

HOUSE No. 4883

The Commonwealth of Massachusetts

Substituted by the House, on motion of Mr. Pedone of Worcester, for a bill with the same title
(House, No. 611). July 14, 2010.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

AN ACT ESTABLISHING THE LINCOLN PARK IMPROVEMENT DISTRICT IN THE TOWN OF DARTMOUTH.

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. That portion of the town of Dartmouth within a certain territory shall constitute
2 an improvement district and is hereby made a body corporate and politic, entitled "The Lincoln Park
3 Improvement District" which shall hereinafter be referred to as "the district". The district is bounded and
4 described as follows:

A certain parcel of land, situated on the southerly side of State Road, Route 6, Dartmouth, Bristol County, Massachusetts, bounded and described as follows:

Beginning at an iron rod at the northeasterly corner of the property and the northwesterly corner of land now or formerly of the New England Amalgamated Clothing and Textile Workers Union Building Corporation on the southerly side of State Road:

Thence running S 35° 05' 11" E a distance of three hundred and nineteen and 94/100 (319.94) feet by the land now or formerly of the New England Amalgamated Clothing and Textile Workers Union Building Corporation to a drill hole;

Thence running S 05° 56' 19" E a distance of two hundred and sixteen and 74/100 (216.74) feet by the land now or formerly of the New England Amalgamated Clothing and Textile Workers Union Building Corporation to a drill hole;

Thence running S 06° 26' 44" E a distance of two hundred and fifty four and 01/100 (254.01) feet by the land now or formerly of the New England Amalgamated Clothing and Textile Workers Union Building Corporation to a drill hole;

Thence running S 04° 55' 41" E a distance of one hundred and forty nine and 44/100 (149.44) feet by the land now or formerly of the New England Amalgamated Clothing and Textile Workers Union Building Corporation to a drill hole and the land now or formerly of Kevin P. and Deborah A. Wicherski;

Thence running S 04° 49' 23" E a distance of ninety nine and 96/100 (99.96) feet by the land now or formerly of Kevin P. and Deborah A. Wicherski to a drill hole and the land now or formerly of Edward R. Seed;

Thence running S 03° 39' 38" E a distance of one hundred and twenty five and 67/100 (125.67) feet by the land now or formerly of Edward R. Seed to a corner on the northerly side of Reed Road;

Thence running S 87° 07' 50" W a distance of eighty four and 02/100 (84.02) feet by the northerly side of Reed Road to a corner;

Thence running S 85° 14' 20" W a distance of one hundred and seventy eight and 63/100 (178.63) feet by the northerly side of Reed Road to a corner;

Thence running S 33° 33' 10" W a distance of thirty three and 82/100 (33.82) feet by the northwesterly side of Reed Road to a drill hole and the land now or formerly of Kenneth R. Lee;

Thence running N 84° 43' 35" W a distance of sixty nine and 31/100 (69.31) feet by the land now or formerly of Kenneth R. Lee to a drill hole;

Thence running S 16° 48' 24" W a distance of two hundred and seven and 30/100 (207.30) feet by the land now or formerly of Kenneth R. Lee to a concrete pillar;

Thence running S 59° 44' 56" E a distance of forty eight and 29/100 (48.29) feet by the land now or formerly of Kenneth R. Lee to a corner on the northwesterly side of Reed Road;

Thence running S 35° 55' 24" W a distance of five hundred and sixty four and 10/100 (564.10) feet by the northwesterly side of Reed Road to an iron rod;

Thence by a curve turning to the right with a radius of forty nine and 02/100 (49.02) feet, an arc length of ninety nine and 24/100 (99.24) feet, and a chord bearing and distance of N 86° 04' 47" W a distance of eighty three and 14/100 (83.14) feet to a corner;

Thence running N 38° 29' 03" W a distance of eighty three and 14/100 (83.14) feet by the westerly side of Beeden Road to a corner;

Thence running N 24° 58' 17" W a distance of eighty seven and 79/100 (87.79) feet by the westerly side of Beeden Road to a corner;

Thence running N 19° 24' 45" W a distance of ninety eight and 86/100 (98.86) feet by the westerly side of Beeden Road to a corner;

Thence running N 22° 03' 05" W a distance of one hundred and eighty two and 23/100 (182.23) feet by the westerly side of Beeden Road to a corner;

Thence running N 21° 02' 08" W a distance of two hundred and sixty five and 99/100 (265.99) feet by the westerly side of Beeden Road to a corner;

Thence running N 05° 24' 43" E a distance of thirty seven and 01/100 (37.01) feet by the westerly side of Beeden Road to a corner;

Thence running N 21° 14' 14" W a distance of two hundred and ninety four and 36/100 (294.36) feet by the westerly side of Beeden Road to a corner;

