



**Town of Arlington
Legal Department**

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MEMORANDUM

TO: Board of Selectmen
FROM: Douglas W. Heim
DATE: January 20, 2016
RE: **Final Votes and Comments for STM Articles**

I write to provide the Board the following as Final Votes and Comments for your consideration for inclusion in the Selectmen's Report to Special Town Meeting regarding the previously heard, above-referenced warrant articles.

ARTICLE 7

**MINUTEMAN REGIONAL VOCATIONAL TECHNICAL
SCHOOL: AMENDMENT TO THE DISTRICT
AGREEMENT OF THE MINUTEMAN REGIONAL
VOCATIONAL SCHOOL DISTRICT TO ALLOW
WAYLAND'S WITDRAWAL FROM THE DISTRICT**

VOTED: That no action be taken under Article 7.

(4-0)

Mr. Greeley was not present.

COMMENT: This article was inserted at the request of Minuteman Regional Vocational School District Committee as required by Wayland's formal vote to request withdrawal from the Regional Vocational School District. A favorable vote by all sixteen (16) Minuteman member communities is required under the current Regional Agreement. The article is already largely moot because the Town of Lexington rejected Wayland's request at their recent Special Town Meeting.

However, this request reflects a parallel effort by Wayland to leave Minuteman without requiring broader amendments to the Regional Agreement, which many member communities, including Arlington, have long sought. Positive action on Article 8 would do as much to provide Wayland the exit it wants, while also voting to enact reforms to Minuteman that support the member communities committed to the Regional District. As such, the Board respectfully recommends no action on this item.

ARTICLE 8 **MINUTEMAN REGIONAL VOCATIONAL TECHNICAL
SCHOOL: SUBSTANTIVE AMENDMENTS TO THE
DISTRICT AGREEMENT, INCLUDING AN “INITIAL
WITHDRAWAL PROCESS”**

VOTED: The Board recommends Town Meeting adopt the December 21, 2015 Amendments to the Regional Agreement of the Minuteman Regional Vocational School District.

(4-0)

Mr. Greeley was not present.

COMMENT: This article was inserted at the request of the Town Manager in anticipation of the Minuteman Regional Vocational School District Committee's December 21, 2015 vote to revise the Regional Agreement governing the rights and responsibilities of member cities and towns. As Town Meeting will recall, a similar proposal was approved at the 2014 Town Meeting, but later failed to garner the required unanimous support of all sixteen (16) member communities. Member communities seeking reform remained committed to developing a more equitable and effective regional agreement, and with the assistance of Town representatives on the Regional Agreement Amendment Subcommittee (RAAS), brokered an agreement believed to address the concerns of members who did not support the previous proposal. The Board has vetted the new amendment proposal exhaustively, having representatives directly involved in discussions with members of representative communities and the RAAS.

As with the previous amendments approved by 2014 Town meeting, the new proposal by the Minuteman Regional School District Committee includes weighted voting for the majority Regional School Committee actions and significant revision to the process by which Minuteman may incur debt for capital and facilities construction and/or repairs under M.G.L. c. 71 §§16(d) and 16(n). Further, the new proposal also includes a mechanism for non-member communities

to pay capital fees equivalent to the average per pupil capital assessments of members. Finally, in addition to long-term changes to the process by which a member community may exit the Regional Agreement without incurring additional debt obligations, the new proposal specifically provides for the “initial withdrawal” of members Boxborough, Carlisle, Dover, Lincoln, Sudbury, Wayland, and Weston. Hence, a vote to approve the proposed amendments would also vote to approve the *potential* withdrawal of each of said communities.¹

Throughout the Board’s hearings and meetings on the proposed amendments the Board maintained acknowledgment of challenges ahead at Minuteman; largely the same challenges as were presented in 2014: gaining new membership, more equitably sharing the financial commitments between members and between members and non-members, and the Minuteman Regional School District’s proposal for capital improvements to Minuteman’s facilities. Additionally, the “initial withdrawal” of a number of member communities may present positives and negatives. The loss of communities which send small numbers of students to Minuteman offers more control of the Regional School District to the members who utilize it most, but also decreases the overall base of the district.

It also bears noting that Minuteman is expected to recommend a building project to member communities this spring, but the proposed amended Regional Agreement does not commit Arlington to any building project. Rather, the proposed amended Regional Agreement affords Arlington both more control and protection in consideration of such projects. As such, the amendments before Town Meeting are separate from the building debate that is likely to be before us this spring, but would help us consider the best options for Arlington when such a proposal is ripe for consideration.

On balance, the proposed amendments present an improved agreement for Arlington by a wide margin. Particularly whereas under the present agreement the prospect of Arlington’s withdrawal remains near impossible, the additional representation and options afforded for the significant decisions, the provision for obtaining capital contributions from non-members, and even the departure of current members not vested in Minuteman’s future would be remarkable net improvements. As was the case in 2014, in order to be adopted, the Amended Regional Agreement must first be approved by Town Meeting votes in each of the sixteen (16) member communities, and then further approved by the Commissioner of Elementary and Secondary Education. As such, the Board strongly favors action and urges Town Meeting to approve the December 21, 2015 amendments.

¹ While the “initial withdrawal” provision permits each of the aforementioned communities’ withdrawal, it does not mandate they must leave Minuteman. Further, consistent with the current Regional Agreement, any attempt to withdrawal must be approved by the Commissioner of the Department of Education.