Trust, has a principal place of business at 3 Washington Street, Keene, Cheshire County, New Hampshire.

IV. STATEMENT OF FACTS

5. On September 5, 1901, Rev. Edward A. Renouf gave to the City of Keene Five Hundred Dollars (\$500.00) to be held in trust and to be known as the *Police Benevolent Fund* (hereinafter "Trust"). Said Trust was created by Resolution of the Keene City Council on the same date. See Joint Resolution, Keene City Council, attached hereto as Exhibit A.

6. Pursuant to the terms of said Trust, the income was to be expended by a board consisting of the mayor, the justice of the police court, and the standing committee on police of the board of alderman, to be used for the following purpose:

“[T]o be applied to the relief of the active members of the police force of the city, including special officers who may in any way be disabled while engaged in the performance of their police duties...”

7. On September 3, 1925, by Joint Resolution of the Keene City Council, the City accepted from Mrs. Effie A. Ellis, an additional Five Hundred Dollars (\$500.00) as a memorial to Calvin H. Ellis, on the same terms and conditions as the funds given by Rev. Edward A. Renouf. See Joint Resolution, Keene City Council, attached hereto as Exhibit B.

8. Since the creation of this Trust, accumulated interest and appreciation of equity values has resulted in a principal market value of \$167,882.71, and income balance of \$173,872.76, as of July 31, 2011, for a total of \$341,755.47.

9. Since the creation of the Trust, the Trustees have invested and reinvested the Trust's corpus and have made disbursements when requested and appropriate. However, based on information and belief, there have been only a handful of distributions from this Trust since its creation. This Trust was created at a time when very little existed in the form of insurance for injured police officers and their families. Currently, injured or disabled police officers are relieved by funds from workers' compensation, long and short-term disability insurance, unions, and state and federal associations.

10. Further, due to changes in City government, the offices of two out of three members of the board designated to disperse funds from the Trust no longer exist.

11. In an attempt to revitalize and encourage the use of the Trust, on June 18, 1997, the Trustees created a Benevolent Trust Relief Review Board for the purpose of providing eligible individuals a mechanism to request assistance from said Trust. See Memoranda from Martha Matson, Finance Director, to Trustees dated June 16, 1997, attached hereto as Exhibit C.

12. In addition, the Benevolent Trust Relief Review Board was authorized to develop criteria for dispersal of funds from the Trust. See Memoranda from the Benevolent Trust Relief Review Board to Trustees dated March 10, 1998, attached hereto as Exhibit D.

13. Despite this effort, the Trust has remained underutilized; presumably due to obsolescence caused by the additional benefits, stated above, that police officers are eligible to receive today.

14. In light of the current underutilization and obsolescence of the Trust, and in an effort to maximize public benefit, the Trustees requested that the Keene Police

Department (hereinafter "KPD"), as beneficiaries of said Trust, offer suggestions as to what better use could be made of the income balance of the Trust.

15. Pursuant to the Trustees' request, the KPD formed a committee which represented the three bargaining units within the KPD (hereinafter "Committee") to discuss possible uses of the fund that would benefit active members of the police force, as near as possible to the charitable intent of Rev. Renouf.

16. After exploring numerous options, the Committee proposed to the Trustees that a portion of the income balance of the Trust be used to build and equip a gymnasium in an area adjacent to the KPD headquarters, located at 400 Marlboro Street, Keene, NH. See Agreement between the City and KPD dated September 15, 2011, relative to the use of said area, attached hereto as Exhibit E.

17. Based on the Committee's proposal, initial estimates indicate that a gymnasium suitable for use by the KPD may be built and outfitted with equipment for approximately \$150,000.00.

18. On February 17, 2010, the Trustees accepted the Committee's proposal and unanimously voted to proceed with the within Petition for Cy Pres pursuant to RSA 547:3-d.

V. CY PRES RELIEF

19. Pursuant to RSA 547:3-d:

"[i]f property is or has been given in trust to be applied to a charitable purpose, and said purpose or its application is or becomes impossible or impracticable or illegal or obsolete or ineffective or prejudicial to the public interest to carry out, the trust shall not fail. Upon petition by the trustee or trustees or the attorney general, the probate court may direct the application of the property to some charitable purpose which is useful to the community, and which charitable purpose fulfills as nearly as possible the general charitable intent of the settlor or testator."

20. In Trustees of Adams Female Academy v. Adams, 65 N.H. 225 at 227 (1889), the New Hampshire Supreme Court held that the rule of Cy Pres allows “that when a definite charity is created the failure of the particular mode in which it is to be effectuated does not destroy the charity; for equity will substitute another mode, so that the substantial intention shall not depend upon the formal intention.”

21. In the instant case, the Trustees believe that while there is no longer significant need for additional financial relief after a police officer is injured or disabled, that providing a gymnasium and equipment for use by active members of the KPD, may prevent injuries or disabilities to said members, thus fulfilling as near a possible the original intent of the Trust. In addition, the Trustees recognize that the cost of education is a concern for many active members of the KPD, and that by providing tuition assistance and scholarships to said members and their children, said members will be assisted with a contemporary concern that is not incompatible with Rev. Renouf’s original intent, which was to benefit active members of the KPD.

22. Based upon the foregoing, the Trustees are desirous that the Court grant this Cy Pres Petition and authorize a portion of the income balance of the Trust to be utilized for building and equipping a gymnasium for use by active members of the KPD, and that future income be used to meet the contemporary needs of active members of the KPD.

WHEREFORE, the City of Keene, acting through its duly appointed Trustees of Trust Funds, hereby requests that the Court amend the terms and conditions of the Police Benevolent Fund as follows:

- A. To allow that the Trustees be authorized to set aside Ten Thousand Dollars (\$10,000.00) of the current income balance of the Trust, to be expended

upon application to and recommendation of the Benevolent Trust Relief Review Board, to continue to relieve active members of the KPD, injured in the line of duty, in accordance with the guidelines contained in Exhibit D and the original terms of said Trust. Said Ten Thousand Dollars (\$10,000.00) which is set aside to be maintained with future income earned on the principal balance.

- B. To allow that the Trustees be authorized to expend a portion of the income balance not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), of the Trust to build and equip a gymnasium for use by active members of the KPD.
- C. To allow that the Trustees be authorized to expend One Thousand Dollars (\$1,000.00) per year of future income from the Trust, and if not expended in any given year to accumulate said amount for future expenditure, for maintenance of the gymnasium equipment. Said maintenance expenditure may continue in perpetuity or until the gymnasium no longer exists, as long as the City of Keene matches said amount with an equal annual contribution to a non-lapsing special revenue fund to be used for the same purposes.
- D. To allow that the Trustees be authorized to expend any remaining future income earned by the Trust, upon application to and recommendation of the Benevolent Trust Relief Review Board, to provide scholarships and tuition reimbursement to active members of the KPD, in addition to any tuition reimbursement that is currently made available to said members, and their dependant children.

