

SENATE No. 2600

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Text of Senate amendment (Montigny) to the House Bill relative to floor finishing products (House, No. 4883).

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
2 constitute an improvement district and is hereby made a body corporate and politic, entitled The
3 Lincoln Park Improvement District which shall hereinafter be referred to as the district. The
4 district shall be bounded and described as follows:

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

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

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

13 Thence running S 05° 56' 19" E a distance of two hundred and sixteen and 74/100
14 (216.74) feet by the land now or formerly of the New England Amalgamated Clothing and
15 Textile Workers Union Building Corporation to a drill hole;

16 Thence running S 06° 26' 44" E a distance of two hundred and fifty four and 01/100
17 (254.01) feet by the land now or formerly of the New England Amalgamated Clothing and
18 Textile Workers Union Building Corporation to a drill hole;

19 Thence running S 04° 55' 41" E a distance of one hundred and forty nine and 44/100
20 (149.44) feet by the land now or formerly of the New England Amalgamated Clothing and
21 Textile Workers Union Building Corporation to a drill hole and the land now or formerly of
22 Kevin P. and Deborah A. Wicherski;

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

26 Thence running S 03° 39' 38" E a distance of one hundred and twenty five and 67/100
27 (125.67) feet by the land now or formerly of Edward R. Seed to a corner on the northerly side of
28 Reed Road;

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

31 Thence running S 85° 14' 20" W a distance of one hundred and seventy eight and 63/100
32 (178.63) feet by the northerly side of Reed Road to a corner;

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

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

37 Thence running S 16° 48' 24" W a distance of two hundred and seven and 30/100
38 (207.30) feet by the land now or formerly of Kenneth R. Lee to a concrete pillar;

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

41 Thence running S 35° 55' 24" W a distance of five hundred and sixty four and 10/100
42 (564.10) feet by the northwesterly side of Reed Road to an iron rod;

43 Thence by a curve turning to the right with a radius of forty nine and 02/100 (49.02) feet,
44 an arc length of ninety nine and 24/100 (99.24) feet, and a chord bearing and distance of N 86°
45 04' 47" W a distance of eighty three and 14/100 (83.14) feet to a corner;

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

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

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

52 Thence running N 22° 03' 05" W a distance of one hundred and eighty two and 23/100
53 (182.23) feet by the westerly side of Beeden Road to a corner;

54 Thence running N 21° 02' 08" W a distance of two hundred and sixty five and 99/100
55 (265.99) feet by the westerly side of Beeden Road to a corner;

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

58 Thence running N 21° 14' 14" W a distance of two hundred and ninety four and 36/100
59 (294.36) feet by the westerly side of Beeden Road to a corner;

60 Thence running N 25° 34' 24" W a distance of one hundred and seventy three and 46/100
61 (173.46) feet by the westerly side of Beeden Road to a corner;

62 Thence running N 38° 26' 57" W a distance of one hundred and eight and 97/100
63 (108.97) feet by the westerly side of Beeden Road to a corner;

64 Thence running N 63° 45' 37" W a distance of three hundred and seventy eight and
65 37/100 (378.37) feet by the westerly side of Beeden Road to a corner;

66 Thence running N 34° 48' 52" W a distance of two hundred and thirty four and 54/100
67 (234.54) feet by the westerly side of Beeden Road to a corner;

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

70 Thence running N 57° 48' 05" E a distance of one hundred and twenty four and 45/100
71 (124.45) feet by the southerly side of State Road to a corner;

72 Thence running N 84° 35' 50" E a distance of eight hundred and thirteen and 18/100
73 (813.18) feet by the southerly side of State Road to a corner;

74 Thence by a curve turning to the right with a radius of one hundred and twelve and
75 00/100 (112.00) feet, an arc length of thirty six and 16/100 (36.16) feet to a corner;

76 Thence by a curve turning to the left with a radius of one hundred and twenty and 24/100
77 (120.24) feet, an arc length of thirty eight and 82/100 (38.82) feet to a corner;

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

80 Thence by a curve turning to the left with a radius of one hundred and twenty and 24/100
81 (120.24) feet, an arc length of thirty eight and 82/100 (38.82) feet to a corner;

82 Thence by a curve turning to the right with a radius of one hundred and twelve and
83 00/100 (112.00) feet, an arc length of thirty six and 16/100 (36.16) feet to a corner;

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

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

88 Thence running N 84° 35' 56" E a distance of two hundred and thirty five and 39/100
89 (235.39) feet by the southerly side of State Road to a corner to the point of beginning.

