

Joint Trustee Of Trust Funds
Towns of Northwood and Nottingham
November 12, 2019

Present: Northwood: James Vaillancourt (JV), Betsy Colburn (BC), and Peter George (PG).
From Nottingham: Gail Mills (GM), Denise Blaha (DB), and Vito Kasinskas (VK).

Guest: Chris Mills, citizen of Town of Nottingham.

Meeting began at 7 p.m. Nov. 12, 2019

Subject Matter of Meeting: Final Disposition of the Arthur May and Nellie Hill Fernald Fund.

Meeting opened with a general agreement that Gail Mills will moderate the meeting.

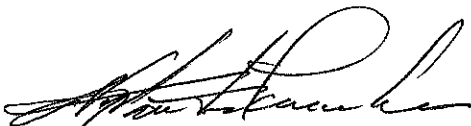
Denise gave an update on her research at the UNH library. So far she has found a letter by the NH Christian League handing over their duties to another organization. (Copy of said letter sent to all members and in possession of both towns.)

Betsy raised the issue that she would like to see the monies stay in her town administered and disbursed by the Protestant Churches, according to the Fernald wishes. Gail asked should we contact the Fernald family. Jim said no, because they have no standing in court. (Attorney Tom Donovan said the same thing at the October 9, 2019 joint meeting.) Gail said we could still try and seek their input. Jim retorted that their wishes are irrelevant to the case. We are bound to follow NH State and Federal Constitutions. The Fernald will is clearly discriminatory and we are a state agency and it is illegal for us to administer a religious based trust. We are under no threat since the AG's office had the original responsibility to deny the town from accepting this kind of trust. Peter stated that we should try to dispose of the trust as near to the Fernald wishes as possible. There seems to be some indication that Fernald wanted the money used locally. Gail said that issue presents its own problems. Northwood has two Protestant Churches but Nottingham has more, including one at the nudist colony. Would any "bed-room" purportedly Protestant Church be entitled to receive funds? Someone raised the issue of Town Warrant but Jim quoted Attorney Donovan that the Town Warrant does not apply in this case. Here, there were several suggestions as to how to keep the money local. Jim said the point at hand is to find successors of the now defunct beneficiaries of the Fernal trust. Peter argued that if there are no successors of the intent of the trust, why can't we interpret the intent of the trust to give the money locally. Gail proposed we give half the trust to the NH Council of Churches and the other half to the YMCA Alliance. Jim agreed. Denise suggested the local DARE program as meeting the intent of the Will and keeping the money local. At this point, Betsy changed the direction to question of hiring attorneys and who pays for them. Jim said we might try to present our own copy of the Cy Pres. to the County Courthouse. (Jim e-mailed a draft copy of his Cy Pres., which the members all have.) Jim said he now has a corrected copy which Attorney Donovan reviewed. The issue of hiring separate Town attorneys or one was not resolved. There

were too many divergent opinions and no agreement was reached. At this point Denise stated that Fernald did not specify by name a local religious organization. If the towns refused to administer the trust he indicated in his will clearly named two statewide organizations. Therefore, we need to look for statewide Protestant religious groups with similar mission statements as described in the Will. Peter and Betsy still wanted to explore the possibility of giving the trusts locally. Jim looked to the statewide organization successors. Denise, Gail, and Vito agreed with Jim that so far, our best and most proximate execution of the wishes of the Will is to find a suitable statewide agencies. As arguments flowed back and forth between feasibility of local churches to administer the Will and what exactly were the wishes of the Fernalds, Vito interrupted Gail to declare that it is time to "divorce" the two Towns as we have two strong divergent opinions. The majority opinion of the Town of Northwood trustees is to disburse the trust locally and the unanimous opinion of Nottingham trustees is to go to the statewide organization successors. With some discussion, all the members agreed to wait and see what Northwood would discover. In the meantime, Members all agreed to meet again at an unspecified time.

Meeting spontaneously adjourned without motion or objection at 8:22 p.m.

Faithfully submitted,

A handwritten signature in dark ink, appearing to read 'Vytautas Kasinskas', written in a cursive style.

Vytautas Kasinskas

Secretary for Nottingham Trustees of Trust Funds