Thence running N 25° 34' 24" W a distance of one hundred and seventy three and 46/100 (173.46) feet by the westerly side of Beeden Road to a corner;

Thence running N 38° 26' 57" W a distance of one hundred and eight and 97/100 (108.97) feet by the westerly side of Beeden Road to a corner;

Thence running N 63° 45' 37" W a distance of three hundred and seventy eight and 37/100 (378.37) feet by the westerly side of Beeden Road to a corner;

Thence running N 34° 48' 52" W a distance of two hundred and thirty four and 54/100 (234.54) feet by the westerly side of Beeden Road to a corner;

Thence running N 35° 13' 00" W a distance of seventy and 00/100 (70.00) feet by the westerly side of Beeden Road to a corner on the southerly side of State Road;

Thence running N 57° 48' 05" E a distance of one hundred and twenty four and 45/100 (124.45) feet by the southerly side of State Road to a corner;

Thence running N 84° 35' 50" E a distance of eight hundred and thirteen and 18/100 (813.18) feet by the southerly side of State Road to a corner;

Thence by a curve turning to the right with a radius of one hundred and twelve and 00/100 (112.00) feet, an arc length of thirty six and 16/100 (36.16) feet to a corner;

Thence by a curve turning to the left with a radius of one hundred and twenty and 24/100 (120.24) feet, an arc length of thirty eight and 82/100 (38.82) feet to a corner;

Thence running N 84° 35' 50" E a distance of sixty five and 00/100 (65.00) feet by the southerly side of State Road to a corner;

Thence by a curve turning to the left with a radius of one hundred and twenty and 24/100 (120.24) feet, an arc length of thirty eight and 82/100 (38.82) feet to a corner;

Thence by a curve turning to the right with a radius of one hundred and twelve and 00/100 (112.00) feet, an arc length of thirty six and 16/100 (36.16) feet to a corner;

Thence running N 84° 35' 50" E a distance of two hundred and one and 43/100 (201.43) feet by the southerly side of State Road to a corner;

Thence running S 07° 34' 10" E a distance of ten and 77/100 (10.77) feet by the southerly side of State Road to a corner;

Thence running N 84° 35' 56" E a distance of two hundred and thirty five and 39/100 (235.39) feet by the southerly side of State Road to a corner to the point of beginning.

Containing 1,781,039+/- square feet or 40.887+/- acres.

8 SECTION 2. The purpose of the district shall be to lay out, construct, maintain, improve
9 and operate a system or systems of roadways, parking facilities, water works, sewer works,
10 electrical distribution facilities and any other infrastructure elements reasonably necessary to the
11 development and upkeep of the district, within or without the district, collectively, the facilities,
12 to service a part or whole of the territory within the district, contracting with the town of
13 Dartmouth for such purposes, and for assessing and raising revenues as provided herein to pay
14 for such facilities.

15 SECTION 3. The powers conferred by this act shall be exercised by a board of
16 commissioners, consisting of 5 members. Said board shall not be subject to the supervision of
17 the department of public works of the town or of any other department, commission, board,
18 bureau or agency of the town except to the extent and in the manner provided in this act. The
19 members of said board shall be appointed by the selectmen of the town of Dartmouth, except for
20 the public works director of the town of Dartmouth, who shall serve as a member ex officio.
21 Three members shall be individual owners of land located within the district, or nominated by
22 owners of land located within the district, provided that such nominees must be individual
23 residents of the town of Dartmouth. One member shall be a resident of the town of Dartmouth.
24 Except for the public works director of the town of Dartmouth who shall serve as an ex officio
25 member of the board, members shall serve 3-year terms, except that 2 members of the initial
26 board shall serve a term of 1 year, and the remaining 2 members shall serve staggered terms of 2
27 and 3 years respectively, with the term of each initial board member to be designated by the
28 selectmen on appointment. Any member of the board may be eligible for reappointment. Prior
29 to assuming office, every member of the board shall take, before the town clerk, an oath to
30 administer the duties of his office faithfully. A record of all such oaths shall be filed in the office
31 of the town clerk. The selectmen may remove any member of the board for good cause, where
32 good cause shall include any ground that is not arbitrary, irrational, unreasonable, in bad faith or
33 irrelevant to the sound operation of the district.

34 Three members of the board shall constitute a quorum and the affirmative vote of 3 members
35 shall be necessary for any action taken by vote of the board; provided, however, that an
36 affirmative vote of 4 members shall be necessary to exercise any of the powers enumerated in
37 clause (i) of section 5. No vacancy in the membership of the board shall impair the right of a
38 quorum to exercise the powers of the board. Any action by the board shall take effect
39 immediately unless otherwise provided and need not be published or posted. All meetings of the
40 board shall be subject to sections 23A through 24, inclusive, of chapter 39 of the General Laws,
41 and notice of all such meetings shall be posted in the office of the town clerk at least 48 hours in
42 advance.

