

## TRUSTEES OF TOWN DONATIONS

### Membership and officers

The Trustees of Town Donations shall have five members appointed by the Selectmen, including a chairman to be elected by the members from their own number. Terms of appointment shall be for three years, with one term expiring every three years. Vacancies occurring otherwise than by expiration of term shall be filled by appointment by the Selectmen.

The Trustees may appoint one of their number or any other citizen of Concord (including the Town Treasurer) as treasurer of the funds held by them, and may also appoint a secretary.

The Trustees shall be legal residents of Concord and shall serve without compensation. The treasurer and secretary, if not members of the Board, may receive such compensation from the Trustees' General Expense Account as shall be fixed by the Trustees.

### Powers and duties

The Trustees of Town Donations shall have the following powers, duties, and responsibilities:

(1) Take, hold, manage, and dispense all real and personal estates which are devised, bequeathed, or given to the Town and all donations made to the Town for public or charitable objects, providing the Town shall so agree by a vote; also, invest and reinvest all such estates and real or personal property in such other estates and securities as the Trustees may deem safe and proper (2) Take, hold, manage, and dispose of all sinking funds entrusted to the Trustees from time to time by the Town, including the sinking funds for the payment of the Concord water and sewer loans and the Concord municipal light loan, and include in their annual report a report of all contributions to such funds.

(3) Accept and hold as they deem proper the title to any cemetery lot or lots within the Town in perpetual trust, as a permanent and exclusive burial place for any person or class of persons designated in the instrument by which such title becomes vested in the Trustees, and make expenditures for the care of such lots from any funds deposited for that purpose in accordance with the procedures indicated below in this section; take, hold, and manage all monies deposited with the Town Treasurer for the care and preservation of cemetery lots, invest the same as they deem safe and proper, and pay over to the proper persons from the income thereof the sums necessary to carry out the purpose of said deposits.

(4) Take, hold, manage, and invest as the Sleepy Hollow Burial Lot Fund the proceeds from sales of lots or rights of burial, and pay over the income and principal thereof to the Sleepy Hollow Cemetery Committee as necessary for the general purposes of the Sleepy Hollow Cemetery

AMENDMENTS TO TRUSTEES OF TOWN DONATIONS LEGISLATION

1986 Town Meeting

ARTICLE 16. To determine whether the Town will vote to amend the Trustees of Town Donations Legislation, Chapter 181 of the Acts of 1892, as subsequently amended to provide that (a) the number of Trustees shall be increased from three (3) to five (5), (b) the term of office shall be three (3) years instead of nine (9) years, and (c) the Town Treasurer may serve as Treasurer of the Trust Fund Commissioners, and that the Board of Selectmen be authorized to petition the General Court to amend said legislation accordingly, or take any other action relative thereto.

## Chapter 181

### An Act to Provide a Board of Trustees of Town Donations of the Town of Concord

Be it enacted, etc., as follows:

Section 1. John S. Keyes, Henry J. Hosmer and Samuel Hoar, all of Concord in the County of Middlesex, shall constitute the Trustees of Town Donations of the Town of Concord until others are duly elected in their place. The term of office of said Keyes shall continue until the annual meeting of said town in the year nineteen hundred and one, of said Hosmer until such meeting in the year eighteen hundred and ninety-eight and of said Hoar until such meeting in the year eighteen hundred and ninety-five.

Section 2. At the annual meeting of said town in the year eighteen hundred and ninety-five, and in every third year thereafter, one member of said Board of Trustees shall be elected by ballot for the term of nine years, and until his successor is chosen.

Section 3. A vacancy in said Board shall be created by the death, the removal for cause by the supremem judicial court, the removal of his legal residence from said town, or the resignation in writing, delivered to the Selectmen, of any member of said Board. Vacancies shall be filled by the election by ballot of new members for the remainder of the terms so vacated, at a meeting duly called and under an article in the warrant therefor specially notifying the voters of such vacancy and election.

Section 4. Said Board shall take, hold, manage, and dispense all the estates, real and personal, devised and bequeathed or given to said town of Concord for donation, now held by said Keyes, Hosmer and Hoar as Trustees of Town Donations, and any and all donations for public or charitable objects thereafter made to said town and voted by said town to be so held, managed and dispenses by said Board, and also any property conferred upon said Board for the benefit of said town or any public or charitable objects therein. Said Board may invest and reinvest all estate and property, real and personal, in such other estates and securities as it may deem safe and proper.

Section 5. Said Board shall take, hold, manager and dispose of the sinking fund for the payment of the Concord water loan, now held by said Keyes, Hosmer and Hoar as Trustees of Town Donations under and by virtue of chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two.

Section 6. Said Board shall take, hold, manage all sums of money deposited with the Treasurer of said town for the care and preservation of cemetery lots, under the provisions of chapter eight-two of the Public Statutes, and many invest the same in the Middlesex Institution for Savings, or other savings banks in this Commonwealth, in separate accounts with each deposit, and shall pay over from the income thereof to the proper persons the sums necessary to carry out the purpose of said deposits.

Section 7. Said Board is authorized to receive, hold and manage the Sleepy Hollow Cemetery Fund in said Concord – a private fund established by individuals for the benefit of said cemetery –whenever authorized thereto by the present Trustees of said fund and a majority of the donors thereof, or their legal representatives, in writing, and to expend the income of the same according to the provisions of the original gift thereof.

Section 8. Said Board shall do all acts necessary or proper to be done for the purpose of carrying into effect the provisions of this act, and shall annually make a full report to said town of the amounts and investments of all said donations and deposits, and of their doings in relation thereto.

Section 9. Nothing in this act contained shall be construed as restricting, enlarging, or in any way changing the terms of said donations.

Section 10. This act shall take effect upon its acceptance by said town at a legal meeting duly called for that purpose. (Approved April 20, 1892.)

## References for Trustees of Town Donations code

### Membership and officers

Paragraph 1: Mass. Acts and Resolves 1892, c.181, secs. 2 and 3. This old Act provides for election of the Trustees at Town Meeting, but this is now superseded by appointment by the Selectmen. Expiration of 1 term every 3 years is not provided for, but I assume this is the case.

Paragraph 2: Acts 1910, c. 566, sec. 1.

Paragraph 3: Acts 1910, c. 566, sec. 2.

### Powers and duties

1. Acts 1892, c. 181, sec. 4.
2. Vote of Town Meeting, Town Report 1900, p. 11 - found in Concord Town Charter and Bylaws, p. 66.  
Note: If some of these sinking funds are now obsolete, specific reference to them can be eliminated.
3. Acts 1895, c. 269 secs. 1 and 2.  
Note: If the "proper persons" mentioned in the Act are the Sleepy Hollow Cemetery Committee, their name should be inserted here.
4. Article 14, Town Meeting Mar. 7 and 14, 1960 - found in Concord Town Charter and Bylaws, p. 27.