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

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

98 SECTION 3. The powers conferred by this act shall be exercised by a board of
99 commissioners, consisting of 5 members. Said board shall not be subject to the supervision of
100 the department of public works of the town or of any other department, commission, board,
101 bureau or agency of the town except to the extent and in the manner provided in this act. The
102 members of the board shall be appointed by the selectmen of the town of Dartmouth, except for
103 the public works director of the town of Dartmouth, who shall serve as a member ex officio.
104 Three members shall be individual owners of land located within the district, or nominated by
105 owners of land located within the district; provided, however, that such nominees shall be
106 individual residents of the town of Dartmouth. One member shall be a resident of the town of
107 Dartmouth. Except for the public works director of the town of Dartmouth who shall serve as an
108 ex officio member of the board, members shall serve 3-year terms, except that 2 members of the
109 initial board shall serve a term of 1 year, and the remaining 2 members shall serve staggered
110 terms of 2 and 3 years respectively, with the term of each initial board member to be designated
111 by the selectmen on appointment. Any member of the board may be eligible for reappointment.
112 Prior to assuming office, every member of the board shall take an oath before the town clerk to
113 administer the duties of his office faithfully. A record of all such oaths shall be filed in the office

114 of the town clerk. The selectmen may remove any member of the board for good cause. Good
115 cause shall include any ground that is not arbitrary, irrational, unreasonable, in bad faith or
116 irrelevant to the sound operation of the district.

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

126 SECTION 4. The board shall not commence any initial development of, or construction
127 in, the district and shall not appropriate any monies for, or commence any financing of the same,
128 until and unless it presents to the select board an initial improvement plan for the development of
129 the district and receives from the select board the approval of that plan.

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

133 (a) in conformity with the General Laws, to adopt by-laws for the regulation of its affairs
134 and the conduct of its business, to promulgate rules, regulations and procedures in connection
135 with the performance of its functions and duties, and to fix, enforce and collect penalties for the

136 violation thereof; provided, however, that any by-laws with respect to the removal of members of
137 the board shall be consistent with the by-laws of the town of Dartmouth;

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

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

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

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

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

155 (g) to construct, maintain, improve and operate a system or systems of roadways, water
156 works, sewer works, electrical distribution facilities and any other infrastructure elements

157 reasonably necessary to the development and upkeep of the district within or without the district,
158 for the benefit of the district; to construct any such facilities under or over any bridge, railroad,
159 railway, boulevard or other public way, or within the location of any railroad, and to enter upon
160 and dig up any public way or railroad location, for the purpose of constructing, reconstructing,
161 improving or extending any such facilities and of maintaining and repairing the same; provided,
162 however, that they shall not enter upon or construct any such facilities within the location of any
163 railroad corporation except at such time and in such manner as they may agree upon with such
164 corporation, or, in case of failure to agree, as may be approved by the department of public
165 utilities. Notwithstanding the foregoing, the board shall not construct, maintain, improve or
166 operate a system or systems of roadways, water works, sewer works, electrical distribution
167 facilities or any other infrastructure elements reasonably necessary to the development and
168 upkeep of the district outside of the boundaries of the district without the prior approval of the
169 board of selectmen of the town of Dartmouth; provided, however, that chapter 30B of the
170 General Laws shall apply to the district, except that section 16 of said chapter 30B shall not
171 apply. Chapter 31 of the General Laws shall not apply to any person employed or engaged by the
172 district under this act. With respect to any construction or repair work undertaken by it pursuant
173 to this clause, the district shall be considered a public agency for purposes of section 26 and
174 sections 44A to 44H, inclusive, of chapter 149 of the General Laws. Said chapters 30B and 149
175 shall not be applicable to improvements acquired by but not constructed, improved, or repaired
176 by the district, provided, further, that the provisions of the General Laws that protect public
177 health, welfare and safety shall apply to the actions of the board;

