MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL

1050 Westminster Street
Fitchburg, Massachusetts 01420

Ashburnham, Ashby, Athol, Barre, Fitchburg, Gardner, Harvard, Holden, Hubbardston, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, Winchendon

Original July 1965
1st Amendment 1974
2nd Amendment 1989
3rd Amendment 1989
4th Amendment 1999
5th Amendment 2018

MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL

DISTRICT AGREEMENT

Ashby
Ashburnham
Athol
Barre
Fitchburg
Gardner
Harvard
Holden
Hubbardston
Lunenburg
Petersham
Phillipston
Princeton
Royalston
Sterling
Templeton
Westminster
Winchendon

AGREEMENT

MONTACHUSETT REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT

This agreement is entered into pursuant to Chapter 568 of the Acts of 1964 as amended by Chapter 543 of the Acts of 1965 by and among the Cities of Fitchburg and Gardner, and the Towns of Ashburnham, Ashby, Athol, Barre, Harvard, Hubbardston, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, and Winchendon, and the Town of Holden as it shall accept this Agreement. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I - THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition

The Committee shall consist of four members the city of Fitchburg, two members from the city of Gardner and one member from each of the member towns. Except as provided in subsection I (B), members shall be appointed (i) from the Cities of Fitchburg and Gardner by majority vote of the members of the Cities Council, Mayor and School Committee, and (ii) from each town by majority vote of the members of the Board of Selectmen, Town Moderator, and local School Committee members. All members shall be residents of the municipalities they represent and they shall serve until their respective successors are appointed and qualified.

(B) Within ten days after the establishment of the regional school district, the mayor of each of the cities of Fitchburg and Gardner shall appoint one member to serve on the regional district school committee until January 1, 1968, and the local school committee of each of the said cities shall appoint one member (who need not be from its own membership) to serve on the regional district school committee until January 1, 1970, and the moderator of each member town shall appoint one member to serve on the regional district school committee until April 1, 1968; and each of the members so appointed shall have been a member of the regional school district planning board which submitted this agreement, if such a person is available and willing to serve.

(C) Within thirty days after the annual town meeting in each town and within thirty days after January 1st in each city, members of the Regional District School Committee shall be appointed for a term of four years as set forth in Section I(A).

Within ten days after admission of any new municipality to the Montachusett Regional Vocational Technical School District, each such municipality shall appoint in accordance with subsection I(A) one member to serve on the Committee until the municipality shall appoint a member as set forth in the preceding paragraph of this section.

Notwithstanding the foregoing, all members of the Committee elected to office under the terms of the Agreement as enacted July 1965 shall continue to serve until the expiration of their elected terms.

Within ten days after admission to the District, the Moderator of the Town of Holden shall appoint one member to serve on the regional district school committee until their successor is appointed in accordance with Section I(C).

(D) Vacancies

Any vacancy occurring among the members of the Committee during appointed or elected term shall be filled by appointment in the manner set forth in subsection I(A) to serve for the balance of the unexpired term.

(E) Organization

The term of office of any member elected by a member city shall commence on January 1 following the election of such member and the term of office of any member elected by a member town shall commence on April 1 following the election of such member. Promptly upon the appointment and qualification of the members of the interim Committee and on April 1 of each year thereafter, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership. At the same meeting, or at any other meeting, the Committee shall appoint a treasurer and a secretary, who may be the same person but who need not be members of the Committee, choose such other officers as it deems advisable, determine the terms of office of its officers (except the chairman and vice chairman who shall be elected annually as provided above) and prescribe the powers and duties of any of its officers, fix the time and place for its regular meetings and provide for the calling of special meetings.

(F) Powers and Duties

The Committee shall have all the powers and duties inferred and imposed upon it by this agreement and such other additional powers and duties as are specified in Chapter 568 of the Acts of 1964 and any amendments thereof or additions thereto now or hereafter enacted, or as may be specified in any other applicable special law or in any applicable general law.

(G) Quorum

The quorum for the transaction of business shall be a majority of the Committee, but a number less than the majority may adjourn.

SECTION II - LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school shall be located within the District and within a six mile radius of the intersection of Routes 2, 2A, and 140, which intersection is in the town of Westminster.

SECTION III - TYPE OF REGIONAL DISTRICT SCHOOL

The regional district school shall be a vocational high school consisting of grades nine through twelve, inclusive. The Committee is hereby authorized to establish and maintain such kinds of education, acting as trustees therefor, as may be provided by cities or towns under the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon, including courses beyond the secondary level in accordance with the provisions of Section 37A of the said Chapter 74 of the General Laws.

