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**TOWN OF ASHLAND  
BOARD OF SELECTMEN  
MEETING MINUTES  
MONDAY, DECEMBER 7, 2020  
ASHLAND TOWN OFFICE  
5:30 P.M.**

I. **CALL TO ORDER** – Town of Ashland Chairman of the Board Eli Badger called the meeting to order at 5:30 p.m. and requested a roll call of the Selectmen; Vice Chairman Kathleen DeWolfe, Selectman Frances Newton, Selectman Alan Cilley, Selectman Andy Fitch, and Chairman Eli Badger all acknowledged they were present via the video conference. Chairman Badger read a preamble that notified attendees this meeting was occurring over video and teleconference, a provision authorized by the Governor’s Emergency Order #12 that waived the physical presence of board members during the Covid-19 pandemic.

II. **APPROVAL OF MINUTES**

**MOTION:** Vice Chairman DeWolfe

*To approve the meeting minutes of November 16, 2020.*

**SECOND:** Selectman Newton

**VOTE:** 5 – 0

**MOTION PASSED**

III. **NEW BUSINESS**

a. **Vermont Public Power Supply Authority (VPPSA)** – representatives from VPPSA, Ken Nolan and Ken St. Amour, along with their consultant Jackie Lemmerhirt, presented to the town the benefits and estimated costs with installing Advanced Metering Infrastructure (AMI) for Ashland Electric customers. VPPSA explained that an AMI system is more than billing it improves the customer experience and provides accurate data that can be used to help the department with infrastructure and future power purchase needs. VPPSA selected Aclara as the vendor for their customers to implement AMI. VPPSA presented their selection process and in full transparency mentioned that Eaton Corporation (same company that previously presented to Ashland Board of Selectmen about AMI) also bid on AMI with VPPSA but was not selected.

b. **The Emma H. Scribner Trust Agreement** – members of the town trustee public bodies (Library, Scribner, and Trust Fund) were present to discuss approval of the new “Emma H. Scribner Trust Agreement” a nonjudicial settlement agreement that was drafted by town counsel and sent to the Board for approval. Trustees previously voted to accept the agreement which would transfer the Scribner Trust into a new charitable trust that would then be administered by the Trustees of the Trust Funds with expenditures from the trust to be used on the Scribner Building and made by the Library Trustees. Attached to these minutes is a prepared statement from Trustees to the Selectmen. Board agreed to move forward with the agreement, that also needs approval from Charitable Trusts Division of the NH Attorney General’s Office. Scribner Trustees provided

1 a report on the Scribner Trust, and for the official record the report has also been attached  
2 to these meeting minutes.

3  
4 **MOTION:** Vice Chairman DeWolfe

5 *To accept and approve the Emma H. Scribner Trust Nonjudicial Settlement Agreement*  
6 *pursuant to RSA 564-B: 1-111.*

7 **SECOND:** Selectman Newton

8 **VOTE:** 5 – 0

9 **MOTION PASSED**

- 10  
11 c. **Plymouth State University (PSU) and use of the Quality Inn** – Town Manager Smith  
12 provided the Board with an update on the use of the Quality Inn by PSU who are hous-  
13 ing quarantined COVID patients at the Inn. PSU students quarantined at the Inn left on  
14 November 23<sup>rd</sup> and students are not expected to return until after January 4<sup>th</sup>. At that  
15 time, the town will revisit the issue with PSU.

16  
17 **IV. SELECTBOARD ITEMS**

- 18 a. **Property Tax Map Capital Reserve Fund (CRF) expenditure** – the town received  
19 an invoice from CAI Technologies in the amount of \$5,000 to continue with the project  
20 that updates the town parcel maps but will also produce the towns own Geographic  
21 Information System (GIS). Town has paid the invoice and requests for reimbursement  
22 from the CRF. Board approved reimbursement.

23  
24 **MOTION:** Selectman Newton

25 *To expend \$5,000 from the Property Tax Map Capital Reserve Fund for payment to-*  
26 *wards the town parcel mapping project.*

27 **SECOND:** Selectman Newton

28 **VOTE:** 5 – 0

29 **MOTION PASSED**

- 30  
31 b. **Ashland 4<sup>th</sup> of July Committee** – in November 2019, the Board of Selectmen at the  
32 time established this committee for a period of one year. Being the board has new mem-  
33 bers since then, the board revisited the subject of having the committee. Majority of the  
34 board agreed to continue the vote from last year and dissolve the committee.

35  
36 **MOTION:** Selectman Fitch

37 *To dissolve the Ashland 4<sup>th</sup> of July Committee.*

38 **SECOND:** Vice Chairman DeWolfe

39 **VOTE:** 4 – 1

40 **MOTION PASSED**

- 41  
42 c. **Ashland Police Department encumbrance** – Police Chief Ulwick requested the Board  
43 encumber \$1,750 from the Police Department grant line #01-4210-40-800 to be used  
44 for grant in 2021. Board approved request.