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

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

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

190 (k) to exercise the powers and privileges of, and to be subject to limitations upon, towns
191 and cities provided by the provisions of sections 38 to 42 K, inclusive, of chapter 40 of the
192 General Laws, as well as chapters 80 and 83 of the General Laws, insofar as such provisions
193 may be applicable and are consistent with the provisions of this act; provided, however, that any
194 requirement in said sections 38 to 42K, inclusive, of said chapter 40, or said chapters 80 and
195 83 for a vote by the board of selectmen or other governing body of a town or for a vote by the
196 voters of a town shall be satisfied by a vote or resolution duly adopted by the board in
197 accordance herewith; and provided further, that the powers of the board to make rules and
198 regulations and establish penalties regarding the use of facilities of the district shall not be
199 limited by section 10 of said chapter 83; provided further, that the district shall have the powers
200 of eminent domain applicable to municipalities of the commonwealth, but the district shall not
201 exercise this authority without the prior approval of the board of selectmen of the town of
202 Dartmouth;

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

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

209 SECTION 6. The members of the board of commissioners of the district shall be special
210 municipal employees within the meaning of chapter 268A of the General Laws, provided ,
211 however, that t he provisions of said chapter 268A or any similar provision of any general or
212 special law, shall not apply to any member of the board having a direct or indirect financial
213 interest in any contract or transaction to be entered into with the district ; provided further, that
214 a statement making disclosure of a member’s interest and the interests of immediate family in
215 said contract or transaction shall be described in the improvement plan and filed with the town
216 clerk of the town of Dartmouth.

217 In the case of a direct or indirect financial interest of a member of the board arising after
218 the filing of an improvement plan, any member of the board having a direct or indirect financial
219 interest in a contract or transaction to be entered into with the district, shall prepare a statement
220 making disclosure of the member’s interest and the interests of the member’s immediate family
221 in the contract or transaction and such statement shall be filed with the board of selectmen and
222 the town clerk of the town of Dartmouth.

223 SECTION 7. The board may fix, revise, charge, collect and abate reasonable fees,
224 betterments, assessments and special assessments for the cost of the improvements and other

225 services and commodities furnished or supplied to the real property in the district, and in doing
226 so, may avail itself, as it shall deem necessary and appropriate, of the provisions of the General
227 Laws relative to the assessment, apportionment, division, fixing, reassessment, revision,
228 abatement and collection of infrastructure charges, including betterments, assessments and
229 special assessments by cities and towns, or the establishment of liens therefor and interest
230 thereon, and the procedures set forth in sections 5 and 5A of chapter 254 of the General Laws for
231 the foreclosure of liens arising under section 6 of chapter 183A of the General Laws.

232 Notwithstanding any provision of the General Laws to the contrary, the district may pay the
233 entire cost of any improvements, or the debt service of notes or bonds used to fund such costs,
234 from betterments, assessments, special assessments or fees and may establish said betterments,
235 assessments, special assessments or fees within 1 year from the completion or acquisition of the
236 improvements. The board may establish a schedule of up to 35 years for the payment of
237 betterments, assessments or special assessments The board may determine the circumstances
238 under which the fees, assessments, special assessments, betterments and other charges may be
239 increased, if at all, as a consequence of delinquency or default. In order to provide for the
240 collection and enforcement of its fees, assessments, special assessments, betterments and other
241 charges, the district, in addition to the powers granted in this act, is hereby granted all the powers
242 and privileges with respect thereto held by the town on the effective date of this act, to be
243 exercised concurrently with the town. Notwithstanding such concurrent jurisdiction, any liens
244 imposed by the town for the payment of property taxes or other fees shall have priority in
245 payment over any liens of the district.