- E. That the Court allow all reasonable attorneys' fees, costs, and expenses to be paid out of the Trust.
- F. That the Court grant such other and further relief to the City of Keene as may appear just and proper.

Respectfully submitted,

CITY OF KEENE
Trustees of Trust Funds
By their Attorney

Dated: September 16, 2011



Leon I. Goodwin III, Esq., NH Bar ID #48346
3 Washington Street
Keene, NH 03431
(603) 357-9806

EXHIBIT A

**JOINT RESOLUTION
DATED SEPTEMBER 5, 1901**

A JOINT RESOLUTION relating to the Police Benevolent fund:

Resolved by the city councils of the city of Keene, as follows:

That the gift of five hundred dollars, to be known as the Police Benevolent fund, be and hereby is accepted from the Rev. Edward A. Renouf, D. D., by the city, subject to the conditions of said trust.

And be it further resolved that in accepting this gift, in behalf of the city, the city councils desire to express their appreciation of this example of generosity and public spirit which is now for the second time exhibited by the donor, in providing for the relief of members of another important department of the city, which cannot fail to meet the approbation of all our citizens.

Passed September 5, 1901.

A JOINT RESOLUTION relating to the Symonds fund.

Resolved by the city councils of the city of Keene, as follows:

That the city treasurer be and hereby is authorized and instructed, under the direction of the joint standing committee on finance, to loan such portion of the Symonds fund now in his custody, not exceeding fifteen hundred dollars, as may be deemed to be prudent, said loan to be secured by a mortgage upon such premises as may be approved by said committee and to bear interest at the rate of five per centum per annum.

Passed September 5, 1901.

A JOINT RESOLUTION relating to the sale of standing wood and timber and Water Works Contingent fund.

Resolved by the city councils of the city of Keene, as follows:

EXHIBIT B

**JOINT RESOLUTION
DATED SEPTEMBER 3, 1925**

A JOINT RESOLUTION relating to a memorial to Calvin H. Ellis.

Resolved by the City Councils of the City of Keene, as follows. 52

That the city of Keene, by its councils, hereby accepts from Mrs. Effie A. Ellis, the sum of one Thousand dollars, in trust, however, five hundred dollars of said sum to be added to the Fireman's Relief Fund; and five hundred dollars of said sum to be added to the Police Benevolent Fund, on the same terms and conditions and for the same purposes as the funds given by Rev. Edward A. Renouf, D.D. in 1888 and in 1901, respectively, as a memorial to Calvin H. Ellis; and that in accepting this gift in behalf of the city, the city councils desire to express appreciation of the generosity and public spirit of the gracious donor.

Passed September 3, 1925.

EXHIBIT C

**MEMORANDA FROM MARTHA MATSON, FINANCE DIRECTOR
TO TRUSTEES DATED JUNE 16, 1997**

**CITY OF KEENE
NEW HAMPSHIRE**

DATE: June 16, 1997

MEMO TO: Trustees of Trust Funds

FROM: Martha Matson, Finance Director 

RE: Police Benevolent and Fireman's Relief Funds

BACKGROUND:

Recently, disbursements were made by the Trustees from the Police Benevolent Fund that raised questions from City staff, as well as the Trustees, as to how these funds would be requested and disbursed.

Staff has developed a proposal that would provide eligible individuals with a mechanism to request these funds, and would provide the Trustees with a review panel that would evaluate requests and make recommendations for use of the funds.

RECOMMENDATION:

- *That a Benevolent Trust Relief Review Board be established by the Trustees to act as an advisory clearinghouse of employee relief requests on behalf of the Trustees.
- *That the Benevolent Trust Relief Review Board be comprised of: Human Resources Director, Chair; Police Chief; Fire Chief; Firefighter; Police Officer.
- *That the Benevolent Trust Relief Review Board develop criteria upon which their recommendations to the Trustees of Trust Funds will be made, and that such criteria be approved by the Trustees.
- *That the existence of the Trusts, the composition of the Review Board and the procedure to request financial relief from this source be disclosed in the employee handbook.

cc: John MacLean, City Manager
Claudia Jacobs, Asst. Finance Director
Keliy Kramer, Human Resources Director
Thomas Powers, Asst. City Manager/Police Chief
Bill Pepler, Fire Chief
Police Benevolent Association
Fireman's Relief Association

EXHIBIT D

**MEMORANDA FROM THE BENEVOLENT TRUST RELIEF REVIEW BOARD
TO TRUSTEES DATED MARCH 10, 1998**

City of Keene
New Hampshire



Human Resources Department

Date: March 10, 1998

Memo to: Trustees of Trust Funds

From: Benevolent Trust Relief Review Board
Kelly A. Kramer, Chair *Kelly A. Kramer*

Re: Criteria to be used in evaluating requests for money from the Police and Fire Benevolent Trusts

A list of criteria was outlined by the Benevolent Trust Relief Review Board which will be used in determining future recommendations on relief requests. These include:

1. Adhere to the established \$1,000 award amount.
2. Funds are available only to police officers or firefighters in any way disabled in the course of their duty.
3. Funds are available only to active members of the police force or fire department, including special police officers.
4. Vouchers will not be necessary.
5. Proof of disability will be required and will be accepted in the form of a worker's compensation, or state retirement board, disability determination.

The criteria was intentionally worded so as to be less restrictive in the event an unforeseen situation occurred that warranted different treatment.

The board members also listed other resources available to disabled workers to be aware of. They include:

- Employer Group Health Insurance
- Worker's Compensation
- Pension System Disability
- Employer Accidental Death and Dismemberment Insurance
- Public Safety Insurance
- Paid Sick Leave
- Donations of Sick Leave

Cc: ✓ Martha Matson, Finance Director
✓ Claudia Jacobs, Assistant Finance Director

EXHIBIT E

AGREEMENT OF LEASE – 400 MARLBORO STREET

AGREEMENT OF LEASE – 400 MARLBORO STREET

This Agreement, made this 15TH day of September, 2011, by and between the City of Keene, a municipal corporation duly organized and existing under the laws of the State of New Hampshire, having a usual place of business at 3 Washington Street, Keene, New Hampshire (hereinafter “City” or “LESSOR”), and the Keene Police Department Supervisors, AFT Local #6305, Keene Police Officers Association, AFT Local #6246 and the Command Staff, which together represent the active members of the Keene Police Department, located at 400 Marlboro Street, Keene, New Hampshire (hereinafter “Department” or “LESSEE”).

