

SENATE No. 2481

The Commonwealth of Massachusetts

PRESENTED BY:

Kathleen O'Connor Ives

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing assessment of sewer betterments and privilege fees in the Town of Salisbury.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Kathleen O'Connor Ives

First Essex

James M. Kelcourse

1st Essex

SENATE No. 2481

By Ms. O'Connor Ives, a petition (accompanied by bill, Senate, No. 2481) of Kathleen O'Connor Ives and James M. Kelcourse (by vote of the town) for legislation to authorize assessment of sewer betterments and privilege fees in the Town of Salisbury. Municipalities and Regional Government. [Local Approval Received]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act authorizing assessment of sewer betterments and privilege fees in the Town of Salisbury.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The sewer commissioners of the town of Salisbury, which in this act shall
2 mean the Board of Selectmen or any other board or officer having charge of the repair and
3 maintenance of sewers in the town of Salisbury, shall utilize the assessment methods set forth
4 herein to assess 100 percent of the cost to the town of sewer projects upon the properties that
5 benefit from each project, unless town meeting votes a different percentage with respect to
6 particular projects.

7 SECTION 2. Notwithstanding chapter 83 of the General Laws or any other general or
8 special law to the contrary, the Sewer Commissioners of the town of Salisbury may assess the
9 cost of sewer projects by means of betterment assessments by the so-called uniform unit method
10 under section 15 of chapter 83, or by means of privilege fees under sections 17 and 20 of said
11 chapter 83 also by the uniform unit method, and may determine what portion of the cost for each
12 project shall be assessed as a betterment or as a privilege fee. Potential units for undeveloped

13 land shall be calculated on the basis of zoning then in effect and for developed land shall be
14 calculated on the basis of existing use or zoning then in effect.

15 SECTION 3. Said Sewer Commissioners may assess privilege fees upon properties that
16 were not subject to betterment assessment with respect to a particular project if the properties
17 later receive a benefit from the project by being allowed to connect to the project, and may also
18 assess privilege fees upon properties that were previously assessed a betterment assessment or a
19 privilege fee, if, after such assessment, due to construction of a new structure or reconstruction,
20 enlargement, alteration or renovation of a structure existing at the time of the betterment or
21 privilege fee assessment, or change of a then-existing use, the sewer commissioners determine
22 that the maximum sewage flow from the improvements upon the property or the change of use
23 would increase above the maximum sewage flow previously calculated for that property under
24 the uniform unit method, provided that the total of such section 15 and 17 assessments shall not
25 exceed the whole cost of laying out and constructing the system of sewerage disposal of which
26 such common sewer is a part for which the assessments are made.

27 SECTION 4. Notwithstanding section 15A of chapter 83 of the General Laws or any
28 general or special law to the contrary, the town of Salisbury, at a town meeting, as to a particular
29 sewer project, may from time to time, until actual assessments have been billed and added to a
30 tax, re-determine whether to use a uniform unit method provided for under section 15 of said
31 chapter 83, or any special law, or whether to use a special assessment under chapter 83, section
32 17, or whether to use two or more of the methods provided in said sections and special acts,
33 notwithstanding that a different method may have been used previously in assessing estimated
34 sewer assessments.

SECTION 5. This act shall take effect upon its passage.