43 SECTION 4. The board shall not commence any initial development of, or construction in, the
44 district, and shall not appropriate any monies for, or commence any financing of the same, until

45 and unless it presents to the select board an initial improvement plan for the development of the
46 district, and receives from the select board the approval of that plan.

47

48 SECTION 5. The board, acting for and on behalf of said district, shall have all the rights and
49 powers necessary or reasonably related to carrying out and effectuating this act, including, but
50 without limiting the generality of the foregoing, the following rights and powers:

51 (a) in conformity with the General Laws, to adopt by-laws for the regulation
52 of its affairs and the conduct of its business, to promulgate rules, regulations and procedures in
53 connection with the performance of its functions and duties, and to fix, enforce and collect
54 penalties for the violation thereof; provided, however, that any by-laws with respect to the
55 removal of members of the board shall be consistent with the by-laws of the town of Dartmouth;

56 (b) to adopt an official seal and alter the same at pleasure;

57 (c) to maintain an office at such place or places as it may determine;

58 (d) to apply for, receive, accept, administer, expend and comply with the
59 conditions, obligations and requirements respecting any grant, gift, loan, including without
60 limitation any grant, gift or loan from agencies of local, state or federal governments, donation or
61 appropriation of any property or money in aid of the purposes of the district and to accept
62 contributions of money, property, labor or other things of value; provided, however, that any
63 application for any grant, gift or loan from agencies of local, state or federal governments is
64 subject to prior approval by the select board;

65 (e) to acquire by purchase, lease, lease-purchase, sale and lease-back, gift or
66 devise, or to obtain options for the acquisition of, any property, real or personal, tangible or
67 intangible, or any interest therein, in the exercise of its powers and the performance of its duties;
68 provided, however, that the board may not acquire property by eminent domain, except as
69 provided for in clause (k);

70 (f) to sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to
71 grant options for any such purposes with respect to, any property, real or personal, tangible or
72 intangible, or any interest therein;

73 (g) to construct, maintain, improve and operate a system or systems of
74 roadways, water works, sewer works, electrical distribution facilities and any other infrastructure
75 elements reasonably necessary to the development and upkeep of the district within or without
76 the district, for the benefit of the district; to construct any such facilities under or over any
77 bridge, railroad, railway, boulevard or other public way, or within the location of any railroad,
78 and to enter upon and dig up any public way or railroad location, for the purpose of constructing,

79 reconstructing, improving or extending any such facilities and of maintaining and repairing the
80 same; provided, however, that they shall not enter upon or construct any such facilities within the
81 location of any railroad corporation except at such time and in such manner as they may agree
82 upon with such corporation, or, in case of failure to agree, as may be approved by the department
83 of public utilities. Notwithstanding the foregoing, the board shall not construct, maintain,
84 improve or operate a system or systems of roadways, water works, sewer works, electrical
85 distribution facilities or any other infrastructure elements reasonably necessary to the
86 development and upkeep of the district outside of the boundaries of the district without the prior
87 approval of the board of selectmen of the town of Dartmouth.

88 The provisions of chapter 30B of the General Laws shall not apply to the procurement by the
89 district of facilities and facilities improvements financed or acquired in accordance with this act
90 and the provisions of sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30,
91 sections 44A to 44M, inclusive, of chapter 149 of the General Laws and any other general or
92 special law, regulation, ordinance or bylaw providing for the advertising, bidding or awarding of
93 contracts for design or construction or improvement to property shall not apply to the design and
94 construction by the district of any public infrastructure improvements located within the district.
95 Notwithstanding the foregoing, the provisions of sections 26 to 27F, inclusive, and section 29 of
96 chapter 149 of the General Laws shall apply to the construction by the district of any facilities or
97 facilities improvements in accordance with this act; provided, further, that the provisions of the
98 General Laws that protect public health, welfare and safety shall apply to the actions of the
99 board;

100 (h) to pledge or assign any money, fees, charges, or other revenues of the
101 district and any proceeds derived by the district;

102 (i) to borrow money and incur indebtedness and issue bonds or notes as
103 hereinafter provided;

104 (j) to enter into contracts and agreements with the town of Dartmouth in all
105 matters necessary or reasonably related to carrying out and effectuating the purposes of this act
106 including, without limiting the generality of the foregoing, construction facilities, including
107 facilities outside the district but benefiting the district, improvements, collection of revenue, data
108 processing, and other matters of management, administration and operation; to make other
109 contracts of every name and nature; and to execute and deliver all instruments necessary or
110 convenient for carrying out any of its purposes provided that all contracts made pursuant to
111 clause (g) shall be approved by the selectmen of the town of Dartmouth;

