



Town of Bridgewater

Rules and Procedure Committee

March 16, 2023

7:00 PM

The meeting will be held virtually via Zoom.

To attend via video, click on the link below:

<https://us06web.zoom.us/j/81139347562>

To attend via phone, dial: 1(646) 876-9923

Meeting ID: 811 3934 7562

MEETING AGENDA

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, this meeting for the Town of Bridgewater will be fully remote and accessible to the public through remote participation to the greatest extent possible. There will be no in person attendance permitted. Citizens who wish to tune in to the meeting may do so via Zoom.

- A. Call to Order**
- B. Public Comment**
- C. Welcome to New Committee Members**
- D. Scope of Rules & Procedures Committee**
- E. Legislation Referred**
 - a) Order O-FY23-049: Release of Trustee and Acceptance of Funds, Release of All Restrictions and Covenants, and Declaration of Restrictions for 1185 Pleasant Street
- F. Adjournment of Meeting**



Bridgewater Town Council

Introduced By: Town Manager
Date Introduced: 3/7/2023
First Reading: 3/7/2023
Second Reading:
Amendments Adopted:
Third Reading:
Date Adopted:
Date Effective:

Order O-FY23-049: Release of Trustee and Acceptance of Funds, Release of All Restrictions and Covenants, and Declaration of Restrictions for 1185 Pleasant Street

Whereas, the Town Council has authorized the construction of a new fire station at 1185 Pleasant Street, and

Whereas, the use of the property was restricted by vote of Town Meeting of May 20, 1996,

Whereas, the Town of Bridgewater owns the property and holds the Restriction;

Whereas, the partial use of the property for public safety requires Town Council approval;

Whereas, the Trustee of the Toole Family Trust has consented to the partial use of the property for public safety purposes; and

Whereas, the Town and Trustee have ensured that vast majority of the property remain passive recreational land by virtue of the documents being voted on herein; and

Now, Therefore, the Town Council votes to adopt the attached Release of Trustee and Acceptance of Funds, Release of All Restrictions and Covenants, and Declaration of Restrictions.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•
•	•

NOT FOR ACTION - FIRST READING

Attachments:

1. Fire Department Restriction Documents

**Trustees Certificate
Pursuant to M.G.L. c.184, §35**

Name of Trust: Toole Nominee Trust

Dated: May 12, 1995

I, Jerome H. Fletcher, Trustee of The Toole Nominee Trust, a written trust dated May 12, 1995 (the "Trust"), certify as follows:

(a) The Trust is in full force and effect and has not been further amended or modified, and has not been revoked as of the date hereof.

(b) I am the current Trustee of the Trust.

(c) Any current Trustee of the Trust shall have authority to act with respect to real estate owned by the Trust, and have full and absolute power under said Trust to convey any interest in real estate and improvements thereon held in said Trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any Trust asset paid to the Trustee for a conveyance thereof; and

(d) The sole beneficiary of the Trust, the Lilia V. Toole Revocable Trust directs the Toole Nominee Trust, pursuant to Section 4.2 of said Trust to execute a release of restrictions and covenants recorded herewith.

Signatures on Next Page

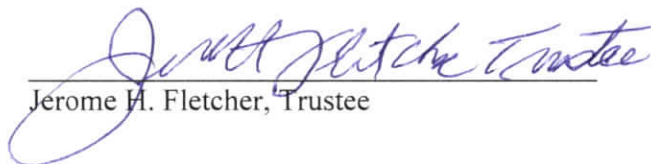
EXECUTED as a sealed instrument under the pains and penalties of perjury this 5th day of December 2022.

Toole Nominee Trust u/d/t May 12, 1995


Jerome H. Fletcher, Trustee

Assented to:

Lilia V. Toole Revocable Trust u/d/t May 12, 1995


Jerome H. Fletcher, Trustee

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF PLYMOUTH

On this 5 day of December 2022, before me, the undersigned notary public, personally appeared Jerome H. Fletcher, as Trustee, as aforesaid, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief and is signed voluntarily for its stated purpose.