246 As an alternative to levying betterments, assessments, and fees, under any other
247 provisions of this act or the General Laws, the district may levy special assessments on real

248 estate in the district to finance the cost of improvements. In determining the basis for and
249 amount of the special assessment, the cost of improvements, including the cost of the repayment
250 of the debt issued or to be issued to finance the improvements, may be calculated and levied
251 using any of the following methods:

252 (a) equally per front foot, lot, parcel, dwelling unit, or square foot;

253 (b) according to the value of the property as determined by the town board of assessors;

254 or

255 (c) in any other reasonable manner that results in fairly allocating the costs of the
256 improvements to the real estate in the district.

257 The district may also provide for the following:

258 (a) a maximum amount to be assessed with respect to any parcel;

259 (b) a tax year or other date after which no further special assessments under this section
260 shall be levied or collected on a parcel;

261 (c) a levy to be collected annually without subsequent approval of the district; and

262 (d) the circumstances under which the special assessment levied against any parcel may
263 be increased, if at all, as a consequence of delinquency or default by the proprietor of that parcel
264 or any other parcel within the district.

265 The fees, rates, rents, assessments, special assessments and other charges of the board of
266 general application shall be adopted and revised by the board at least annually in accordance
267 with procedures to be established by the board for assuring that interested persons are afforded

268 notice and an opportunity to present data, views and arguments. The board shall hold at least 1
269 public hearing on its schedule of fees, rates, assessments, special assessments and charges or any
270 revision thereof prior to adoption, notice of which shall be delivered to the selectmen and be
271 published in a newspaper of substantial circulation in the town of Dartmouth at least 1 month in
272 advance of the hearing. Not later than the date of such publication, the board shall make
273 available to the public and deliver to the selectmen the proposed schedule of fees, rates,
274 assessments, special assessments and charges.

275 The fees, rates, rents, assessments, special assessments, abatements and other charges
276 established by the board shall not be subject to supervision or regulation by any department,
277 division, commission, board, bureau, or agency of the commonwealth or any of its political
278 subdivisions, including, without limitation, the town, nor shall the district be subject to the
279 provisions of section 20A of chapter 59 of the General Laws. Notwithstanding the foregoing,
280 except to the extent of assessments, special assessments or betterments assessed by the board, the
281 board shall have no power of taxation. The board's operating budget shall be limited to the sum
282 of \$30,000 for current administrative expenses approved by the board in the fiscal year in which
283 this act shall have been approved and in the fiscal year commencing after the fiscal year in which
284 this act shall have been approved. Each year thereafter, the sum may be increased 2 1/2 per cent
285 per year.

286 The fees, rates, rents, assessments, special assessments and other charges established by
287 the board in accordance with this section shall be so fixed and adjusted in respect of the
288 aggregate thereof so as to provide revenues at least sufficient: (i) to pay the current expenses of
289 the board; (ii) to pay the principal of, premium, if any, and interest on bonds or other evidences
290 of indebtedness issued by the board under this act as the same become due and payable; (iii) to

291 create and maintain such reasonable reserves as may be reasonably required by any trust
292 agreement or resolution securing bonds; (iv) to provide funds for paying the cost of all necessary
293 repairs, replacements and renewals of the districts infrastructure elements; and (v) to pay or
294 provide for any amounts which the board may be obligated to pay or provide for by law or
295 contract, including any resolution or contract with or for the benefit of the holders of its bonds.

296 SECTION 8. The board may provide by resolution for the issuance, at one time or
297 from time to time, of notes of the district in the aggregate principal amount of \$20,000,000
298 outstanding at any 1 time, excluding notes refunded by other notes issued under this paragraph,
299 for the purpose of providing funds for paying the cost of constructing or acquiring, extending,
300 enlarging, altering, reconstructing or remodeling of facilities of the district as may be authorized
301 by such resolution, including the funding of interest on any notes of the district issued pursuant
302 to section 7 in anticipation of federal, state or local grants for such work.