112 (k) to exercise the powers and privileges of, and to be subject to limitations
113 upon, towns and cities provided by the provisions of sections 38 to 42K, inclusive, of chapter 40
114 of the General Laws, as well as chapters 80 and 83 of the General Laws, insofar as such
115 provisions may be applicable and are consistent with the provisions of this act; provided,

116 however, that any requirement in said sections or chapters for a vote by the board of selectmen or
117 other governing body of a town or for a vote by the voters of a town shall be satisfied by a vote
118 or resolution duly adopted by the board in accordance herewith; and, provided further, that the
119 powers of the board to make rules and regulations and establish penalties regarding the use of
120 facilities of the district shall not be limited by section 10 of said chapter 83. The district shall
121 have the powers of eminent domain applicable to municipalities of the commonwealth; provided,
122 however, that the district shall not exercise this authority without the prior approval of the board
123 of selectmen of the town of Dartmouth.

124 (l) to sue and be sued and to prosecute and defend actions relating to its
125 properties and affairs; provided, however, that property of the district other than revenues
126 pledged to the payment of notes or bonds shall not be subject to attachment nor levied upon by
127 execution or otherwise; and

128 (m) to do all things necessary or reasonably related to carrying out and
129 effectuating the purposes of this act or the powers expressly granted or necessarily implied in
130 this act.

131 SECTION 6. The members of the board of commissioners of the district shall be special
132 municipal employees within the meaning of chapter 268A of the General Laws, provided,
133 however, that the provisions of said chapter 268A, or any similar provision of any general or
134 special law, shall not apply to any member of the board having a direct or indirect financial
135 interest in any contract or transaction to be entered into with the district; provided, further, that a
136 statement making disclosure of said member's interest and the interests of his immediate family
137 in said contract or transaction is described in the improvement plan and filed with the town clerk
138 of the town of Dartmouth.

139 In the case of a direct or indirect financial interest of a member of the board arising after the
140 filing of an improvement plan, any member of the board having a direct or indirect financial
141 interest in a contract or transaction to be entered into with the district, shall prepare a statement
142 making disclosure of said member's interest and the interests of his or her immediate family in
143 said contract or transaction and such statement shall be filed with the board of selectmen and the
144 town clerk of the town of Dartmouth.

145 SECTION 7. The board may fix, revise, charge, collect and abate reasonable fees, betterments,
146 assessments and special assessments for the cost of the improvements and other services and
147 commodities furnished or supplied to the real property in the district and in doing so, may avail
148 itself, as it shall deem necessary and appropriate of the provisions of the General Laws relative to
149 the assessment, apportionment, division, fixing, reassessment, revision, abatement and collection
150 of infrastructure charges, including betterments, assessments and special assessments by cities
151 and towns, or the establishment of liens therefore and interest thereon, and the procedures set
152 forth in sections 5 and 5A of chapter 254 of the General Laws for the foreclosure of liens arising
153 under section 6 of chapter 183A of the General Laws. Notwithstanding any General Laws to the

154 contrary, the district may pay the entire cost of any improvements, or the debt service of notes or
155 bonds used to fund such costs, from betterments, assessments, special assessments or fees and
156 may establish said betterments, assessments, special assessments or fees within 1 year from the
157 completion or acquisition of the improvements. The board may establish a schedule of up to 35
158 years for the payment of betterments, assessments or special assessments The board may
159 determine the circumstances under which the fees, assessments, special assessments, betterments
160 and other charges may be increased, if at all, as a consequence of delinquency or default. In order
161 to provide for the collection and enforcement of its fees, assessments, special assessments,
162 betterments and other charges, the district, in addition to the powers granted in this act, is hereby
163 granted all the powers and privileges with respect thereto held by the town on the effective date
164 of this act, to be exercised concurrently with the town. Notwithstanding such concurrent
165 jurisdiction, any liens imposed by the town for the payment of property taxes or other fees shall
166 have priority in payment over any liens of the district.

167 As an alternative to levying betterments, assessments, and fees, under any other provisions of
168 this act or the General Laws, the district may levy special assessments (“special assessments”) on
169 real estate in the district to finance the cost of improvements. **In determining the basis for and
170 amount of the special assessment, the cost of improvements, including the cost of the
171 repayment of the debt issued or to be issued to finance the improvements, maybe calculated
172 and levied using any of the following methods:**

- 173 (a) **Equally per front foot, lot, parcel, dwelling unit, or square foot;**
- 174 (b) **According to the value of the property as determined by the town’ board of**
175 **assessors; or**
- 176 (c) **In any other reasonable manner that results in fairly allocating the costs of the**
177 **improvements to the real estate in the district.**

