

HOUSE No. 3815

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the city of Taunton municipal light plant commission..

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 the provisions of sections three and fifteen of chapter
2 forty of the General Laws or any other general or special law to the contrary, and in addition to
3 any other power conferred by law, the city of Taunton, acting through its municipal light
4 commission, is hereby authorized to lease certain land as described below for the purposes of
5 constructing, operating and maintaining the electric power plant and related facilities as provided
6 in this act to the joint owners as herein described, for a term not to exceed fifty years. Said land
7 may be used for the aforementioned purposes notwithstanding any restrictions or limitations on
8 said land existing by deed or otherwise and shall be subject to exemption from the operation of
9 the applicable zoning ordinances or by-laws pursuant to the provisions of section three of chapter
10 forty-A applicable to public service corporations.

11 Said land consists of the following parcels located in the city of Taunton.

12 The property conveyed to the Taunton Municipal Lighting Plant by deed of
13 Daniel W. Cody, Trustee of Railroad Realty Trust, dated September 19, 1988, and recorded with
14 the Bristol county north district registry of deeds in book 3922, page 294;

15 The property conveyed to the Taunton Municipal Lighting Plant by deed of
16 Jose DaRosa and Louisa DaRosa, dated October 23, 1989, and recorded with the Bristol county
17 north district registry of deeds in book 4272, page 121.

18 The property conveyed to the city of Taunton and the Taunton Municipal
19 Lighting Plant by deed of Ralph M. Strange, dated April 16, 1964, and recorded with the Bristol
20 county north district registry of deeds in book 1440, page 509.

21 The property conveyed to the Taunton Municipal Lighting Plant by deed of
22 Carols DaRosa and Maria J. DaRosa, dated October 24, 1978, and recorded with the Bristol
23 county north district registry of deeds in book 1860, page 23.

24 The property conveyed to the city of Taunton, for and on behalf of the Taunton
25 Municipal Lighting Plant, by deeds of Antone L. Rose and Mary P. Rose, dated March 1, 1965
26 and recorded with the Bristol county north district registry of deeds in book 1458, page 33 and
27 by deed dated May 8, 1965, and recorded with the Bristol county north district registry of deeds
28 in book 1461, page 863.

29 The property conveyed to the Taunton Municipal Lighting Plant, by deed of
30 Richard St. Germain, Lynn St. Germain and Matthew St. Germain, dated March 10, 1989, and
31 recorded with the Bristol county north district registry of deeds in book 4069, page 259.

32 The property conveyed to the Taunton Municipal Lighting Plant by deed of
33 Princess House, Inc., dated June 5, 1978, and recorded with the Bristol county north district
34 registry of deeds in book 1820, page 263.

SECTION 2. The provisions of sections thirty-eight A ½ to thirty-eight O, inclusive, of chapter seven of the General Laws, the provisions of section twenty A of chapter nine of the General Laws, the provisions of sections thirty-nine F to thirty-nine R, inclusive, of chapter thirty of the General Laws, the provisions of sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws, and the regulations promulgated under any of such portions of the General Laws or any other provisions of the General Laws governing the procurement by municipal light plants or municipal lighting plant cooperatives of construction and design services, other than the provisions of section twenty-seven and sections twenty-seven A to twenty-seven F, inclusive, of chapter one hundred and forty-nine, if and to the extent otherwise applicable, shall not apply to the design, construction, operation or maintenance of the electric power plant and facilities related or necessary thereto, provided for in this act. Provided however, the provisions of section twenty-seven and sections twenty-seven A to twenty-seven F, inclusive, of chapter one hundred and forty-nine and section fifteen, section seventeen, paragraphs two through four of section eighteen, section nineteen, and section twenty of chapter one hundred and forty-nine A applicable to the design-build method for public works construction projects shall apply to the design and construction of the electric power plant and facilities related or necessary thereto. Notwithstanding the foregoing, as the awarding authority under section fifteen of chapter one hundred forty-nine A, the Taunton Municipal Lighting Plant shall have the right to waive minor informalities and reject any and all bids if it is in the public interest to do so.

SECTION 3. The Taunton Municipal Lighting Plant is hereby authorized to issue revenue bonds for the financing of the costs of the electric power plant and facilities related or necessary thereto, provided for in this act. Such costs includes all costs of the electric power

plant and facilities, whether incurred prior to or after the issue of bonds or noted hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which said buildings or structures may be moved, financing charges, interest prior to and during the carrying out of the electric power plant services, administrative expenses, reserves for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of the electric power plant project or to carrying out the electric power plant project or the placing the project in operation. Said revenue bonds shall be governed by, and issued in accordance with the procedures set forth in sections 11 (b) through 11 (e), and sections 12 through 22 of chapter one hundred and sixty four A of the General Laws, except as follows:

a) no approval of the department of telecommunications and energy as specified in the foregoing sections of chapter 164A of the General Law shall be necessary in connection with any aspect of the issuance of revenue bonds by the Taunton Municipal Lighting Plant; and

b) wherever the terms “board” and “municipal light board” shall appear in the foregoing sections of chapter 164A of the General Laws, they shall be construed to mean the municipal light commission of the Taunton Municipal Lighting Plant; and

c) wherever the terms “city or town” shall appear in the foregoing sections of chapter 164A of the General Laws, they shall be construed to mean the city of Taunton.

SECTION 4. The city of Taunton shall be authorized to finance the costs of the electric power plant and facilities related or necessary thereto as provided for in this act in accordance

80 with the provisions of section 8 of chapter 44; however, the outstanding indebtedness so incurred
81 shall not be subject to the limitation expressed therein of 2.5 per cent of the equalized valuation
82 of the city; and further, no approval of the members of the municipal finance oversight board
83 will be required in connection with the amount of indebtedness to be incurred.

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