Notary Public: Ryhan Puopolo
My Commission Expires: 12/29/26

RELEASE OF TRUSTEE AND ACCEPTANCE OF FUNDS

Whereas, on the 12th Day of May, 1995, the Lilia V. Toole established the Lilia V. Toole Revocable Trust;

Whereas, ARTICLE FIFTH of said Trust stated "The Trustee shall also distribute to the Town of Bridgewater the remainder of the Trust assets after completion of any estate or trust administration with said assets to be held and administered by the Town of Bridgewater as the Toole Memorial Park Fund";

Whereas, Eighty Thousand (\$80,000.00) Dollars of the residuary trust funds were previously distributed to and accepted by the Town of Bridgewater on or about September 16, 1996 along with a deed of distribution of trust real estate situated at 1185 Pleasant Street, Bridgewater, MA through the Toole Nominee Trust recorded in Plymouth County Registry of Deeds Book 14669, Page 42, and

Whereas, the balance of the remaining residuary trust funds in the possession of the Trustee are being released and distributed to the Town of Bridgewater pursuant to the terms of the Trust and to be held in the "Toole Memorial Park Fund" established by the Town; and

Whereas the "Toole Memorial Park Fund" is to be used for establishing and maintaining the "Toole Memorial Park" portion of the property at 1185 Pleasant Street to be used for open space, conservation, and other passive recreational activities such as walking trails to observe the habitat and natural flora and fauna of the site;

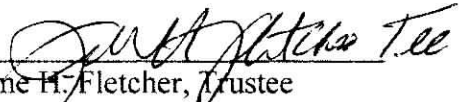
Now therefore for good and valuable consideration including prior distributions of funds and real estate and present final distribution of remaining Trust funds in the amount of \$ _____, the receipt of which is hereby acknowledged, the Town of Bridgewater hereby releases; Jerome H. Fletcher as Trustee of the Lilia V. Toole Revocable Trust and the Toole Nominee Trust both under declarations of Trust dated May 12, 1995 from any further claims, demands or liabilities the Town of Bridgewater may now or ever had against the Trustee relative to the Trustee's administration and distribution of real estate and residuary trust funds to the Town of Bridgewater and further assents to and otherwise waives the receipt of any accounting from the Trustee relative thereto.

SIGNATURES FOLLOW

IN WITNESS WHEREOF we have hereunto set our hands and seals this 5th day of
December, 2022.

Town of Bridgewater,
By and through its Town Council,

Lilia V. Toole Revocable Trust
By and through its Trustee,



Jerome H. Fletcher, Trustee
Lilia V. Toole Revocable Trust

Toole Nominee Trust,
By and through its Trustee,



Jerome H. Fletcher, Trustee
Toole Nominee Trust

Declaration of Restrictions

WHEREAS, the Town of Bridgewater by and through its Town Council voted on _____, 2022, vote of the Town of Bridgewater is recorded herewith, that the Town would continue to hold the Property located at 1185 Pleasant Street, Bridgewater, Massachusetts, as evidenced by a Deed dated September 16, 1996, recorded with the Plymouth County Registry of Deeds at Book 14669, Page 42, subject to the following covenants, terms and restrictions:

1. The Property will be partially utilized for public safety and welfare as a Fire Station;
2. The Town of Bridgewater will maintain and utilize 5.75 Acres of the Property as the Toole Family Memorial Park with restricted uses by the public for open space, conservation and other passive recreational activities such as walking trails to observe the habitat and natural flora and fauna of the site;
3. The Town of Bridgewater will designate at least five (5) parking spaces on the site for those wishing to utilize the site for open space, conservation and other passive recreational activities; and
4. The Town of Bridgewater will install and maintain a sign at the entrance of the park that reads the "Toole Family Memorial Park".

The Town is and shall continue to be the sole holder of these covenants, terms and restrictions and shall abide by them in perpetuity.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 2022.