178**The district may also provide for the following:**

- 179 (a) **A maximum amount to be assessed with respect to any parcel;**
- 180 (b) **A tax year or other date after which no further special assessments under this**
181 **section shall be levied or collected on a parcel;**
- 182 (c) **A levy to be collected annually without subsequent approval of the district; and**
- 183 (d) **The circumstances under which the special assessment levied against any parcel**
184 **may be increased, if at all, as a consequence of delinquency or default by the**
185 **proprietor of that parcel or any other parcel within the district.**

186 The fees, rates, rents, assessments, special assessments and other charges of the board of
187 general application shall be adopted and revised by the board at least annually in accordance

188 with procedures to be established by the board for assuring that interested persons are afforded
189 notice and an opportunity to present data, views and arguments. The board shall hold at least
190 one public hearing on its schedule of fees, rates, assessments, special assessments and charges or
191 any revision thereof prior to adoption, notice of which shall be delivered to the selectmen and be
192 published in a newspaper of substantial circulation in the town of Dartmouth at least one month
193 in advance of the hearing. No later than the date of such publication, the board shall make
194 available to the public and deliver to the selectmen the proposed schedule of fees, rates,
195 assessments, special assessments and charges.

196 The fees, rates, rents, assessments, special assessments, abatements and other charges
197 established by the board shall not be subject to supervision or regulation by any department,
198 division, commission, board, bureau, or agency of the commonwealth or any of its political
199 subdivisions, including, without limitation, the town, nor shall the district be subject to the
200 provisions of section 20A of chapter 59 of the General Laws. Notwithstanding the foregoing,
201 except to the extent of assessments, special assessments or betterments assessed by the board, the
202 board shall have no power of taxation. The board's operating budget shall be limited to the sum
203 of \$30,000 for current administrative expenses approved by the board in the fiscal year in which
204 this act shall have been approved and in the fiscal year commencing after the fiscal year in which
205 this act shall have been approved. Each year thereafter said sum may be increased 2 and one-
206 half per cent per year.

207 The fees, rates, rents, assessments, special assessments and other charges established by the
208 board in accordance with this section shall be so fixed and adjusted in respect of the aggregate
209 thereof so as to provide revenues at least sufficient (i) to pay the current expenses of the board,
210 (ii) to pay the principal of, premium, if any, and interest on bonds or other evidences of
211 indebtedness issued by the board under this act as the same become due and payable, (iii) to
212 create and maintain such reasonable reserves as may be reasonably required by any trust
213 agreement or resolution securing bonds, (iv) to provide funds for paying the cost of all necessary
214 repairs, replacements and renewals of the district's infrastructure elements and (v) to pay or
215 provide for any amounts which the board may be obligated to pay or provide for by law or
216 contract including any resolution or contract with or for the benefit of the holders of its bonds.

217

218 SECTION 8. The board is hereby authorized and empowered to provide by resolution for the
219 issuance, at one time or from time to time, of notes of the district in the aggregate principal
220 amount of \$20,000,000 outstanding at any one time, excluding notes refunded by other notes
221 issued under this paragraph, for the purpose of providing funds for paying the cost of
222 constructing or acquiring, extending, enlarging, altering, reconstructing or remodeling of
223 facilities of the district as may be authorized by such resolution, including the funding of interest
224 on any notes of the district issued pursuant to section seven hereof in anticipation of federal, state
225 or local grants for such work.

226 Except as otherwise provided herein, notes issued by the district in accordance with this
227 section shall be issued in anticipation of bonds to be issued by the district pursuant to section 9 of
228 this act and shall be authorized, issued and sold in the same manner as, and shall otherwise be
229 subject to section 8 and other provisions of this act relating to such bonds. Such notes shall
230 mature at such time or times as provided by resolution of the board and may be renewed from
231 time to time; provided, however, that all such notes and renewals thereof shall mature on or prior
232 to 5 years after their date of issuance.

233 The proceeds of the notes authorized by this section shall be used solely for paying costs
234 of constructing or acquiring, extending, enlarging, altering, reconstructing or remodeling of
235 facilities of the district as may be authorized by such resolution, including the funding of interest
236 on any notes of the district issued pursuant to section 7 hereof in anticipation of federal, state or
237 local grants for such work and shall be disbursed in such manner and under such restrictions as
238 may be provided in the resolution of the board.