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

310 The proceeds of the notes authorized by this section shall be used solely for paying costs
311 of constructing or acquiring, extending, enlarging, altering, reconstructing or remodeling of
312 facilities of the district as may be authorized by such resolution, including the funding of interest

313 on any notes of the district issued pursuant to section 7 in anticipation of federal, state or local
314 grants for such work and shall be disbursed in such manner and under such restrictions as may be
315 provided in the resolution of the board.

316 SECTION 9. In addition to the notes issued under section 8, the board may provide by
317 resolution for the issuance from time to time of bonds of the district for any of its corporate
318 purposes. Bonds may be issued hereunder as general obligations of the district or as special
319 obligations payable solely from particular funds. Without limiting the generality of the
320 foregoing, such bonds may be issued to pay or refund notes issued by the district pursuant to
321 section 8, to pay the costs of constructing or acquiring, extending, enlarging, altering,
322 reconstructing or remodeling or otherwise improving facilities of the district, to provide such
323 reserves for debt service, repairs and replacements or other costs as may be required by a trust
324 agreement or resolution securing bonds of the district, or for any combination of the foregoing
325 purposes. The board may also provide by resolution for the issuance from time to time of
326 temporary notes in anticipation of the revenues to be collected for or received by the board in
327 any year, or in anticipation of the receipt of federal, commonwealth or local grants or other aid.
328 The issuance of such notes shall be governed by the provisions of this act relating to the issuance
329 of bonds other than such temporary notes as the same may be applicable; provided, however, that
330 notes issued in anticipation of revenues shall mature not later than 1 year from the respective
331 date thereof and notes issued in anticipation of federal, commonwealth or local grants or other
332 aid and renewals thereof shall mature not later than the expected date of receipt of such grants or
333 aid. Notes in anticipation of revenues issued to mature less than 1 year from the dates thereof
334 may be renewed by the board from time to time by the issue of other temporary notes hereunder;

335 provided, however, that the period from the date of an original note to the maturity of any note
336 issued to renew or pay the same or the interest thereon shall not exceed 1 year.

337 SECTION 10. The principal of, premium, if any, and interest on all bonds or notes
338 issued under this act, unless otherwise provided herein, shall be payable solely from the funds
339 provided from revenues as herein provided. Bonds or notes of each issue shall be dated, shall
340 bear interest at such rate or rates, including rates variable from time to time as determined by
341 such index, bankers loan rate or other method determined by the board and shall mature at such
342 time or times, as may be determined by the board, and may be made redeemable before maturity
343 at the option of the board at such price or prices and under such terms and conditions as may be
344 fixed by the board prior to the issue of bonds or notes. The board shall determine the form of
345 bonds or notes and the manner of execution of bonds or notes and shall fix the denomination or
346 denominations of bonds or notes and the place or places of payment of principal and interest,
347 which may be at any bank or trust company within or without the commonwealth. In case any
348 officer whose signature or a facsimile of whose signature shall appear on any bonds or notes or
349 coupons shall cease to be such officer before the delivery thereof, such signature or such
350 facsimile shall nevertheless be valid and sufficient for all purposes as if such officer had
351 remained in office until after such delivery. The board may also provide for authentication of
352 bonds by a trustee or fiscal agent. The board may by resolution delegate to any member of the
353 board or any combination of them the power to determine any of the matters set forth in this
354 section including the power to award such bonds or notes to a purchaser or purchasers at public
355 or private sale. The board may sell its bonds or notes in such manner, either at public or private
356 sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest, as it
357 may determine will best effect the purposes of this act. The board may also provide for the

358 replacement of any bonds which shall have become mutilated or shall have been destroyed or
359 lost.