45  
46 **MOTION:** Selectman Newton

1                    *To encumber \$1,750 from the line item 01-4210-40-800 Police Department grants.*

2                    **SECOND:** Selectman Fitch

3                    **VOTE:** 5 – 0

4                    **MOTION PASSED**

- 5
- 6                    d. **Use of public buildings/COVID -19:** Selectman Newton expressed her concerns that
- 7                    the town and staff were not taking COVID -19 seriously, the Board of Selectmen should
- 8                    make a better example and how this pandemic should not be taken lightly. After further
- 9                    discussion amongst the members, the Board agreed to close the use of town public
- 10                   buildings by public boards and committees for meetings.

11

12                   **MOTION:** Selectman Newton

13                   *Due to the COVID-19 resurgence the Board of Selectmen are suspending the use of any*

14                   *town building for any board or committee.*

15                   **SECOND:** Selectman Fitch

16                   **VOTE:** 4 – 1

17                   **MOTION PASSED**

- 18
- 19                   V. **ADJOURNED** – the Board of Selectmen adjourned their meeting at 7:40 p.m. but entered a
- 20                   nonmeeting session with town counsel to discuss a request from union employees about the
- 21                   Collective Bargaining Agreement.

December 4, 2020

### Report on the Scribner Trust

The Scribner Trustees recently recommended to the Ashland Board of Selectmen that the Scribner Trust be dissolved because the fund has been overspent and only a portion of the principal remains. The performance of the Scribner Trust Fund and the history of transactions show why the trust has been depleted.

The previous trustees maintained the amount but not value of the original of the principal. The original principal was approximately \$40,500, but the original value – the value adjusted for inflation over time – should be approximately \$550,000; however, there is only \$90,000 remaining in the trust. In 2005 the value of the trust was \$173,452. Since then the value of the trust increased by \$75,695, an average annual growth rate of 2.9%. During the same period, the trustees withdrew \$140,720, which amounts to an average annual withdrawal rate of 5.4%. The trustees liquidated shares in addition to withdrawing interest and dividends.

The Investment Policy did not contain a performance benchmark for the fund. A common benchmark for a trust is to limit spending to no more than 3% per year depending upon the fund's performance. In the case of the Scribner fund, the average annual growth rate was 2.9% was less than the recommended spending benchmark of 3% and far less than the actual average annual spending rate of 5.4%. At this point the trustees should have reduced or curtailed spending to protect the principal and approached the Board of Selectmen for financial support. They also could have considered reinvesting the funds to produce more income. For example, the current trustees have begun the process of reinvesting funds by selecting mutual funds with lower fees and changing the investment strategy, diversifying and balancing funds to increase and stabilize income. The trustees could have also refrained from taking stipends from the fund.

*Amanda Drew Lovel*  
*Walter A. Perack*

**Statement for Board of Selectmen Meeting, December 7, 2020**  
***State of New Hampshire, In Re: The Emma H. Scribner Trust***  
***Nonjudicial Settlement Agreement Pursuant to RSA 564-B:1-111***

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Over the last several months, the Scribner Trustees and the Library Trustees have held very productive separate and joint discussions regarding the Scribner Trust, including building needs, financial needs, and condition of the Trust itself. The two sets of Trustees each developed a statement proposing changes in the structure of the Trust and the responsibilities of the Trustees.

On October 19, 2020, the Scribner Trustees and the Library Trustees presented their recommendations to the Board of Selectmen for the most appropriate and effective means for the ongoing care of the building and grounds. The proposals included the dissolution of the Scribner Trustees body, the Town Trustees to be responsible for the management of any relevant trust funds, and the Library Trustees to be responsible for expenditures from the trust to care for the building and grounds.

On October 19, the Board of Selectmen voted to send the Trustees' proposals to dissolve the Scribner trust to town counsel.

The document being presented tonight is titled "*State of New Hampshire In Re: The Emma H. Scribner Trust, Nonjudicial Settlement Agreement Pursuant to RSA 564-B:1-111,*" which was prepared by Walter Mitchell, the Ashland town attorney, in consultation with the New Hampshire Director of Charitable Trusts. The document is included in tonight's BOS meeting packet, which is posted on the town website.

In summary, the key elements of the agreement are:

- Dissolution of the Emma H. Scribner Trust and the Scribner Board of Trustees;
- Transfer of the Scribner Trust into a new charitable trust, to be known as the "Scribner Building and Park Trust" and to be used exclusively for the care and maintenance of the building and grounds;
- Both principal and income of the trust may be used for the purpose of the trust;
- The trust will be held in the custody of and under the management of the Trustees of Trust Funds as governed by the laws of New Hampshire;
- Decisions on the expenditures of the trust monies for the stated purpose will be made by the Library Trustees.

On November 24, at their duly noticed meeting, the Library Trustees unanimously approved the "*Nonjudicial Settlement Agreement.*"

On November 30, at their duly noticed meeting, the Scribner Trustees unanimously approved the "*Nonjudicial Settlement Agreement.*"

The agreement will then require signatures of the Board of Selectmen, the Scribner Trustees, the Library Trustees, and the New Hampshire Director of Charitable Trusts. In addition, the creation of the new "Scribner Building and Park Trust" will be the subject of a warrant article on the March 2021 ballot.

Tonight, we (the Scribner Trustees and the Library Trustees) request that the Ashland Board of Selectmen will also grant their approval of the "*Nonjudicial Settlement Agreement.*"