239 SECTION 9. In addition to the notes issued under the provisions of section 8, the board may
240 provide by resolution for the issuance from time to time of bonds of the district for any of its
241 corporate purposes. Bonds may be issued hereunder as general obligations of the district or as
242 special obligations payable solely from particular funds. Without limiting the generality of the
243 foregoing, such bonds may be issued to pay or refund notes issued by the district pursuant to
244 section 8, to pay the costs of constructing or acquiring, extending, enlarging, altering,
245 reconstructing or remodeling or otherwise improving facilities of the district, to provide such
246 reserves for debt service, repairs and replacements or other costs as may be required by a trust
247 agreement or resolution securing bonds of the district, or for any combination of the foregoing
248 purposes. The board may also provide by resolution for the issuance from time to time of
249 temporary notes in anticipation of the revenues to be collected for or received by the board in
250 any year, or in anticipation of the receipt of federal, commonwealth or local grants or other aid.
251 The issuance of such notes shall be governed by the provisions of this act relating to the issuance
252 of bonds other than such temporary notes as the same may be applicable; provided, however, that
253 notes issued in anticipation of revenues shall mature no later than 1 year from their respective
254 dates and notes issued in anticipation of federal, commonwealth or local grants or other aid and
255 renewals thereof shall mature no later than the expected date of receipt of such grants or aid.
256 Notes in anticipation of revenues issued to mature less than 1 year from their dates may be
257 renewed by the board from time to time by the issue of other temporary notes hereunder;
258 provided, however, that the period from the date of an original note to the maturity of any note
259 issued to renew or pay the same or the interest thereon shall not exceed 1 year.

260 SECTION 10. The principal of, premium, if any, and interest on all bonds or notes issued under
261 the provisions of this act, unless otherwise provided herein, shall be payable solely from the
262 funds provided from revenues as herein provided. Bonds or notes of each issue shall be dated,
263 shall bear interest at such rate or rates, including rates variable from time to time as determined
264 by such index, bankers loan rate or other method determined by the board and shall mature at

265 such time or times, as may be determined by the board, and may be made redeemable before
266 maturity at the option of the board at such price or prices and under such terms and conditions as
267 may be fixed by the board prior to the issue of bonds or notes. The board shall determine the
268 form of bonds or notes and the manner of execution of bonds or notes and shall fix the
269 denomination or denominations of bonds or notes and the place or places of payment of principal
270 and interest, which may be at any bank or trust company within or without the commonwealth.
271 In case any officer whose signature or a facsimile of whose signature shall appear on any bonds
272 or notes or coupons shall cease to be such officer before the delivery thereof, such signature or
273 such facsimile shall nevertheless be valid and sufficient for all purposes as if such officer had
274 remained in office until after such delivery. The board may also provide for authentication of
275 bonds by a trustee or fiscal agent. The board may by resolution delegate to any member of the
276 board or any combination of them the power to determine any of the matters set forth in this
277 section including the power to award such bonds or notes to a purchaser or purchasers at public
278 or private sale. The board may sell its bonds or notes in such manner, either at public or private
279 sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as it
280 may determine will best effect the purposes of this act. The board may also provide for the
281 replacement of any bonds which shall have become mutilated or shall have been destroyed or
282 lost.

283 In the discretion of the board, any bonds issued hereunder may be secured by a resolution
284 of the board or by a trust agreement between the board and a corporate trustee, which may be
285 any trust company or bank having the powers of a trust company within or without the
286 commonwealth, and such trust agreement shall be in such form and executed in such manner as
287 may be determined by the board. Such trust agreement or resolution may pledge or assign, in
288 whole or in part, the revenues and other moneys held or to be received by the board, including
289 the revenues from any improvements already existing when the pledge or assignment is made,
290 and any contract or other rights to receive the same, whether then existing or thereafter coming
291 into existence and whether then held or thereafter acquired by the board, and the proceeds
292 thereof. Such trust agreement or resolution may contain such provisions for protecting and
293 enforcing the rights, security and remedies of the bondholders as may, in the discretion of the
294 board, be reasonable and proper and not in violation of law, including, without limiting the
295 generality of the foregoing, provisions defining defaults and providing for remedies in the event
296 thereof which may include the acceleration of maturities and covenants setting forth the duties
297 of, and limitations on, the board in relation to the acquisition, construction, improvement,
298 enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and
299 disposition of property of the district, the custody, safeguarding, investment and application of
300 moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees,
301 rates, rents, assessments, special assessments or other charges, the use of any surplus bond
302 proceeds, the establishment of reserves, and the making an amending of contracts.

303 In addition to other security provided herein or otherwise by law, bonds or notes issued
304 by the district under any provision of this act, including section eight hereof, may be secured, in
305 whole or in part, by insurance or letters or lines of credit issued to the district by any bank, trust
306 company or other financial institution, within or without the commonwealth, and the board may
307 pledge or assign any of its revenues as security for the reimbursement by the district to the
308 issuers of such insurance or letters or lines of credit of any payments made under any such
309 instruments.

