

Lunenburg Trust Fund Commission

Bilotta Meeting Room/PACC

Lunenburg Town Hall

August 14, 2025

Present: Chairman John Bowen and Vice-Chair Richard Howard

Agenda

1. Call to Order

The meeting was opened at 5:00 PM.

2. Public Comment

No public comment

3. Review and Approve Minutes

Mr. Howard made a motion for the approval of the minutes of both the July 10, 2025 and July 24, 2025, meetings as written. Chairman Bowen seconded the motion. Mr. Howard = Aye, Chairman Bowen = Aye. Motion passed unanimously.

4. New Business

a. Organization

The current vacancy on the Trust Fund Commission remains unfilled.

b. Management of the Trust Funds

Mr. Howard commented on the contract between the Town and the PTC (private Trust Company) with their fees and expenses. From the schedule provided it was difficult to gauge the magnitude of these expenses on an annual basis, but they may be having a disproportional impact on the five funds under the purview of the Trust Fund Commission.

Chairman Bowen was concerned with the penalties and fees, discussed the potential for hedging the portfolio. Penalties and fees are borne by each of the fund's balances, bad planning for one Trust hurts all the other Trusts.

For full transparency, Chairman Bowen went through full agreement with Bartholemew and Town, highlighting the investing options selected and some of the associated fees.

Chairman Bowen reiterated that these funds are the People's money. Many generous benefactors bequeathed a portion of their savings to help the citizens of the Town.

Chairman Bowen recognized the budget task force for their work and that each fund cannot operate in a vacuum. Additionally, Chairman Bowen provided an update on the research he has completed on the proper management of the Workers Compensation Insurance Fund (1913 statute) and that in his research it would appear that many Towns the size of Lunenburg have much broader control and management of Trusts than what currently exists in Lunenburg.

Chairman Bowen updated the Trust Fund Commission and audience with the research he was able to conduct on the Worthy Poor Fund and The VFW Post 283 declarations.

In the review of the Worthy Poor fund document, the benefactor stated the funds were to be used for the "poor houses" in Town. As time and social service support networks have evolved in the 118 years since the trust was funded, there no longer are "poor houses" in the Town of Lunenburg so it may be necessary to invoke the cy près doctrine. The cy près doctrine is a legal principle that allows a court to modify the terms of a failed charitable trust to uphold the creator's general charitable intent, applying the funds to a new charitable purpose that is "as near as possible" to the original one. The doctrine prevents a charitable trust from failing due to reasons like the original beneficiary no longer existing or the specific charitable purpose becoming impossible or illegal to fulfill, ensuring the funds continue to serve a charitable goal.

Chairman Bowen has scheduled time with Town Counsel, Adam Costa to discuss the comparable Trust Fund Commissions in surrounding Towns. Additionally, the Comm of MA Division of Local Services will be used as a resource to help in comparing the role, scope and influence of the Lunenburg Trust Fund Commission versus other Towns of similar size in the Commonwealth.

c. Scheduled Meetings

Next meeting scheduled for Thursday August 28, 2025, at 5:00 PM.

d. Action items for next meeting

There are no specific action items assigned during the meeting.

5. Public Comment

There was no further public comment – either in person or via Zoom.

6. Adjourn

There was a motion to adjourn by Chairman Bowen, seconded by Mr. Howard. Mr. Howard = Aye, Chairman Bowen = Aye. Motion passed unanimously. The meeting was adjourned at 6:33 PM