SECTION IV - APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT

(A) Classification of Costs

For the purpose of apportioning assessments levied by the District against the member municipalities, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing and adding to buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitation the cost of the original equipment and furnishings for such buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall also include payment of principal of the interest on bonds, notes or other obligations issued by the District to finance capital costs.

(C) Operating Costs

Operating costs shall include all costs not included in capital costs as defined in subsection IV (B), but including interest on temporary notes issued by the District in anticipation of revenue.

(D) Capital costs shall be apportioned annually for the ensuing fiscal year on the basis of pupil enrollment as hereinafter defined. For the purposes of this subsection, pupil enrollment shall be defined as the number of pupils residing in a member municipality and enrolled in grades one through twelve, inclusive of any public, private, or parochial school, wherever located. Each member municipality's share of capital costs for each fiscal year shall be determined by computing the ratio which its pupil enrollment on October 1 of the year next preceding the year for which the apportionment is determined bears to the total pupil enrollments from all the member municipalities on the same date.

(E) All operating costs, except those described in subsection IV (F), for every fiscal year shall be apportioned to the member municipalities on the basis of their respective pupil enrollments in the regional district school. Each member municipality's share for each fiscal year shall be determined by computing the ratio which the member municipality's pupil enrollment in the regional district school on October 1 of the year next preceding the year for which the apportionment is determined bears to the total pupil enrollment from all the member municipalities on the same date. In computing the apportionment, the "persons" referred to in subsection IV (F) shall be excluded. In the event that enrollment of pupils in the regional district school has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of the number of pupils residing in each member municipality and enrolled in grades one through twelve, inclusive of any public, private or parochial school, wherever located, on October 1 of that year.

(F) i. The phrase "special operating costs" as used herein shall be interpreted to mean all expenses and costs, whether direct or indirect, incurred in operation of any program other than the regular Regional Vocation Technical School program and shall include, but not be limited to, costs of heating, lighting, maintenance, transportation, instruction, supervision, supplies, salaries, wages.

ii. The Committee shall determine the operating costs for each fiscal year of any evening trade extension courses or other types of courses or programs which are offered by the District to persons other than pupils attending the regular day Regional Vocational School. Each member municipality's share of such operating costs shall be determined by computing the ratio which that municipality's enrollment of persons in such courses or programs during that fiscal year for which the apportionment is determined bears to the total enrollment of person in such courses or programs.

iii. The assessment of such special operating costs as so determined shall be separately set forth in each budget so as to be identifiable as such.

(G) Fiscal Year and Times of Payment of Apportioned Costs**

The fiscal year of the District shall be the same as the fiscal period of the member cities and towns as provided by law, and the word calendar year or year as it relates to this Agreement fiscal or budget year shall mean the fiscal year of the District.

Notwithstanding the provisions of Section IV of this Agreement, the dates on or before which the respective percentages of the annual share of costs of the District apportioned to each member city and town shall be paid as follows:

August 1 (first payment)
November 1 (second payment)
February 1 (third payment)
May 1 (fourth payment)

This section shall be effective only to the extent that Chapter 849 of the Acts of 1969 as amended shall be in effect.

SECTION V - BUDGET

(A) The regional district school committee shall adopt an annual operating and maintenance budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March 31, provided that said budget need not be adopted prior to February 1. The amount of said budget shall be apportioned among the member municipalities according to the provisions of Section IV herein. The regional district treasurer shall certify to the treasurers of each municipality its respective share of the budget within thirty days from the date on which the annual budget is adopted by a two-thirds vote of the regional district school committee, but not later than April 30. The sums thus certified shall be payable by the member municipalities to the regional district school but only from funds which may have been appropriated by the member municipalities for such purposes. The certification shall include the amount of state aid the district is to receive under M.G.L. c. 71, section 16D for the ensuing fiscal year and the proportionate share of such aid for such municipality, the amount, if any, by which the unencumbered amount in the excess and deficiency fund, so called, of the regional school district at the end of the preceding fiscal year, as certified by the commissioner of revenue pursuant to M.G.L. c.71, section 16B1/2, exceeded five percent of the regional school district's operating budget and its budgeted capital costs for the current fiscal year, and the proportionate share of any such excess in said fund by which such municipality's assessment for the current fiscal year was reduced.