360 In the discretion of the board, any bonds issued hereunder may be secured by a resolution
361 of the board or by a trust agreement between the board and a corporate trustee, which may be
362 any trust company or bank having the powers of a trust company within or without the
363 commonwealth, and such trust agreement shall be in such form and executed in such manner as
364 may be determined by the board. Such trust agreement or resolution may pledge or assign, in
365 whole or in part, the revenues and other moneys held or to be received by the board, including
366 the revenues from any improvements already existing when the pledge or assignment is made,
367 and any contract or other rights to receive the same, whether then existing or thereafter coming
368 into existence and whether then held or thereafter acquired by the board, and the proceeds
369 thereof. Such trust agreement or resolution may contain such provisions for protecting and
370 enforcing the rights, security and remedies of the bondholders as may, in the discretion of the
371 board, be reasonable and proper and not in violation of law, including, without limiting the
372 generality of the foregoing, provisions defining defaults and providing for remedies in the event
373 thereof which may include the acceleration of maturities and covenants setting forth the duties
374 of, and limitations on, the board in relation to the acquisition, construction, improvement,
375 enlargement, alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and
376 disposition of property of the district, the custody, safeguarding, investment and application of
377 moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees,
378 rates, rents, assessments, special assessments or other charges, the use of any surplus bond
379 proceeds, the establishment of reserves, and the making an amending of contracts.

380 In addition to other security provided herein or otherwise by law, bonds or notes issued
381 by the district under \ this act, including section 8hereof, may be secured, in whole or in part, by
382 insurance or letters or lines of credit issued to the district by any bank, trust company or other
383 financial institution, within or without the commonwealth, and the board may pledge or assign
384 any of its revenues as security for the reimbursement by the district to the issuers of such
385 insurance or letters or lines of credit of any payments made under any such instruments.

386 It shall be lawful for any bank or trust company to act as a depository or trustee of the
387 proceeds of bonds, revenues or other moneys under any such trust agreement or resolution and to
388 furnish such indemnification or to pledge such securities and issue such letters of credit as may
389 be required by the board. Any such trust agreement or resolution may set forth the rights and
390 remedies of bondholders and of the trustee and may restrict the individual right of action by
391 bondholders. In addition to the foregoing, any such trust agreement or resolution may contain
392 such other provisions as the board may deem reasonable and proper for the security of
393 bondholders. Any pledge of revenues or other property made by the board under this action shall
394 be valid and binding and shall be deemed continuously perfected for the purposes of chapter 106
395 of the General Laws from the time when the pledge is made; the revenues, moneys, rights and
396 proceeds so pledged and then held or thereafter acquired or received by the board shall
397 immediately be subject to the lien of such pledge without any physical delivery or segregation
398 thereof or further act; and the lien of any such pledge shall be valid and binding against all
399 parties having claims of any kind in tort, contract or otherwise against the board, notwithstanding
400 whether such parties have notice thereof. Neither the resolution, any trust agreement nor any
401 other agreement by which a pledge is created need be filed or recorded except in the records of
402 the board, and no filing need be made under the said chapter 106 .

403 Any holder of a bond or note issued by the district under this act or of any of the coupons
404 appertaining thereto and any trustee under a trust agreement or resolution securing the same,
405 except to the extent the rights herein given may be restricted by such trust agreement or
406 resolution, may bring suit upon the bonds, notes, or coupons and may, either at law or in equity,
407 by suit, action, mandamus, or other proceedings for legal or equitable relief, including
408 proceedings for the appointment of a receiver to take possession and control of the business and
409 properties of the board, to operate and maintain the same, to make any necessary repairs,
410 renewals and replacements in respect thereof and to fix, revise and collect fees, assessments,
411 special assessments and charges, protect and enforce any and all rights under the laws of the
412 commonwealth or granted hereunder or under such trust agreement, resolution or other
413 agreement, and may enforce and compel the performance of all duties required by this act or by
414 such trust agreement or resolution to be performed by the board or by any officer thereof.

415 SECTION 11. The board may issue refunding bonds for the purpose of paying any of its
416 bonds at maturity or upon acceleration or redemption. Refunding bonds may be issued at such
417 time or times prior to the maturity or redemption of the refunded bonds as the board deems to be
418 in the public interest. Refunding bonds may be issued in sufficient amounts to pay or provide the
419 principal of the bonds being refunded, together with any redemption premium thereon, any
420 interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of
421 refunding bonds, the expenses of redeeming bonds being refunded and such reserves for debt
422 service or other capital or current expenses from the proceeds of such refunding bonds as may be
423 required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the
424 maturities and other details thereof, the security therefore, the rights of the holders thereof, and
425 the right, duties and obligations of the board in respect of the same shall be governed by the

426 provisions of this act relating to the issue of bonds other than refunding bonds insofar as the
427 same may be applicable.

