

HOUSE No. 1131

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act authorizing the town of Southbridge to establish certain special funds..

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 section 53 of chapter 44 of the General Laws or any other
2 general or special law to the contrary, the town of Southbridge may establish a fund in the town
3 treasury, to be known as the Landfill Royalty Fund, into which shall be deposited all royalty
4 payments received from the private operator of the town owned Barefoot Road Sanitary Landfill
5 pursuant to the “Extension of Agreement for the Operation of the Barefoot Road Sanitary
6 Landfill, and Refuse and Recyclables Collection, in the town of Southbridge, by and between
7 Southbridge Recycling & Disposal Park, Inc., and the town of Southbridge, dated May 29,
8 2007), on file with the town clerk, or, if said agreement expires, is sooner superseded or
9 otherwise becomes inapplicable, then pursuant to any successor agreement with any private
10 landfill operator relative to the operation of said landfill.

11 The town council may, by majority vote, appropriate no more than 50 per cent of the
12 estimated annual landfill royalty payment to be received in any fiscal year under the landfill
13 extension agreement or other successor landfill operating agreement in order to fund the
14 operating budget of the town. The remaining 50 per cent of the estimated annual landfill royalty

15 payment and any balance remaining in the Landfill Royalty Fund may be appropriated at any
16 time by a two-thirds vote, to fund capital projects or for any lawful purpose, including, but not
17 limited to, additional funding for the town's operating budget. The town council may
18 appropriate or transfer additional money into the Landfill Royalty Fund at any time. If in any
19 fiscal year the amounts appropriated by the town pursuant to this section exceed the landfill
20 royalty payments actually received, the town council shall raise and appropriate or transfer from
21 available funds sufficient amounts to address the deficit prior to the end of that fiscal year, or the
22 deficit shall be added to the tax levy and raised by taxation in the fiscal year immediately
23 following.

24 SECTION 2. Notwithstanding section 53 of chapter 44 of the General Laws or any other
25 general or special law to the contrary, the town of Southbridge may establish a fund in the town
26 treasury, to be known as the Landfill Reimbursement Fund, into which shall be deposited all
27 reimbursements and other payments, except the royalty payment referred to in section 1,
28 received under the extension agreement, any successor landfill operating agreement, any
29 landfill site assignment, or modification thereof, issued by the board of health in the town of
30 Southbridge pursuant to section 150A of chapter 111 of the General Laws, or under any other
31 agreement relative to the operation of the landfill. The town council may, by majority vote,
32 appropriate estimated reimbursements and other landfill related payments to be received in any
33 fiscal year under the landfill extension agreement, any successor landfill operating agreement,
34 any landfill site assignment, or modification thereof, issued by said board of health pursuant to
35 said section 150A, or any other agreement relative to the operation of said landfill, as may be
36 necessary to fund the various activities for which such payments are made, or may appropriate
37 said funds for any other lawful purpose. If in any fiscal year the amount appropriated by the

38 town pursuant to this section exceeds the landfill reimbursement payments or other landfill-
39 related payments actually received, the town council shall raise and appropriate or transfer from
40 available funds sufficient amounts to address the deficit prior to the end of that fiscal year, or the
41 deficit shall be added to the tax levy and raised by taxation in the fiscal year immediately
42 following.

43 SECTION 3. The town treasurer shall be the custodian of the Landfill Royalty Fund and
44 the Landfill Reimbursement Fund and shall make a separate accounting of each special fund to
45 the town council each year no later than September 1st for the preceding fiscal year ending on
46 June 30th. Any income derived from the investment or reinvestment of the special funds
47 authorized herein shall remain with and become part of each fund.

48 SECTION 4. Chapter 475 of the acts of 2004 is hereby repealed.

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