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## MEMORANDUM

**TO:** The Honorable Bristol Town Council

**CC:** The Honorable Steve Contente, Town Administrator

**FROM:** Andrew M. Teitz, Town Solicitor; Peter F. Skwirz, Assistant Solicitor

**DATE:** March 3, 2026

**SUBJECT:** Guiteras School and Guiteras School Fund

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The purpose of this memorandum is to address the use of the Guiteras School now that it is no longer used for school purposes and use of the Guiteras School Fund, along with the restrictions thereon. There are two applicable provisions restricting the use of the School and School Fund. The first is the Ninth Clause of the last will and testament of Ramon Guiteras, which bequeathed the residue of his estate to the Town of Bristol “for the purpose of erecting a public-school house, to be called the Guiteras School Building, in memoriam of Elizabeth Wardell Guiteras, my mother.” The other restriction comes from the last will and testament of Gertrude Guiteras, which provided the Town of Bristol certain funds to “be used only by said Town of Bristol for the maintenance and repair of the Guiteras School Building, erected in memoriam of our mother, Elizabeth Wardwell Guiteras . . . and I particularly direct that none of said income be used by said Town of Bristol for any purpose other than that set forth herein.”

From our review of these documents, the bequests made to the Town were specific bequests made to provide a memorial to the mother of Gertrude and Ramon and were not general charitable bequests. This specific nature of these bequests means that the Town is not required to apply to a court for an order allowing it to put the Fund and the School building to a different use. Industrial National Bank of Rhode Island v. Gloucester Manton Free Public Library of Gloucester, 265 A.2d 724, 727 (R.I. 1970). Instead, the Town must comply with the bequests by ensuring that the Building remains a memorial to Elizabeth Wardell Guiteras is used for some public purpose, and that the Fund is used to maintain that memorial, even if the use changes.

Accordingly, the Council may approve the use of the Fund to renovate and maintain the Building to provide a public use for the Town, including as a Town Hall or Town offices, so long as the Building remains named for and a memorial to Elizabeth Wardell Guiteras.