WHEREAS, on September 5, 1901 the Reverend Edward A. Renouf donated to the City the sum of \$500.00, to be held in a trust known as the Police Benevolent Fund for the benefit of “active members of the police force of the city[...];” and

WHEREAS, the City Trustees of Trust Funds have filed or intend to file a Petition for Cy Pres to allow the accumulated income in the Police Benevolent Fund to be used to build out and equip a gymnasium for use by all active members of the Department; and

WHEREAS, LESSEE wishes to locate said gymnasium in an area adjacent to the City location of the Department; and

WHEREAS, LESSOR owns certain real property located at 400 Marlboro Street, in which the Department is located, which LESSOR and LESSEE deem suitable for use as a gymnasium; and

WHEREAS, LESSEE wishes to lease a portion of said real property owned by LESSOR and, toward that end, LESSEE has received approval from its membership to enter into the within Lease; and

WHEREAS, LESSOR desires to lease a portion of said real property to LESSEE in consideration of the obligations assumed herein by LESSEE.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby mutually agree as follows:

1. PREMISES. LESSOR hereby grants to LESSEE for the period specified herein, and subject to the covenants, terms, and conditions herein set forth, a lease of One Thousand Four Hundred Fifty (1,450±) square feet, plus or minus, of space at 400 Marlboro Street in Keene, for use as a gymnasium, said premises being more particularly described in Exhibit A (hereinafter “leased premises”), which is incorporated hereby and made a part hereof.
2. TERM OF LEASE. This Lease shall be for eight (8) years and shall begin upon approval of the City’s Petition for Cy Pres In Re: The Police Benevolent Fund by the Cheshire County Probate Court, a copy of which

approval shall be attached to this Lease. The Lease shall automatically renew for a one (1) year term upon expiration of the prior term if not otherwise terminated in accordance with Paragraph 17. In the event that the City's Petition for Cy Pres In Re: The Police Benevolent Fund is not approved, this Agreement shall be deemed null and void.

3. RENT. LESSEE shall have use of the space rent free, and inclusive of utilities, so long as the terms and conditions set forth herein are complied with.
4. OBLIGATIONS OF LESSOR AND LESSEE. LESSEE shall maintain the leased premises in good repair and condition during the lease term.
5. LESSEE shall only use the leased premises for a gymnasium, which may include certain Keene Police Department training activities, unless LESSEE obtains prior written consent of LESSOR.
6. LESSEE shall improve the premises in accordance with the plans and specifications attached hereto as Exhibit B. Any further improvements or modifications by LESSEE shall require the prior written consent of the LESSOR.
7. LESSEE shall be responsible for and shall pay all costs associated with its tenancy of the leased premises, exclusive of utilities and general maintenance of the building, and inclusive of custodial duties, trash removal, cleaning supplies and similar costs.
8. LESSEE agrees to maintain the gymnasium equipment in good repair during the lease term. LESSOR agrees to contribute One Thousand Dollars (\$1,000.00) annually into a non-lapsing account, which will be combined with an equal annual contribution from the Police Benevolent Fund, to be used for maintenance and replacement of gymnasium equipment during the lease term. Disbursements from said account shall be made upon recommendation to the Trustees of Trust Funds from the Gymnasium Maintenance Committee, which shall consist of the Police Chief, a representative appointed by the Department, and a representative appointed by the City Manager.
9. LESSOR may cause to be removed or repaired, upon recommendation of the Gymnasium Maintenance Committee or at its sole discretion, any equipment which is broken, unmaintained, or deemed unsafe or unsuitable for use. Any costs or expenses related to the removal or the repair shall be paid by the LESSEE, which may include use of the funds specified in Paragraph 8. However, LESSOR assumes no responsibility or liability to inspect or otherwise ensure the repair, maintenance, suitability, or safety of the gymnasium equipment.

10. LESSEE shall make all reasonable efforts to assure that its members will conduct themselves in a safe and responsible manner at all times, and in accordance with the Gymnasium Use Policy attached hereto as Exhibit C.
11. LESSEE acknowledges that LESSOR has leased and may lease portions of 400 Marlboro Street to other tenants. LESSEE shall not use the leased premises in such a manner that it interferes with the quiet enjoyment and possession of LESSOR'S other tenants.
12. Upon termination of this Lease, LESSEE shall restore the leased premises to its former condition, wear and tear excepted.
13. LIMITATION OF LIABILITY. LESSOR shall not be liable for any damage or loss to stored equipment, personal property or other materials, however caused.
14. Unless caused by negligence of the LESSOR, LESSOR shall not be liable for any injuries or damages incurred as a result of use of the leased premises by LESSEE or its members.
15. INDEMNIFICATION. Unless caused by negligence of the LESSOR, LESSEE agrees to fully indemnify and hold harmless the LESSOR, its officials, officers, employees and agents for any liability, cost or expense, including reasonable attorneys fees and costs, that the LESSOR may suffer or incur as a result of claims, demands, costs or judgements against it arising out of this Lease. The LESSEE hereby agrees to defend against any and all claims brought or actions filed against the LESSOR, its officials, officers, agents, and employees with respect to the subject to the indemnity contained herein, whether such claims or actions are rightfully or wrongfully brought or filed. In case a claim should be brought or an action filed with respect to the subject of the indemnity provided herein, the LESSEE and the LESSOR may employ any attorney(s) upon whom they mutually agree to appear and defend the claim or action on behalf of the LESSOR, at the expense of the LESSEE. The LESSOR, at its option, shall have the sole authority for the direction of the defense and shall keep the LESSEE timely informed of same; however, any compromise or settlement of any claim or actions against the LESSOR shall be entered only with the mutual consent of the LESSEE. The LESSOR agrees to notify the LESSEE in writing within thirty (30) days by certified mail, return receipt requested, of any claims made against the LESSOR, in writing, with respect to the subject of the indemnity provided herein. Failure to provide said notice within the time allotted shall not excuse LESSEE from its obligations under this indemnity provision. As stated in the Gymnasium Use Policy, attached hereto and incorporated herein as Exhibit C, the leased premises shall be used only during personal time, and members shall be considered non-employees while doing so.
16. LEASE NOT ASSIGNABLE. LESSEE shall not assign or sublease the leased premises or any portion thereof.