310 It shall be lawful for any bank or trust company to act as a depository or trustee of the
311 proceeds of bonds, revenues or other moneys under any such trust agreement or resolution and to
312 furnish such indemnification or to pledge such securities and issue such letters of credit as may
313 be required by the board. Any such trust agreement or resolution may set forth the rights and
314 remedies of bondholders and of the trustee and may restrict the individual right of action by
315 bondholders. In addition to the foregoing, any such trust agreement or resolution may contain
316 such other provisions as the board may deem reasonable and proper for the security of
317 bondholders. Any pledge of revenues or other property made by the board under this action shall
318 be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106
319 of the General Laws from the time when the pledge is made; the revenues, moneys, rights and
320 proceeds so pledged and then held or thereafter acquired or received by the board shall
321 immediately be subject to the lien of such pledge without any physical delivery or segregation
322 thereof or further act; and the lien of any such pledge shall be valid and binding against all
323 parties having claims of any kind in tort, contract or otherwise against the board, irrespective of
324 whether such parties have notice thereof. Neither the resolution, any trust agreement nor any
325 other agreement by which a pledge is created need be filed or recorded except in the records of
326 the board, and no filing need be made under the provisions of said chapter 106.

327 Any holder of a bond or note issued by the district under the provisions of this act or of
328 any of the coupons appertaining thereto and any trustee under a trust agreement or resolution
329 securing the same, except to the extent the rights herein given may be restricted by such trust
330 agreement or resolution, may bring suit upon the bonds, notes, or coupons and may, either at law
331 or in equity, by suit, action, mandamus, or other proceedings for legal or equitable relief,
332 including proceedings for the appointment of a receiver to take possession and control of the
333 business and properties of the board, to operate and maintain the same, to make any necessary
334 repairs, renewals and replacements in respect thereof and to fix, revise and collect fees,
335 assessments, special assessments and charges, protect and enforce any and all rights under the
336 laws of the commonwealth or granted hereunder or under such trust agreement, resolution or
337 other agreement, and may enforce and compel the performance of all duties required by this act
338 or by such trust agreement or resolution to be performed by the board or by any officer thereof.

339 SECTION 11. The board may issue refunding bonds for the purpose of paying any of its bonds
340 at maturity or upon acceleration or redemption. Refunding bonds may be issued at such time or
341 times prior to the maturity or redemption of the refunded bonds as the board deems to be in the

342 public interest. Refunding bonds may be issued in sufficient amounts to pay or provide the
343 principal of the bonds being refunded, together with any redemption premium thereon, any
344 interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of
345 refunding bonds, the expenses of redeeming bonds being refunded and such reserves for debt
346 service or other capital or current expenses from the proceeds of such refunding bonds as may be
347 required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the
348 maturities and other details thereof, the security therefore, the rights of the holders thereof, and
349 the right, duties and obligations of the board in respect of the same shall be governed by the
350 provisions of this act relating to the issue of bonds other than refunding bonds insofar as the
351 same may be applicable.

352 SECTION 12. Bonds, notes, and other evidences of indebtedness issued or entered into under
353 the provisions of this act shall not be deemed to be a debt or a pledge of the faith and credit of
354 the commonwealth or the town of Dartmouth but shall be payable solely from the revenues of the
355 district. All bonds, notes and other evidences of indebtedness shall contain on the face thereof a
356 statement to the effect that neither the commonwealth nor the town of Dartmouth shall be
357 obligated to pay the same and that neither the faith and credit nor the taxing power of the
358 commonwealth or of the town of Dartmouth is pledged to the payment of the principal of or
359 interest on such bonds or notes. Each bond shall also recite whether it is a general obligation of
360 the district or a special obligation thereof payable solely from particular funds pledged to its
361 payment. Each bond or note shall bear on its face the words, Lincoln Park Improvement District
362 Loan, Act of 2010. The outstanding debt of the district shall not exceed in the aggregate,
363 \$20,000,000. Each authorized issue shall constitute a separate loan and such loans shall be
364 payable in not more than 30 years from their dates. Indebtedness incurred under this act shall be
365 limited to the issuance of bonds or notes as herein provided, and any other provision of the
366 General Laws permitting the district to incur additional debt shall not be applicable.

367 SECTION 13. All moneys received pursuant to the provisions of this act, whether as proceeds
368 from the issue of bonds or as revenues or otherwise, shall be deemed to be trust funds to be held
369 and applied solely as provided in this act.

370 SECTION 14. Bonds or notes issued under the provisions of this act are hereby made securities
371 in which all public officers and public bodies of the commonwealth and its political subdivisions,
372 all insurance companies, commercial departments of trust companies, savings banks, co-
373 operative banks, banking associations, investment companies, executors, administrators, trustees
374 and other fiduciaries may properly and legally invest funds, including capital in their control or
375 belonging to them. Such bonds or notes are hereby made securities which may properly and
376 legally be deposited with and received by any state or municipal officer or any agency or
377 political subdivision of the commonwealth for any purpose for which the deposit of bonds or
378 obligations of the commonwealth is now or may hereafter be authorized by law.