428 SECTION 12. Bonds, notes, and other evidences of indebtedness issued or entered into
429 under the provisions of this act shall not be deemed to be a debt or a pledge of the faith and
430 credit of the commonwealth or the town of Dartmouth but shall be payable solely from the
431 revenues of the district. All bonds, notes and other evidences of indebtedness shall contain on the
432 face thereof a statement to the effect that neither the commonwealth nor the town of Dartmouth
433 shall be obligated to pay the same and that neither the faith and credit nor the taxing power of the
434 commonwealth or of the town of Dartmouth is pledged to the payment of the principal of or
435 interest on such bonds or notes. Each bond shall also recite whether it is a general obligation of
436 the district or a special obligation thereof payable solely from particular funds pledged to its
437 payment. Each bond or note shall bear on its face the words, Lincoln Park Improvement District
438 Loan, Act of 2010. The outstanding debt of the district shall not exceed in the aggregate,
439 \$20,000,000. Each authorized issue shall constitute a separate loan and such loans shall be
440 payable in not more than 30 years from their dates. Indebtedness incurred under this act shall be
441 limited to the issuance of bonds or notes as herein provided, and any other provision of the
442 General Laws permitting the district to incur additional debt shall not be applicable.

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

446 SECTION 14. Bonds or notes issued under the provisions of this act are hereby made
447 securities in which all public officers and public bodies of the commonwealth and its political

448 subdivisions, all insurance companies, commercial departments of trust companies, savings
449 banks, co-operative banks, banking associations, investment companies, executors,
450 administrators, trustees and other fiduciaries may properly and legally invest funds, including
451 capital in their control or belonging to them. Such bonds or notes are hereby made securities
452 which may properly and legally be deposited with and received by any state or municipal officer
453 or any agency or political subdivision of the commonwealth for any purpose for which the
454 deposit of bonds or obligations of the commonwealth is now or may hereafter be authorized by
455 law.

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

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

465 SECTION 17. The district and all its revenues, income and real and personal property
466 shall be exempt from taxation and from betterments and special assessments and the district shall
467 not be required to pay any tax, excise or assessment to or for the commonwealth or any of its
468 political subdivisions, including the town of Dartmouth. Bonds or notes issued by the district
469 and their transfer and the income, including any profit made on the sale thereof, shall at all times

470 be exempt from taxation within the commonwealth. Notwithstanding any general or special law,
471 rule or regulation to the contrary, nothing in this act shall limit, restrict or in any way impair the
472 ability of the town to tax the residents, businesses and real property located within the district;
473 provided further, that any lien of the town on any resident, business or real property located
474 within the district shall take precedence over any similar lien of the district.

475 SECTION 18. The board shall at all times keep full and accurate accounts of its receipts,
476 expenditures, disbursements, assets and liabilities, which shall be open to inspection by any
477 officer or duly appointed agent of the commonwealth or the town; provided, however that the
478 board shall conduct an audit of the districts accounts at least once in a fiscal year, to be provided
479 to the select board upon completion. The district shall operate on a fiscal year commencing July
480 1 unless otherwise provided by the board. Before the issuance of any bonds under the provisions
481 of this act each member or officer of the board charged with responsibility for the issuance
482 thereof, shall execute a surety bond in the sum of \$100,000 payable to the district, or in lieu
483 thereof, the board shall obtain a blanket position bond covering any member or officer of the
484 board charged with responsibility for the issuance of any bonds in the sum of \$100,000 , such
485 surety bonds to be conditioned upon the faithful performance of the duties of their offices, to be
486 executed by a surety company authorized to transact business in the commonwealth as surety and
487 approved by the board.

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

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

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

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

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

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

515 SECTION 24. This act, being necessary for the welfare of the town and its inhabitants,
516 shall be liberally construed to effect the purposes hereof.

517 SECTION 25. This act shall take effect upon its passage.