17. TERMINATION. Either party may terminate this Lease at any time and for any reason with three (3) months' prior written notice to the other party. Notice shall also be provided in writing to the Director of Charitable Trusts. In the event that LESSOR notifies LESSEE that the lease will be terminated, LESSOR will make a good faith attempt, but cannot guarantee, to locate another suitable space for the gymnasium and associated equipment. If such relocation is necessary, LESSOR will reimburse the Police Benevolent Fund the cost of capital improvements made to the leased premises, not including the gymnasium equipment, taking into account an eight (8) year straight line depreciation of said capital improvements.
18. CONSTRUCTION, AMENDMENT, INTEGRATION, AND SUPERSESION OF PRIOR AGREEMENTS. This Lease Agreement shall be construed in accordance with the laws of the State of New Hampshire and may be amended only by an instrument in writing executed in the same manner as this Lease. This Lease Agreement constitutes the complete, total, and exclusive agreement between the parties. It is the intention of the parties that this Lease shall supersede and replace all prior agreements between the parties.
19. NOTICES. All notices or demands as may be made by either party hereto upon the other shall be deemed to be validly served and received once they have deposited in the U.S. Postal Service mail, certified return receipt requested, and all fees paid, addressed to:

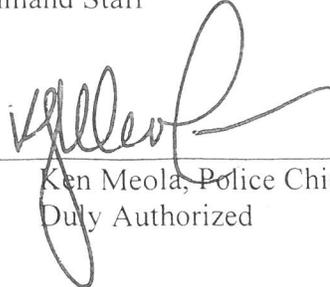
LESSOR: City of Keene
Attn: City Manager
3 Washington Street
Keene, NH 03431

LESSEE: Keene Police Department
400 Marlboro Street
Keene, NH 03431

IN WITNESS WHEREOF, the parties hereto have hereunto set their seals and the hands of their duly authorized officers on the day and year first above set forth.

