

Lunenburg Trust Fund Commission

Bilotta Meeting Room/PACC

Lunenburg Town Hall

March 26, 2026

The meeting was called to order at 5:01 pm by Chairman Bowen. Present were Mr Howard and Chairman Bowen. Members recited the Pledge of Allegiance. Chairman Bowen proceeded to read the posted Agenda and open meeting law provisions.

Public comment. Chairman Bowen advised the public that it was the last day to get papers in for the ballot and encouraged participation, in his opinion we have a very low rate for the number of residents. The Chairman admonished the public for showing up just to vote on one issue. This year we have the override being voted on. Chairman Bowen advocated increasing the rate by \$1.66/1,000 increase which he felt was necessary, now it is \$1.89/1,000 due to inaction. Chairman Bowen stated his position on the override and is voting no.

Chairman Bowen made a request that people should consider making a Trust as part of their estate planning, and he promised to ensure their legacy is preserved as long as he is on the Trust Fund Commission.

Chairman Bowen reminded the public that our regular meetings are scheduled to be held the 2nd and 4th Thursday of the month.

There are no Treasurer or Finance Director reports.

New Business

Chairman Bowen brought up his prior meeting with School Committee Chair and School Superintendent Fortuna about the scholarships held and their use of the Town's EIN number and has not received the information requested in October 2025.

Notice of Breach Letter drafted

Chairman Bowen then discussed a Breach Letter that he prepared. This notice of breach letter will be presented to the Town Manager and Select Board for the Town's failure to meet their legal obligation that triggers specific rights, duties, or consequences for the commission. Chairman Bowen then shared the Submission Packet for the Town of Lunenburg over Zoom and read the document.

This goes to the select board and to the town manager. The date of this was March 23rd, 2026, which is the date Chairman Bowen put it together. This formal notice of fiduciary breach and a required referral to the attorney general, division of public charities. This is regarding longstanding municipal failure to administer, distribute, and support legally. The purpose of this notice is issued pursuant to the fiduciary obligations imposed by Mass General Laws chapter 203E which is the Massachusetts Uniform Trust Code, Massachusetts General Law 203C, the Massachusetts Prudent Investor Act, and Mass General Laws Chapter 41 section 45, which is the Board of Trust Funds Commission statute. Our charter reflects the same language.

Also inclusive is the case law establishing municipal liability for charitable trust management and is intended to formally notify the town of Lunenburg that is presently in breach of its legal obligations regarding the administration, management and distribution of multiple charitable trust funds accepted by the town. These breaches have persisted for more than 50 years, resulting in improper withholding of charitable trust distributions, failure to modernize obsolete donor purposes through cy pres, and failure to provide administrative support necessary for the board, this board, to legally execute its duties.

Chairman Bowen provided evidence on why the Town should be responsible for the monies necessary to 'modernize' the original donor declarations. Legally, the town has a fiduciary responsibility to make sure that this is managed and maintained. The money does not come out of the uh value of the fund.

Feedback received is that the cost exceeds the value. And unfortunately, the answers that I've been getting have been, "Oh, well, the fund, the amount of money that would be involved to be able to accomplish the investigation, everything else will exceed the fund balance." Well, that's too bad because the Supreme Judicial Court in Massachusetts told you you have to. This money goes to benefit people and it hasn't operated properly in over 50 years.

There was a discussion on the American Legion Post 283 eligibility and the complexities involved and interpretation thereof.

Chairman Bowen reminded the public that as Trustees we are personally culpable and liable, when you misallocate funds like what was done in 2017 when a loan was given out and never recovered.

Chairman Bowen described his efforts to locate paperwork on the Susan Howard Poor Fund, no declaration can be located and the funds cannot be located. This is a serious

breach. It's missing principal, earnings, documentation, and the law says that the attorney general must be notified immediately.

The notification to the Attorney General's office was read.

Chairman Bowen made a motion to accept the Letter to the Attorney General's office as written with regard to the Towns. The motion was seconded by Mr Howard. The motion was passed unanimously with Mr Howard voting 'Aye' and Chairman Bowen voting 'Aye'.

Chairman Bowen then made a motion to submit the information packet to be submitted to the Attorney General, the Town Manager and the Select Board, to be submitted forthwith to start the tolling time for the 30 days response window. The motion was seconded by Mr Howard. The motion passed unanimously with Mr Howard voting 'aye' and Chairman Bowen voting 'aye'.

Chairman Bowen put forth a motion to accept the signature page as written, Mr Howard seconded the motion. The members signed a signature page for the information packet to be sent to the Town.

Chairman Bowen created a blank signature form. Chairman Bowen made a motion to approve the standard blank signature form. Motion passes unanimously with Mr Howard voting 'aye' and Chairman Bowen voting 'aye'.

Chairman Bowen read some communication with and from the Division of Local Services, the advice was to contact the Attorney General's office.

Chairman Bowen asked for a motion to align the American Legion 283 and American Legion Poor fund eligibility requirement to align with the American Legion constitution within their written operating policy Motion seconded by Mr Howard. The vote was unanimous with Mr Howard voting 'aye' and Chairman Bowen voting 'aye'.

There were no beneficiary comments, no comments from the public.

The next meeting is scheduled for April 9,2026.

There was a motion to adjourn the meeting at 6:32pm by Mr Howard, the motion was seconded by Chairman Bowen. The vote was unanimous with Mr Howard voting 'aye' and Chairman Bowen voting 'aye'.