

HOUSE No. 4276

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter and Therese Murray

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 authorizing certain development parcel tax revenues to be deposited into a special fund in the town of Plympton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>7/9/2012</i>
<i>Therese Murray</i>		

HOUSE No. 4276

By Representative Calter of Kingston and Senator Murray, a joint petition (accompanied by bill, House, No. 4276) of Thomas J. Calter and Therese Murray (by vote of the town) relative to authorizing the town of Plympton to establish a special fund for capital projects. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing certain development parcel tax revenues to be deposited into a special fund in the town of Plympton.

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 section 5B of chapter 40 and sections 53
2 and 53E ½ of chapter 44 of the General Laws, or of any other general or special law to the
3 contrary, it is hereby recognized that development of the parcels in the town of Plympton shown
4 as Assessors Map 14, Parcel 14-2-24 and Parcel 14-2-24B; Assessors Map19, Parcels 19-1-3A,
5 19-1-3D, 10-1-3F,19-1-12A, 19-1-5 and 19-1-14 (“Development Parcel”), has led or will lead to
6 the payment of significant sums to the town. Development Parcel tax revenues, including but
7 not limited to property, personal, and excise taxes received in connection with the specified
8 parcels, shall be allocated as set forth herein.

9

10 Section 2. Not later than March 15 in any year, the board of assessors shall estimate
11 annual Development Parcel tax revenues to be collected in the

12 upcoming fiscal year and determine whether collection of such revenues will amount to
13 \$1,000,000.00 or more. If so, then the provisions of sections 3 through 6 of this act shall apply
14 for the upcoming fiscal year and the town treasurer shall take the action provided for in such
15 sections. If not, then all estimated Development Parcel tax revenues shall be credited to the town
16 treasury for the upcoming fiscal year.

17
18 Section 3. As of the date of the annual town meeting in any year, the town treasurer shall
19 allocate to the general stabilization fund, without further appropriation, estimated Development
20 Parcel tax revenue as required to bring the town's general stabilization fund to an amount equal
21 to 10% of the amount raised by taxation by the town in the most recent fiscal year for which a
22 tax rate has been certified under section 23 of chapter 59 of the General Laws; provided,
23 however, that the maximum amount to be contributed in any year to the general stabilization
24 fund under this section shall be equal to no more than 2% of the amount raised by taxation by the
25 town in said most recent fiscal year.

26
27 Section 4. To the extent additional estimated Development Parcel tax revenue exists after
28 the allocation provided for under section 3 of this act, the town treasurer shall, as of the date of
29 the annual town meeting in any year, allocate to a special purpose fund, to be known as the
30 Capital Purpose Fund (the "Fund"), without further appropriation, 35% of the remaining
31 estimated Development Parcel tax revenue; provided, however, that in any year the annual town
32 meeting may, by majority vote, allocate additional estimated Development Parcel tax revenues to
33 the Fund.

34

35 Section 5. The Fund may be expended only for the acquisition of interests in land,
36 acquisition of tangible assets, or the undertaking of capital projects, which assets or projects shall
37 have a useful life of 5 years or more and a cost of \$10,000 or more, and which are not properly
38 categorized as annual operating expenses (hereinafter “capital projects”), including the payment
39 of debt service on capital projects, whether such projects were approved prior to or after the
40 effective date of this act. Major departmental capital equipment, even if acquired on an annual
41 basis, meeting the useful life and cost requirements of this section shall also constitute “capital
42 projects”. Appropriations from the Fund of \$25,000.00 or more shall be made by a 2/3 vote of
43 an annual town meeting only upon a positive recommendation from each of the board of
44 selectmen, finance committee and capital improvement planning committee. Appropriations
45 from said fund of less than \$25,000 may be authorized by a positive vote of each of the board of
46 selectmen, finance committee and capital improvement planning committee for capital projects
47 costing less than \$25,000 in total.

48

49 Section 6. Any estimated Development Parcel tax revenue remaining after the
50 allocations provided for in sections 3 and 4 of this act shall be credited to the town treasury,
51 subject to appropriation by vote of town meeting for any lawful purpose under the same
52 conditions and subject to the same restrictions as any other tax revenue.

53

54 Section 7. This act shall apply to estimated Development Parcel tax revenues to be
55 collected in Fiscal Year 2014, and thereafter.

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57 Section 8. This act shall take effect upon passage.