(B) Provision of Operating and Maintenance Budget to Municipalities

On or before April 30, the regional district school committee shall submit a copy of the adopted budget, attaching thereto provision for any installment of principal or interest to become due in such year on any bonds, or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member municipalities, to the mayors

of the cities of Fitchburg and Gardner and the chairs of the boards of selectmen and the chairs of the finance or advisory committees of the member towns a copy of such tentative operating and maintenance budget which shall be itemized as follows to be in such further detail as the regional district school committee may deem advisable:

1. Administration
2. Instruction
3. Other School Services
4. Operation and Maintenance of Plant
5. Fixed Charges
6. Community Services
7. Acquisition of Fixed Assets
8. Debt Retirement and Debt Service
9. Programs with Other Districts and Private Schools

(C) Final Operating and Maintenance Budget

In the event that the operating and maintenance budget is not approved by at least two-thirds of the member municipalities, the regional school district committee shall have thirty days to reconsider, amend and resubmit a budget on the basis of the issues raised. The amounts required to be raised on account of the regional school district budget shall be reapportioned between or among the member municipalities by the regional school district committee and a copy of the amended budget shall be provided, not later than seven days from the date the amended regional school district budget was adopted by the regional school district committee, to the chairs of the boards of selectmen, chairs of the finance committees, mayors, presidents of the city council and treasurers of the member municipalities. The respective amounts reapportioned between or among the members by the regional school district committee shall be recertified by the district treasurer to the treasurers of the member municipalities not later than seven days from the date the amended regional school district budget was adopted by the regional school district committee. Prior to the expiration of forty-five days from the date on which such budget was adopted by the regional school district committee, each member municipality shall hold a meeting of the local appropriating authority to act upon the appropriation of the budget so reapportioned and recertified to it. If the appropriating authorities of at least two-thirds of the member municipalities vote to appropriate the amounts so reapportioned and recertified to them, such budget shall be considered approved and shall be apportioned between and among the member municipalities and paid by them in accordance with the terms of the regional school district agreement. If two-thirds of the member municipalities do not vote to appropriate the amounts so reapportioned and recertified, the budget shall be recommitted to the regional school district committee for action pursuant to this Section V (C) or M.G.L. c. 71, Section 16B. A municipality that does not hold a meeting of its local appropriating authority prior to the expiration of forty-five days from the date on which an amended budget was adopted by the regional school district committee shall be deemed to have voted to appropriate the amounts reapportioned and recertified to it.

(D) Incurring of Debt

Not later than seven days after the date on which the regional district school committee authorizes the incurring of debt other than temporary debt in anticipation of revenue to be received from member municipalities, written notice of the date of said authorization, the sum authorized, and the general purpose or purposes for authorizing such debt shall be submitted to the city council of the cities of Fitchburg and Gardner and to the board of selectmen in each member town.

SECTION VI - APPORTIONMENT OF ENROLLMENT

On or before April 1 of each year, commencing with the year next following the opening of the regional school, the Committee shall determine the enrollment capacity of the regional school for all regular day courses to be conducted therein in the next school year. In order to limit enrollments to such capacity, a quota shall be established for each member municipality. Each municipality's quota shall be determined by multiplying such enrollment capacity by a fraction of which the school population of a member municipality on October 1 of the previous year shall be the numerator and the total school population of all the member municipalities on October 1 of such year shall be the denominator. For the purpose of this section, "school population" of a member municipality shall be defined as the number of pupils residing therein who are enrolled in grades one through twelve, inclusive in any public, private, or parochial school wherever located. Not later than five days after the quota for each member municipality has been determined, the Committee shall transmit such quota to the local superintendent of schools in each member municipality. In the event that the prospective enrollment on June 1 of any year of qualified candidates from any member municipality is less than its quota, the Committee shall determine the method by which prospective vacancies shall be filled.

SECTION VII - TRANSPORTATION

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member municipalities as an operating cost.

SECTION VIII - AMENDMENTS

(A) Limitations

This agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds, notes or other obligations of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

(B) Procedure

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member municipality (which shall be acted upon as provided in Section X), may be initiated by a two-thirds vote of all the members of the Committee or by a petition signed by 10 percent of the registered voters of any one of the member municipalities. In the latter case, said petition shall contain at the end thereof a certification by the town or city clerk of such member municipality as to the number of registered voters in said municipality according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said municipality and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the board of selectmen of each of the member towns and to the city councils of Fitchburg and Gardner that a proposal to amend this agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose of an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by all of the member municipalities, acceptance by each town to be by a majority vote at a town meeting as aforesaid and acceptance by each of the said cities to be by a majority vote of its city council.