Town of Bridgewater,
By and through its Town Council,

**Release of all Restrictions
And Covenants**

Whereas, on the 16th day of September, 1996, Jerome H. Fletcher, as Trustee of the Toole Nominee Trust u/d/t May 12, 1995 gifted and otherwise distributed and conveyed the trust real property located at 1185 Pleasant Street, Bridgewater, Massachusetts 02324 to the Town of Bridgewater, Massachusetts with the following restrictions:

Whereas, Pursuant to Article 13 of the May 20, 1996, Town of Bridgewater Town Warrant recorded with the Plymouth County Registry of Deeds on September 23, 1996 at Book 14669, Page 043, the Town of Bridgewater voted to accept the real property located at 1185 Pleasant Street, Bridgewater, Massachusetts and to hold certain deed restrictions on the Property;

Whereas said deed restrictions held by the Town of Bridgewater were specifically set forth in the Trust and transfer deed as follows:

1. The house to be razed by the Town of Bridgewater after removal of any remaining tangible personal property selected by the Donor's designated Will legatees;
2. The land to be held, improved and maintained by the Town of Bridgewater, or a Town Board or Commission designated by its Board of Selectmen, as a Memorial Park with restricted uses by the public for open space, conservation and other passive recreation activities such as walking trails to observe the habitat and natural flora and fauna of the site;
3. The site to be designated as the "Toole Memorial Park" given in memory of John A. Toole and his wife, Martha B. Toole and Edward W. Toole and his wife, Lilia V. Toole.

Whereas, the use of said real property is necessary for the public safety and welfare of the citizens of Bridgewater and whereas said real property can also continue to be utilized for passive recreational use by the Public;

Whereas, the Town of Bridgewater as well as the Trustee of the Toole Nominee Trust agree that said Property can and should be utilized for both passive recreation as well as public safety and welfare;

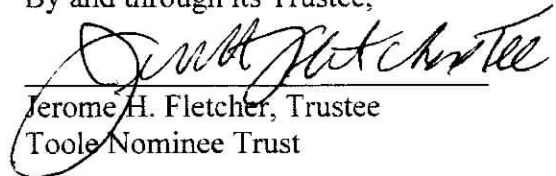
Whereas in order to accomplish same, both the Town of Bridgewater and the Trustee of the Trust must terminate the existing covenants and restrictions on the Property; and

Now Therefore, the undersigned persons who are all the Parties who could have any control or authority over the restrictive covenants and restrictions hereinabove described for themselves, their heirs, executors, administrators, successors, and assigns do hereby release, abandon, and forever discharge said restrictions, covenants and conditions heretofore imposed on said Property by Deed dated September 16, 1996, recorded with the Plymouth County Registry of Deeds at Book, 14669, Page 042 and Vote dated May 20, 1996, recorded with the Plymouth County Registry of Deeds at Book 14669, Page 043 with a subsequent Declaration of Covenants and Restrictions to be recorded and referenced to the distribution deed noted herein.

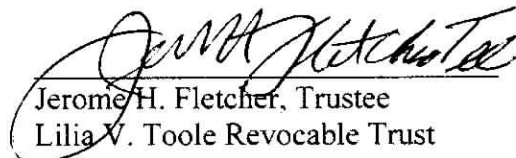
IN WITNESS WHEREOF we have hereunto set our hands and seals this 5th day of December, 2022.

Town of Bridgewater,
By and through its Town Council,

Toole Nominee Trust,
By and through its Trustee,


Jerome H. Fletcher, Trustee
Toole Nominee Trust

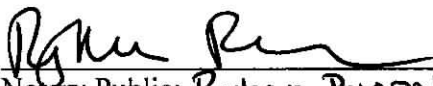
Lilia V. Toole Revocable Trust,
Beneficiary of the Toole Nominee
Trust
By and through its Trustee,


Jerome H. Fletcher, Trustee
Lilia V. Toole Revocable Trust

**COMMONWEALTH OF MASSACHUSETTS
COUNTY OF PLYMOUTH**

On this 5th day of December 2022, before me, the undersigned notary public, personally appeared Jerome H. Fletcher, as Trustee, as aforesaid, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief and signed voluntarily for its stated purpose on behalf of said trusts.




Notary Public: Ryhan Puopolo
My Commission Expires: 12/29/26