LESSEE:
Command Staff

Barbara DiNapoli
Witness

By: 
Ken Meola, Police Chief
Duly Authorized

Keene Police Department Supervisors, AFT
Local #6305

Barbara DiNapoli
Witness

By: [Signature]
Duly Authorized

Keene Police Officers Association, AFT
Local #6246

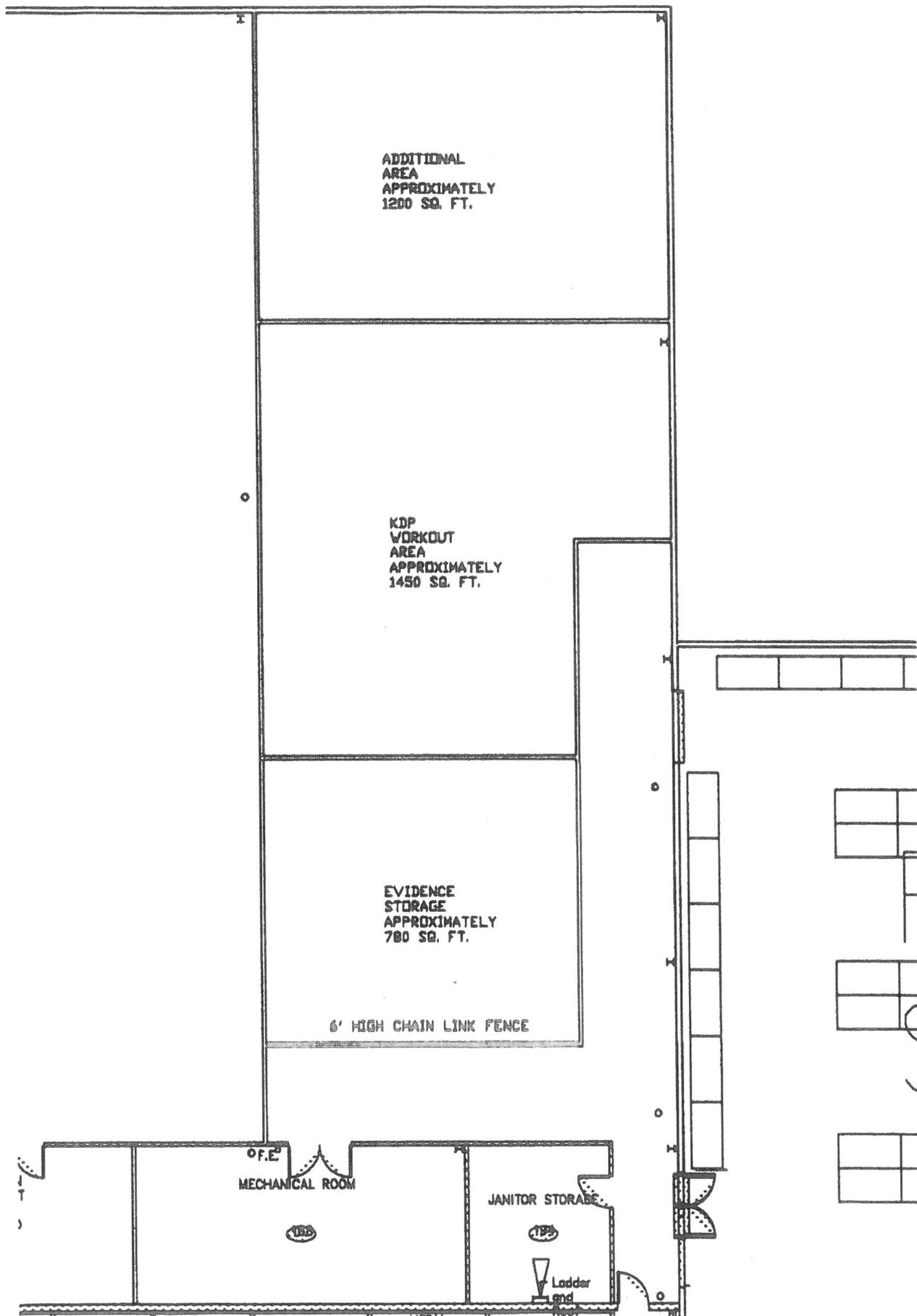
Barbara DiNapoli
Witness

By: [Signature]
Duly Authorized

LESSOR:
City of Keene

[Signature]
Witness

By: [Signature]
John A. MacLean, City Manager
Duly Authorized



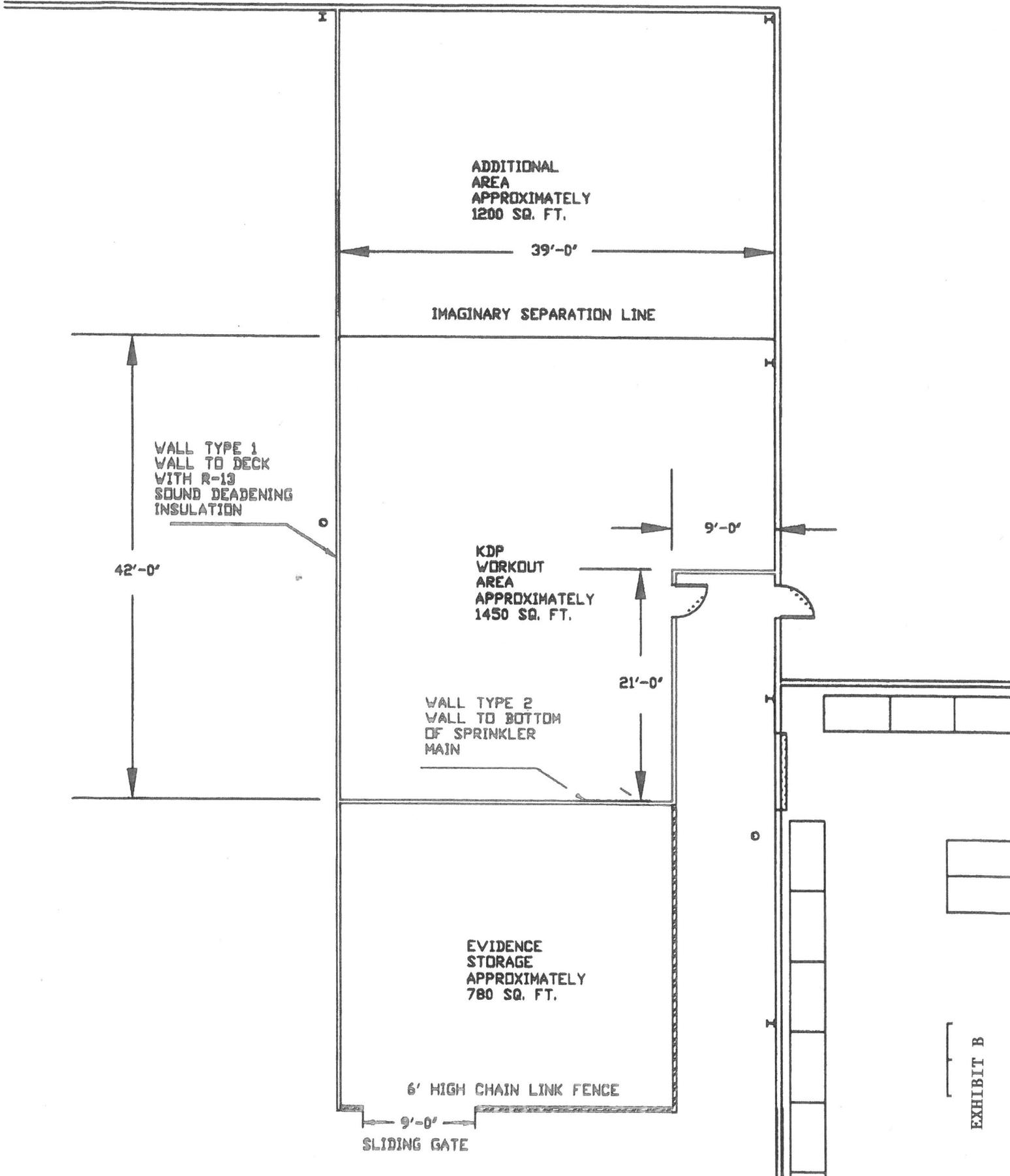


Exhibit C – Gymnasium Use Policy and Waiver of Liability

1. The gymnasium located at 400 Marlboro Street, Keene, New Hampshire (hereinafter “gym”) is for use during your personal, off-duty time only. Use of the gym is voluntary, and is not a requirement of your employment with the City of Keene. As such, when using the gymnasium, you are considered a non-employee.
2. Appropriate exercise attire such as T-shirts, soft-soled, non-marking, closed toe athletic shoes and athletic pants/shorts is required at all times. Sandals, bare feet, steel-toed boots and jeans are not permitted.
3. Water must be in an enclosed, unbreakable container. Food, chewing gum and drinks, other than water, are prohibited.
4. Equipment must be wiped down after each use.
5. All dumbbells, weights and weight plates must be re-racked after use.
6. All equipment must be used in the manner for which it is designed.
7. Intentionally slamming or dropping weights is prohibited.
8. Individuals are responsible for checking equipment prior to each use. Broken or damaged equipment and/or equipment malfunctions should be reported to the Gymnasium Maintenance Committee.

Waiver of Liability

All users of the gymnasium must read the above Gymnasium Use Policy and must read and sign the Waiver of Liability prior to using the gym:

In consideration of being permitted to enter and use the gym, the undersigned:

1. Hereby releases, waives, discharges and covenants not to sue the City of Keene, its directors, officers, officials, attorneys, employees, agents, contractors, representatives, tenants and affiliates (hereinafter “Releasees”) from all liability to the undersigned, and his/her representatives, heirs, and successors in interest (hereinafter “undersigned”) for any and all loss or damage, and any claim or demands therefore on account of injury to the person or property of the undersigned, whether caused by the negligence of the Releasees or otherwise while the undersigned is in or using the gym.
2. Hereby agrees to indemnify and save and hold harmless the Releasees from any loss, injury, liability, damage or cost they may incur due to the presence of the undersigned in, or the undersigned’s use of, the gym, whether caused by the negligence of the Releasees or otherwise.
3. Hereby assumes full responsibility for and risk of bodily injury or property damage, including but not limited to death, paralysis, brain injury, heart attack, stroke, aneurysm, broken bones, torn tendons or ligaments, torn muscles, spinal injury, damage to organs, disease, infection and any other physical or emotional injury, medical or psychiatric condition or complication of any kind whatsoever, due to any cause, including the negligence of Releasees or otherwise, while in or using the gym.

4. Hereby represents and warrants: (a) that he/she acknowledges that presence in and use of the gym is on an unsupervised basis and is otherwise dangerous and therefore involves the risk of serious bodily and psychiatric injury, death and property damage; (b) that some of the risks of harm include, but are not limited to, physical activity, equipment failure, equipment maintenance or lack thereof, equipment defects, slippery surfaces, obstacles which might cause trip and falls, pre-existing health problems, carelessness and negligence of Releasees, structural failures, design defects, impeded access, electrical, heat, air conditioning or ventilation defects, and any other risk of harm whatsoever that one might encounter in an exercise or shower room; (c) that he/she has read this Release of Liability carefully and had an opportunity to review it with legal counsel; and (d) that he/she is in good health and has no physical condition that prevents them from using the gym.

