

# EDWARDS ANGELL PALMER & DODGE LLP

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October 7, 2008

Ms. Lisa N. Dickinson  
Senior Vice President  
UniBank Fiscal Advisory Services, Inc.  
39 Church Street  
Whitinsville, MA 01588

Re: Minuteman Regional Vocational Technical School District

Dear Lisa:

In order to assist the District in planning for its proposed bond issue, I am sending the following outline of the legal steps required to authorize bonds or notes of the District to finance the construction and renovation of school facilities or any other capital project for which the statutes permit regional school districts to borrow money. I also enclose draft forms of regional school committee vote and of town meeting article and motion and town election ballot question for any town that needs them.

Chapter 71, Section 16, clause (d), of the General Laws, provides the authority for the District to incur debt and sets out in general the required legal steps and the purposes for which debt may be incurred. Any lawful limitations imposed by the District Agreement must also be observed. I have assumed that the District will not elect to authorize the debt at a District-wide election as provided in clause (n) of Section 16 of Chapter 71 and in accordance with Section 14D of Chapter 71.

The statutory purposes for which regional school district may borrow and the maximum term for which bonds and notes may be issued are as follows:

- (a) acquiring land and constructing, reconstructing, adding to, and equipping a school building or buildings – 20 years (or 25 years for an MSBA aided project);
- (b) remodeling and making extraordinary repairs to a school building or buildings – 10 years.
- (c) construction of sewerage systems and sewerage (sic.) treatment and disposal facilities, or the purchase or use of such systems with municipalities – 10 years;
- (d) purchasing departmental equipment – 5 years;

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- (e) constructing, reconstructing or making improvements to outdoor playground, athletic or recreational facilities – 10 years; and
- (f) constructing, reconstructing or resurfacing roadways and parking lots – 10 years.

The following procedural steps are legally required to authorize debt under Section 16(d) and the Agreement.

(1) The Regional School Committee votes to incur debt for a particular project or purpose. (Enclosed is a sample form of certificate setting forth a suggested vote. The project or projects for which the debt is to be incurred should be described with specific reference to the borrowing purpose or purposes in the authorizing statute.)

(2) Within seven (7) days after the date of the Regional School Committee vote to incur the debt, the District gives written notice by registered mail to the chair of the board of selectmen of each of the member towns of the amount and general purpose of the debt. (The enclosed certificate of vote, duly completed, may be sent with a covering communication to satisfy this requirement.)

(3) Any one or more of the member towns may (but need not) hold a town meeting within 60 days after the date of the Regional School Committee vote in order to vote on whether to approve or disapprove the amount of the debt. The member towns may not reduce the amount authorized by the Regional School Committee or otherwise change the proposal. They may only vote “yes” or “no”. If a member town holds a town meeting within the prescribed 60-day period, any vote of approval requires a simple majority. If a member town does not hold a town meeting within the 60 days, it is deemed automatically to have approved. If any town disapproves, the statute provides that “the said debt shall not be incurred and the district school committee shall prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefore.” (Enclosed are suggested forms of warrant article and motion for use at a town meeting. Also included is a Proposition 2½ debt exclusion ballot question. The decision whether to call a debt exclusion election rests solely with the selectmen of the member towns. The District has no legal role in this decision.)

(4) If the District has authorized debt to acquire land, the Town in which the land is located must approve the acquisition by a two-thirds vote at a town meeting called within 60 days after the district committee has authorized the incurring of debt for the acquisition. (Note that this approval requirement applies only to the acquisition of land for which the School Committee has authorized debt and not to land financed from any other source.)

Please do not hesitate to get in touch with us if you should have any questions or comments with respect to financing projects by bonds or notes. We would appreciate having the opportunity to

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draft the specific vote authorizing debt for the project or projects to be proposed by the District.

Very truly yours,

  
Richard A. Manley, Jr.

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Enclosures

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