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May 30, 2006

Chilmark Board of Selectmen
P.O. Box 119
Chilmark, MA 02535

RE: Middle Line Path

Dear Members of the Board:

This letter follows up my letter of April 3, 2006 and is intended to memorialize conversations with state officials since that time:

1. In Rick Manley's e-mail of April 3, 2005, he indicated that his opinion that CPA borrowed funds could be used for infrastructure was contingent upon his consulting with Kathleen Colleary, the Chief Counsel of the Department of Reveney's Bureau of Accounts. He has since conferred with her and has confirmed that borrowed funds can be used for infrastructure improvements.

2. I also asked Attorney Colleary whether, in the event CPA funds were utilized for infrastructure improvements, would the twelve units have to comply with the income requirements of the CPA Act. She stated that while there is no definitive ruling on this question, commonsense would dictate that CPA income limits would not apply.

3. I have been asked whether the Request for Proposals ("RFP") could be split into two components; architecture and design, and building and operating, without triggering Competitive Bidding and Construction laws. I have again conferred with Attorney Brian O'Donnell of the Fair Labor and Business Practices Division of the Massachusetts Attorney General's office, and he indicated that it would be permissible to split the RFPs into these components without implicating

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these laws. In essence, the architectural and design portion of the RFP would not be considered the design of a public building, but rather would serve to elicit a more responsive RFP for the building and operating portion of the project. He did indicate that if, in the future, the architectural/design information were to be utilized by the Town in the event the Town elected to construct the buildings itself, this issue would have to be revisited.

I hope the above information is helpful.

Very truly yours,

A handwritten signature in black ink, appearing to be 'R' followed by a flourish.

Ronald H. Rappaport

RHR/jmh