Date: _____

Signature of Employee

Street Address

City/Town

State

STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

PROBATE COURT

IN RE: POLICE BENEVOLENT FUND

LIST OF INTERESTED PARTIES

1. City of Keene
C/o City Attorney's Office
3 Washington Street
Keene, NH 03431
(603) 357-9806

2. Anthony I. Blenkinsop, Director
State of New Hampshire
Charitable Trusts Unit
State House Annex
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3591

#511

RENOUF FIREFIGHTERS' RELIEF FUND

#511 Renouf Firefighters' Relief Fund

February 2, 1888 Keene City Council accepts \$500.00 to be known as the Renouf Fireman's Relief Fund from the Rev. Edward A. Reouf.

- Interest to be used under direction of officers of fire department for relief of firemen injured in discharge of duties.

September 3, 1925 Keene City Council accepts additional \$500.00 from Estate of Effie A. Ellis in memory of Calvin H. Ellis, to become added to the Renouf Firefighters' Relief Fund on the same terms and conditions and for the same purposes as the funds given by Rev. Edward A. Renouf in 1888.

May 3, 1956 Keene City Council accepts additional \$1,000.00 from Estate of Martha A. Nims in memory of late husband, Louis A. Nims who was for many years Chief of the Fire Department, to become part of Renouf Firefighters' Relief Fund and the income thereof to be used for the general purposes of said fund.

February 13, 2001 - the Probate Court approved the October 31, 2000 Cy Pres (Docket # 2000-0465) Petition to Allow Deviation from Express Trust Provisions

- The original gift of \$500 had grown to \$92,381 principal and \$51,025 income and not distributions had been made since inceptions, as such, the Trustees wanted to establish guidelines for the distribution of funds from the relief fund.
 - The relief fund shall henceforth be known as the "Renouf Firefighters' Relief Fund".
 - Prayers for Relief (guidelines for distributions) was established:
 - Requests for payment shall be brought to the Trustees by application and recommendation of a committee consisting of the Fire Chief, the Deputy "Chief of the Call Company, and a representative of the Professional Firefighters of Keene or successor firefighter's union local then active. Recommendation shall include summary of relevant facts, including name of applicant, applicant's employment history with City, paid employee or volunteer, circumstances giving rise to the injury, nature of the injur(ies), present medical status, prognosis, summary of medical and/or funeral expenses, summary of all benefits paid, and any other facts the Committee deems relevant. Also includes a release signed by the applicant or legal representative authorizing the City to examine and evaluate medical records and bills relating to the claim.
 - Requests for payment may be submitted on behalf of any firefighting personnel, including full, part-time, on-call, volunteer, rescue personnel, emergency medical technicians, and paramedics. Benefits shall be available only to claimants injured or killed while acting within the scope of their duties on behalf of the City of Keene.
 - Final determination will be by the Trustees who will consider all recommendations.
 - Trustees shall consider all uncovered medical expenses arising from the injury, including medication, prosthetic devices, wheelchairs, and other specialized treatments or appliances.
 - Distributions to any one applicant will not exceed \$15,000.
 - If the principal balance is reduced by a factor of 20% or more in any given year as a result of investment performance, the Trustees are authorized, but not required to transfer to said principal balance sufficient income to restore said Trust to its principal balance as of June 30th of the year prior to the year in which said principal balance was reduced.

Current Practice

- Income balance is used as follows:
 - For expenditures recommended by the Committee established in the 2001 Cy Pres and approved by the Trustees of the Trust Funds for relief of firemen injured in the line of duty.
 - As of August 2017, no requests for assistance had been brought to the Trustees for consideration.

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TRUST FUNDS.

IN CARE OF CITY TREASURER.

HIBBARD LEGACY, \$1,000.—Invested in two \$500 6 per cent. Iowa Loan and Trust Co. debentures. Income used in taking care of Salma Hale lot in cemetery, balance for schools.

CHARLES FAULKNER LEGACY, \$2,500. Invested in one \$1,000 Keene water bond; two \$500 Keene water bonds, one \$500 town of Hinsdale bond. Income used in improving and ornamenting Woodland cemetery.

SIMMONS AND EASTBURN FUNDS, \$1,300.—Deposited in Keene Guaranty Savings Bank. Given by David Simmons and Susan Eastburn. Interest for the relief and comfort of aged and infirm poor of Keene.

MINISTERIAL FUND, \$4,155.—Deposited in Keene Five Cents Savings Bank. Derived from sale of wood on "ministerial lot." Interest divided annually among the clergymen of Keene.

RUSSELL FUND, \$300.—Deposited in Cheshire Provident Institution. Interest used in taking care of Lucinda Russell lot in cemetery, balance for improving and ornamenting Woodland cemetery.

FIREMEN'S RELIEF FUND, \$500.—Deposited in Keene Guaranty Savings Bank. Interest to be used under direction of officers of fire department for relief of firemen injured in discharge of duty.

PROPERTY BELONGING TO THE CITY.

City water works,	\$190,000 00
City hall building,	35,500 00
Furniture in same,	1,000 00
Fire department,	13,000 00
Land and buildings, Vernon street,	7,500 00
City pasture,	2,000 00
Water works stock and tools,	1,700 00

NE.

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A JOINT RESOLUTION relating to cutting wood for city.

Resolved by the City Councils of the City of Keene, as follows:

That the Superintendent of Highways under the supervision of the Committee on Water Works, be and hereby is instructed to contract for the cutting of seventy-five (75) cords of wood on land owned by the city near Echo Lake in Roxbury on as favorable terms as possible. Said wood to be for the use of the city poor, and to be drawn by city teams, if thought advisable, and under no circumstances shall more than one pair of horses be absent from the city at the same time.

Passed February 2, 1888.

A JOINT RESOLUTION relating to the Renouf Fireman's Relief Fund.

Resolved by the City Councils of the City of Keene, as follows:

That the gift of the Rev. E. A. Renouf of the trust fund, which shall be known as the *Renouf Fireman's Relief Fund*, be and hereby is accepted by the city according to the conditions of said trust.

Passed February 2, 1888.

A JOINT RESOLUTION to provide water for pond at County Jail.

Whereas, On the 26th day of August, 1887, the County Delegation to the Legislature from Cheshire County passed a resolution as follows, and made the necessary appropriation therefor, viz: "Resolved, That the County Commissioners of Cheshire County are hereby authorized and instructed to prepare that portion of the lot in front of the jail now lying unfilled for the reception of water in any way which may to them seem best and most prudent, and to lay the necessary pipes and make all other preparations for the maintenance of a permanent fountain therein

EXHIBIT A

A JOINT RESOLUTION relating to a memorial to Calvin H. Ellis.