SECTION IX - ADMISSION OF ADDITIONAL TOWNS TO THE DISTRICT

By an amendment of this agreement adopted under and in accordance with Section VIII above, any other town or towns may be admitted to the regional district upon adoption as therein provided of such amendment and upon acceptance by the town or towns seeking admission of the agreement as so amended and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such an amendment.

SECTION X - WITHDRAWAL

(A) Limitations

The withdrawal of a member municipality from the District may be effected by an amendment to this agreement in the manner hereinafter provided by this section. Any member municipality seeking to withdraw shall, by a majority vote at an annual or special town meeting in the case of a town or by a vote of two thirds of all the members of the city council in the case of a city, request the Committee to draw up an amendment to this agreement setting forth the terms by which such municipality may withdraw from the District, provided (1) that the municipality seeking to withdraw shall remain liable for any unpaid operating costs which have been certified by the district treasurer to the treasurer of the withdrawing municipality, including the full amount so certified for the year in which such withdrawal takes effect and (2) that the said municipality shall remain liable to the District for its share of the indebtedness of the District outstanding at the

time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the municipality had not withdrawn from the District.

(B) Procedure

The clerk of the municipality seeking to withdraw shall notify the Committee in writing that such municipality has voted to request the Committee to draw up an amendment to the agreement (enclosing a certified copy of such vote). Thereupon, the Committee shall draw up an amendment to the agreement setting forth such terms of withdrawal as it deems advisable, subject to the limitation contained in subsection VIII (A). The secretary of the Committee shall mail or deliver a notice in writing to the board of selectmen of each member town and to the city council of each member city that the Committee has drawn up an amendment to the agreement providing for the withdrawal of a member municipality (enclosing a copy of such amendment). The selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all of the member municipalities, acceptance by each town to be by a majority vote at a town meeting as aforesaid and acceptance by each city to be by a vote of two thirds of all the members of its city council.

(C) Cessation of Terms of Office of Withdrawing Municipality's Members

Upon the effective date of withdrawal, the term of office of all members serving on the regional district school committee from the withdrawing municipality shall terminate and the total membership of the Committee shall be decreased accordingly.

(D) Payments of Certain Capital Costs Made by a Withdrawing Municipality

Money received by the District from the withdrawing municipality for payment of funded indebtedness or interest thereon shall be used only for such purpose and until so used shall be deposited in trust in the name of the District with a Massachusetts bank or trust company having a combined capital and surplus of not less than $5,000,000.

(E) Apportionment of Costs After Withdrawal

The withdrawing municipality's share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such municipality, at the last apportionment made next prior to the effective date of the withdrawal. The remainder of any such installment after subtracting the share of any municipality or municipalities which have withdrawn shall be apportioned to the remaining member municipalities in the manner provided in subsection IV (D) or as may be otherwise provided in the amendment providing for such withdrawal.

SECTION XI - TUITION STUDENTS

The Committee may accept for enrollment in the regional district school pupils from municipalities other than the member municipalities on a tuition basis. Income received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV to the member municipalities.

Tuition pupils may be accepted for enrollment only if there are sufficient facilities to accommodate them and only if the Committee has admitted to the regional school all qualified residents of the member municipalities who have applied for admission thereto.

SECTION XII - ADVISORY COMMITTEE

The regional district school committee may, to assist it in the construction of any regional school building, appoint a building committee to advise it with respect to plans, specifications, appointment of architects, engineers, the awarding of contracts, the supervision of construction, and any other assistance which the regional district school committee may desire. The members of any such committee shall serve in an advisory capacity only and without compensation.

SECTION XIII - ANNUAL REPORT

The Committee shall submit on or before January 31 of each year, an annual report to each of the member municipalities containing a detailed financial statement for the prior year and the budget for the then current year including in each case a statement showing the method by which the annual charges assessed against each municipality were computed, together with such additional information relating to the operation and maintenance of the Regional School as may be deemed necessary or appropriate by the Committee. The Committee shall also furnish, upon request, any additional financial information as may reasonably be deemed necessary by the selectmen, mayor or city council of any member municipality.