

SENATE No. 1856

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 providing for sewer commissioners in the town of Wareham.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Marc R. Pacheco

First Plymouth and Bristol

Susan Williams Gifford

2nd Plymouth

SENATE No. 1856

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1856) of Marc R. Pacheco and Susan Williams Gifford to provide for sewer commissioners in the town of Wareham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act providing for sewer commissioners in the town of Wareham.

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. Notwithstanding any general or special law to the contrary, the charter of
2 the town of Wareham, which is on file in the office of the archivist of the commonwealth as
3 provided in section 12 of chapter 43B of the General Laws, is hereby amended by inserting after
4 section 3-6 the following section:-

5 Section 3-7 Board of Sewer Commissioners:

6 (a) Composition, Term of Office – There shall be a board of sewer commissioners
7 consisting of 5 uncompensated members with no group health or insurance benefits who shall be
8 elected to 3-year terms, so arranged that the terms of as nearly an equal number of members as
9 possible shall expire each year. Of the commissioners, at least 3 shall be sewer users and at least
10 1 shall be a non-sewer user.

11 (b) Powers and Duties – The board of sewer commissioners shall make careful
12 studies of the resources, possibilities and needs of the town related to the availability of sanitary
13 sewers and for the maintenance of a sanitary sewer system. The board shall develop a
14 comprehensive or master plan for a town-wide system of sanitary sewers, which shall include, in
15 graphic and textual form, policies to govern the future growth and development of the entire
16 town. The board shall, in conjunction with other land use bodies, assist in developing a long-
17 range strategic plan for guiding town growth and development. The powers and authority of the
18 board shall include oversight of the sewer enterprise fund, setting rates and charges for the use of
19 the sanitary sewer system, responsibility for the appointment of the sewer superintendent
20 established in subsection (d) and providing advice to the board of selectmen relating to the

21 intergovernmental agreements concerning sanitary sewers. The day-to-day operation, care and
22 maintenance of the sewer department shall be under the supervision of the sewer superintendent.

23 (c) Appointments – Upon an opening on the board for which there is no candidate,
24 that position shall be filled by the board of selectmen and the existing members of the board of
25 sewer commissioners and the person so appointed shall serve in that position until the next
26 election.

27 (d) Sewer Superintendent – The appointment of a sewer superintendent shall be made
28 by the sewer commission and shall become effective 15 days after notice of the appointment has
29 been filed with the board of selectmen, unless the board of selectmen shall, within that period
30 and by a majority vote of all its members, reject such an appointment or if the board of selectmen
31 have earlier voted to affirm.

32 (1) The sewer superintendent shall supervise, direct and be responsible for the efficient
33 administration of all functions under the superintendent's control, as may be authorized by the
34 charter, by-law, other town meeting vote or as requested by a majority vote of the board of sewer
35 commissioners.

36 (2) The sewer superintendent shall appoint and remove, subject to the civil service law if
37 applicable, all sewer department subordinates and employees. Within 15 days following the day
38 on which notice of the appointment is filed with the board of sewer commissioners, such board
39 shall have the opportunity, by a majority vote of the full board, to affirm any such appointment,
40 in which case the appointment becomes effective immediately, or to reject such appointment. If
41 the board of sewer commissioners does not affirm or reject an appointment within those 15 days,
42 the appointment made by the sewer superintendent shall become effective.

43 SECTION 2. This act shall take effect upon its passage.