Resolved by the City Councils of the City of Keene, as follows. 523

That the city of Keene, by its councils, hereby accepts from Mrs. Effie A. Ellis, the sum of one Thousand dollars, in trust, however, five hundred dollars of said sum to be added to the Fireman's Relief Fund; and five hundred dollars of said sum to be added to the Police Benevolent Fund, on the same terms and conditions and for the same purposes as the funds given by Rev. Edward A. Renouf, D.D. in 1888 and in 1901, respectively, as a memorial to Calvin H. Ellis; and that in accepting this gift in behalf of the city, the city councils desire to express appreciation of the generosity and public spirit of the gracious donor.

Passed September 3, 1925.

573

RESOLUTION Relating To Firemen's Relief Fund

Resolved by the City Council of the City of Keene, as follows:

That Legacy, amount \$1,000.00 bequeathed to Firemen's Relief Fund under will of Martha A. Nims, be and hereby is accepted.

J. ALFRED DENNIS /s/
Mayor

Passed May 3, 1956

PASSED - May 3 1956

*a true copy
attest
Lena F. Warren
City Clerk*

THE STATE OF NEW HAMPSHIRE

CHESHIRE, SS.
DOCKET NO. 2000-0465

COPY
COURT OF PROBATE
FEBRUARY 13, 2001

IN RE: PETITION TO ALLOW DEVIATION FROM EXPRESS TRUST PROVISIONS
THE FIREMAN'S RELIEF FUND

CITY OF KEENE

VS

STATE OF NEW HAMPSHIRE - DIRECTOR OF CHARITABLE TRUSTS

ORDER

The City of Keene, through its duly-appointed Trustees of Trust Funds (the "Trustees") filed with this Court on October 31, 2000 a Petition to Allow Deviation From Express Trust Provisions (the "Petition").

The Petition pertains to distributions from a trust known as the Renouf Fireman's Relief Fund (the "relief fund") which was created in 1888 to provide for firemen who are injured in the line of duty. The relief fund began with a gift of \$500.00, and it has since grown to \$92,381.70 in principal and \$61,025.33 in income because there apparently have been no distributions from the relief fund since its inception. The Trustees are now desirous of establishing guidelines for the distribution of funds from the relief fund, and the Petition contains a proposal for such distributions. The State of New Hampshire, Director for Charitable Trusts, appears to be the only interested party to this proceeding. It was served with a true copy of the Petition on November 16, 2000, and, by letter dated January 29, 2001, the Director of Charitable Trusts indicated he had no objections to the relief requested in the Petition.

In light of the foregoing, the Court issues the following order.

- 1) The Petition of the City of Keene is hereby GRANTED.
- 2) The Prayers for Relief in paragraphs A through G are adopted in their entirety and incorporated herein as if restated in this Order.

3) Henceforth, the Trustees shall consider all proposed distributions from the relief fund, to be known henceforth as the Renouf Firefighters' Relief Fund, in accordance with the provisions set forth in paragraphs A through G of the Petition.

So Ordered. Decree in accordance therewith.



Albert H. Weeks, Judge of Probate

ALBERT H. WEEKS, JUDGE



City of Keene

3 Washington Street

New Hampshire 03431

October 24, 2000

Elizabeth B. Minkler, Register
Cheshire County Probate Court
12 Court Street
Keene, NH 03431

Re: The (Renouf) Fireman's Relief Fund

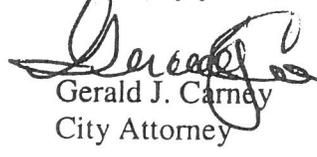
Dear Mrs. Minkler:

Enclosed for filing with the Court, please find City of Keene's Petition to Allow Deviation from Express Trust Provisions for The Fireman's Relief Fund. Also enclosed, please find the City's Appearance, a list of interested parties, and check in the amount of \$125.00, for the filing fee. Kindly issue Orders of Notice at the Court's earliest convenience.

Should you have any questions regarding the attached, please do not hesitate to contact this office.

Thank you for your assistance in this regard.

Very truly yours,


Gerald J. Carney
City Attorney

GJC/bp
Enclosure

Cc: Michael S. DeLucia, Director, NH Division of Charitable Trusts
Trustees of Trust Funds
✓ Russ Cloutier, Fund Manager

**Area Code 603
Phone**

Airport 357-9835 • Assessment 352-2125 • City Attorney 357-9806 • City Clerk 352-0133 • Code Enforcement 352-5440 • Facility Maintenance 357-9844
Fleet Services 357-9831 • Fire 357-9861 • Finance 352-1013 • Health 352-5440 • Human Resources 357-9858 • Human Services 357-9809 • Information
Management Services 357-9802 • Library 352-0157 • Mayor 357-9804 • Manager 357-9804 • Recycle Center/Transfer Station 352-5739 • Parks, Recreation &
Facilities 357-9829 • Planning 352-5474 • Police 357-9815 • Public Works 352-6550 • Purchasing 357-9800 • Revenue Collection 357-9801
Water Treatment Facility 357-8483 • Wastewater Treatment Plant 357-9836 • Water & Sewer 352-3239 • Youth Services 357-9810

FAX

Airport 357-9853 • Assessment 357-9857 • City Clerk 357-9884 • City Hall 357-9847 • Fire 358-3420 • Recycle Center/Transfer Station 352-8325
Revenue Collection 357-9898 • Library 352-1101 • Parks, Recreation & Facilities 357-9859 • Police 357-9823 • Public Works 357-9848
Water Treatment Facility 358-1008 • Wastewater Treatment Plant 357-9854

Website

www.ci.keene.nh.us

STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

PROBATE COURT

IN RE: THE FIREMAN'S RELIEF FUND

**PETITION TO ALLOW DEVIATION FROM
EXPRESS TRUST PROVISIONS**

COMES NOW, the City of Keene through its duly appointed Trustees of Trust Funds ("Trustees"), and moves the Court to allow deviation from the express provisions of the so-called Fireman's Relief Fund and in support thereof, states as follows:

1. On February 2, 1888, a trust known as the *Renouf Fireman's Relief Fund* was created by Resolution of the Keene City Council (see Exhibit A attached hereto, Joint Resolution, Keene City Council, with accompanying documents).
2. Pursuant to the terms of said Trust, the City of Keene accepted funds in the amount of Five Hundred Dollars (\$500.00) to be used as follows:

"Interest to be used under direction of officers of fire department for relief of firemen injured in discharge of duty."
3. On February 16, 1888, by Joint Resolution of the Keene City Council, it was resolved "That the first word of the title of this fund be omitted, making it read: *The Fireman's Relief Fund.*"
4. Since the creation of this Trust, accumulated interest, appreciation of equity values, and donations have been added resulting in a principal market value of \$92,381.70, and income of \$61,025.33, as of June 30, 2000, for a total of \$153,407.03.
5. On information and belief, there have been no distributions from this Trust since its creation. This Trust was created at a time when very little existed in the form of insurance for injured firefighters and their families. Currently, injured or disabled firefighters are relieved by funds from workers' compensation, long and short-term disability insurance, unions, and state and federal associations.
6. In order to provide eligible individuals with a mechanism to request funds from this Trust, and to establish rules for the Board of Trustees to follow in administering the Trust, the Trustees adopted guidelines for disbursement of benefits on October 13, 1999.

