

**HOUSE . . . . . No. 4113**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act authorizing the town of North Andover to incur debt for the replacement of overhead utilities..

*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 Town of North Andover may incur debt, outside the limit of  
2 indebtedness prescribed in section 10 of chapter 44 of the General Laws, for the purpose of  
3 removing or causing to be removed poles, overhead wires and associated overhead structures  
4 used in connection with the provision of public utilities and which are located upon, along or  
5 across public ways within Old Center Historical District, and replacing the same with  
6 underground facilities, which project shall enhance the general quality and public welfare of the  
7 town. Any debt incurred hereunder shall otherwise be subject to the provisions of said chapter  
8 44.

9           SECTION 2. Any utility organized and existing under the laws of or doing business in  
10 the Commonwealth and which maintains poles, overhead wires or associated overhead structures  
11 within the town of North Andover, and the town, subject to a majority vote of its town meeting,  
12 may enter into, and from time to time amend, a cooperation agreement whereby (a) the town  
13 shall appropriate by borrowing under Section 1 of this act and expend a sum or sums of money to

14 remove or cause to be removed any poles and overhead wires and associated overhead structures  
15 located within its Old Center Historical District, and, if needed, for the continuation of such  
16 utility's service, to replace the same or cause them to be replaced with underground facilities,  
17 and (b) the utility shall pay to the town in each calendar year for a period of years specified in  
18 such agreement an amount which shall be equal to 2 per cent of such utility's gross revenue  
19 derived during the next prior calendar year from its customers within the Town but the total  
20 amount paid by the utility to the town over the term of the agreement shall not exceed the town's  
21 principal, interest, and costs associated with such borrowing.

22 SECTION 3. Any utility shall impose and collect a surcharge of 2 percent on its total  
23 billing to each customer located in the town of North Andover in addition to all other rates,  
24 charges and fees it may otherwise be authorized to impose and collect, as a contribution towards  
25 the cost of funding any agreement entered into by the utility and the town pursuant to this act,  
26 but the total amount so imposed and collected shall not exceed the town's principal, interest, and  
27 costs associated with such borrowing.

28 SECTION 4. This act shall take effect upon its passage.