379 SECTION 15. Notwithstanding any of the provisions of this act or any recitals in any bonds
380 issued under this act, all such bonds shall be deemed to be investment securities under the
381 provisions of chapter 106 of the General Laws.

382 SECTION 16. Bonds or notes may be issued under this act without obtaining the consent of the
383 any department, division, commission, board, bureau or agency of the commonwealth or the
384 town, and without any other proceedings or the happening of any other conditions or things than
385 those proceedings, conditions or things which are specifically required by this act, and the
386 validity of and security for any bonds or notes issued by the district shall not be affected by the
387 existence or nonexistence of any such consent or other proceedings, conditions or things.

388

389 SECTION 17. The district and all its revenues, income and real and personal property shall be
390 exempt from taxation and from betterments and special assessments and the district shall not be
391 required to pay any tax, excise or assessment to or for the commonwealth or any of its political
392 subdivisions, including the town of Dartmouth. Bonds or notes issued by the district and their
393 transfer and the income, including any profit made on the sale thereof, shall at all times be
394 exempt from taxation within the commonwealth. Notwithstanding any general or special law,
395 rule or regulation to the contrary, nothing in this act shall limit, restrict or in any way impair the
396 ability of the town to tax the residents, businesses and real property located within the district;
397 provided, further, that any lien of the town on any resident, business or real property located
398 within the district shall take precedence over any similar lien of the district.

399 SECTION 18. The board shall at all times keep full and accurate accounts of its receipts,
400 expenditures, disbursements, assets and liabilities, which shall be open to inspection by any
401 officer or duly appointed agent of the commonwealth or the town; provided further that the board
402 shall conduct an audit of the district's accounts at least once a fiscal year, to be provided to the
403 select board upon completion. The district shall operate on a fiscal year commencing July first
404 unless otherwise provided by the board. Before the issuance of any bonds under the provisions
405 of this act each member or officer of the board charged with responsibility for the issuance
406 thereof, shall execute a surety bond in the sum of \$100,000 payable to the district, or in lieu
407 thereof the board shall obtain a blanket position bond covering any member or officer of the
408 board charged with responsibility for the issuance of any bonds in the sum of \$100,000, such
409 surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be
410 executed by a surety company authorized to transact business in the commonwealth as surety and
411 approved by the board.

412 SECTION 19. Upon termination or dissolution of the district, the title to all funds and other
413 properties owned by it which remain after payment or the making of provision for payment of all
414 bonds and other obligations of the board shall vest in the town. If upon any such termination or
415 dissolution any bonds or notes of the board shall be outstanding, such bonds or notes, shall

416 continue to be payable solely from the revenues and other property pledged and shall not be or
417 become a debt or obligation of the town except to the extent of such pledge.

418 SECTION 20. The provisions of this act shall be deemed to provide an exclusive, additional,
419 alternative and complete method for the doing of the things authorized hereby and shall be
420 deemed and construed to be supplemental and additional to, and not in derogation of, powers
421 conferred upon the board by law; provided, however, that insofar as the provisions of this act are
422 inconsistent with the provisions of any general or special law, administrative order or regulation,
423 or the by-laws of the town of Dartmouth, the provisions of this act shall be controlling. Without
424 limiting the generality of the foregoing, the provisions of chapter 44 of the General Laws shall
425 not be applicable to the manner of voting or the limitations as to amount and time of payment of
426 debts incurred by the district.

427 SECTION 21. The district shall continue in perpetuity until and unless the Dartmouth town
428 meeting shall vote to dissolve it; provided, however, that if this vote occurs prior to the
429 retirement of all debts issued by the district, or prior to the satisfaction of all liabilities of the
430 district, then the district shall continue until 1 year from the date that the district no longer
431 maintains any debts or liabilities; provided, further, that once such a vote is taken, the board shall
432 not issue any additional debt or subject the district to additional liabilities.

433 SECTION 22. The board shall, at all times, ensure that the development of the district is in
434 conformity with, and satisfies the requirements of the Lincoln Park Smart Growth Overlay
435 District.

436 SECTION 23. All deeds and other recorded instruments noticing the transfer of ownership of
437 any real property within the district shall contain language that expressly discloses that said
438 property is subject to this act.

439 SECTION 24. This act shall not be superseded by any subsequent special or general law to the
440 contrary, unless said law expressly provides that it is superseding the provisions contained
441 herein.

442 SECTION 25. This act, being necessary for the welfare of the town and its inhabitants, shall be
443 liberally construed to effect the purposes hereof.

444 SECTION 26. This act shall take effect upon its passage.