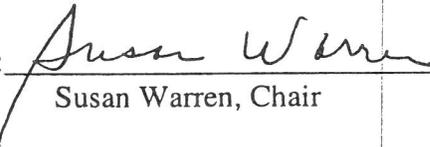
7. In addition, there exists a separate fund known as the Keene Firefighter's Relief Association which is administered by its own Board of Directors. In order to distinguish this Trust from the aforementioned fund, the Trustees are desirous that the original name be reaffirmed in a gender neutral format and that this Trust be known as the *Renouf Firefighters' Relief Fund*.

WHEREFORE, City of Keene, acting through its duly appointed Trustees, hereby requests that the Court amend the terms and conditions of the so-called Fireman's Relief Fund as follows:

- A. Requests for payment shall be brought to the Trustees by application and recommendation of a committee consisting of the Fire Chief, the Deputy Chief of the Call Company, and a representative of the Professional Firefighters of Keene or successor firefighters' union local then active. The recommendation shall include a summary of the relevant facts for the Trustees' consideration, including the name of the applicant, the applicant's employment history with the City, paid employee or volunteer, the circumstances giving rise to the injury, the nature of the injury or injuries, the applicant's present medical status and prognosis, a copy or summary of medical and/or funeral expenses relating to the injury or death, a summary of all benefits paid to the proposed beneficiary as of the date of the Committee recommendation, and any other facts the Committee deems relevant for consideration by the Trustees. The recommendation should include a release signed by the applicant or the applicant's legal representative authorizing the City to examine and evaluate medical records and bills relating to the claim.
- B. Requests for payment may be submitted on behalf of any firefighting personnel, including full and part-time firefighters, on-call firefighters, volunteer firefighters, rescue personnel, emergency medical technicians, and paramedics. Benefits shall be available only to claimants injured or killed while acting within the scope of their duties on behalf of the City of Keene.
- C. The Trustees will consider all recommendations submitted by the Committee. The final determination whether to grant benefits and the manner and amounts to be distributed shall remain in the sole discretion of the Trustees.
- D. The Trustees shall consider all uncovered medical expenses arising from the injury, including medication, prosthetic devices, wheelchairs, and other specialized treatments or appliances.

- E. Distributions to any applicant for injuries and/or death shall not exceed a total amount of \$15,000.00.
- F. In the event that the principal balance of this Trust is reduced by a factor of 20% or more in any given year as a result of investment performance, the Trustees are authorized, but not required, to transfer to said principal balance sufficient income to restore said Trust to its principal balance as of June 30th of the year prior to the year in which said principal balance was reduced.
- G. The name of this Trust be changed, to be known as the *Renouf Firefighters' Relief Fund*.
- H. That the Court grant such other and further relief to the City of Keene as may appear just and proper.

Respectfully submitted,
CITY OF KEENE
By Its Duly Appointed
Trustees of Trust Funds

By: 
Susan Warren, Chair

CERTIFICATE OF SERVICE

I hereby certify that the within Petition was mailed this 27th day of October, 2000, to Terry Knowles, Registrar of Charitable Trusts, State House Annex, Concord, N.H.


Gerald J. Carney, Esq.
City Attorney

A JOINT RESOLUTION relating to cutting wood for city.

Resolved by the City Councils of the City of Keene, as follows:

That the Superintendent of Highways under the supervision of the Committee on Water Works, be and hereby is instructed to contract for the cutting of seventy-five (75) cords of wood on land owned by the city near Echo Lake in Roxbury on as favorable terms as possible. Said wood to be for the use of the city poor, and to be drawn by city teams, if thought advisable, and under no circumstances shall more than one pair of horses be absent from the city at the same time.

Passed February 2, 1888.

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Passed February 2, 1888.

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EXHIBIT A

\$1,300 00
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6,400 00
2,800 00
1,295 00
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TRUST FUNDS.

IN CARE OF CITY TREASURER.

HIBBARD LEGACY, \$1,000.—Invested in two \$500 6 per cent. Iowa Loan and Trust Co. debentures. Income used in taking care of Salma Hale lot in cemetery, balance for schools.

CHARLES FAULKNER LEGACY, \$2,500. Invested in one \$1,000 Keene water bond; two \$500 Keene water bonds, one \$500 town of Hinsdale bond. Income used in improving and ornamenting Woodland cemetery.

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PROPERTY BELONGING TO THE CITY.

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City pasture,	2,000 00
Water works stock and tools,	1,700 00

3.

FUNDS.

\$7,000
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\$37,000

\$363,500

1888.

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2,441 42
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July

22,079 50

7,471 46

\$86,535 72

STATE OF NEW HAMPSHIRE

CHESHIRE, SS.

PROBATE COURT

IN RE: THE FIREMAN'S RELIEF FUND

LIST OF INTERESTED PARTIES

1. City of Keene
C/o City Attorney's Office
3 Washington Street
Keene, NH 03431
(603) 357-9806

2. Michael S. DeLucia, Director
State of New Hampshire
Charitable Trusts Unit
State House Annex
33 Capitol Street
Concord, NH 03301-6397
(603) 271-3591

The State of New Hampshire

Cheshire

COUNTY

PROBATE COURT

IN RE: The Fireman's Relief Fund

DOCKET NUMBER: _____

APPEARANCE/WITHDRAWAL

APPEARANCE

Please enter my appearance as:

Counsel for: City of Keene
Enter name(s) of party(ies) you represent.

Pro se (appearing for one's self) in my capacity as:

- fiduciary
- creditor
- heir
- beneficiary/legatee
- other _____

WITHDRAWAL

Please withdraw my appearance as:

Counsel for: _____
Enter name(s) of party(ies) you represent.

Pro se (appearing for one's self) in my capacity as:

- fiduciary
- creditor
- heir
- beneficiary/legatee
- other _____

I hereby certify that duplicates of this notice were delivered mailed to the person(s) listed below (or on attached list) on _____:

Name Michael S. DeLucia, Director, NH Division of Charitable Trusts

Address State House Annex, 33 Capitol St.

City, state, zip Concord, NH 03301-6397

Date: 10/27/2008



Gerald J. Carney, Signature City Attorney

Address City of Keene

3 Washington St., Keene, NH 03431

Telephone (603) 357-9806