

**HOUSE . . . . . No. 3485**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Garrett J. Bradley and Robert L. Hedlund***

*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 amending the enabling act of the Cohasset Board of Sewer Commissioners.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>	<i>5/29/2013</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>	<i>5/29/2013</i>

**HOUSE . . . . . No. 3485**

By Representative Bradley of Hingham and Senator Hedlund, a joint petition (accompanied by bill, House, No. 3485) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to authorize the establishment of sewer districts in the town of Cohasset. Environment, Natural Resources and Agriculture. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act amending the enabling act of the Cohasset Board of Sewer Commissioners.

*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. Chapter 65 of the acts of 1962 is hereby amended by striking out sections 1  
2 and 2 and inserting in place thereof the following 2 sections:-

3 Section 1. The town of Cohasset, acting by and through its board of sewer commissioners  
4 described in section 3, may lay out, plan, construct, maintain and operate a system or systems of  
5 common sewers for parts or the whole of its territory, as may be from time to time defined and  
6 established by adoption by town meeting of one or more by laws as a designated sewer district  
7 under the jurisdiction and control of the board of sewer commissioners, with such capacity  
8 limitations, connections, pumping stations, treatment plants and other works, as may be allocated  
9 in such by-law to such sewer district as required for a system or systems of sewage treatment and  
10 disposal, and may construct, maintain and operate such sewers and related works in said sewer  
11 districts defined and established by by-law as may be necessary. No other sewers shall be  
12 constructed in any public ways in the town that are not within the limits of such designated sewer  
13 districts and which are not under the control of the board of sewer commissioners, and no other  
14 sewers that are not within the limits of such designated sewer districts shall become part of or  
15 connected to any sewer, sewers, pumping stations or other works within the limits of such  
16 designated sewer districts.

17 Section 2. The town, acting by and through its board of sewer commissioners, may make  
18 and maintain in any way within sewer districts defined and established as set forth in section 1  
19 where common sewers are laid out or constructed, such connecting sewers within the limits of

20 such way as may be necessary to connect any estate within such district that abuts upon a way  
21 within such district.

22 SECTION 2. Said chapter 65 is hereby further amended by striking out section 7 and  
23 inserting in place thereof the following section:-

24 Section 7. The financial operations of the sewer system shall be an enterprise fund within  
25 the meaning of section 53F½ of chapter 44 of the General Laws, except as modified herein, and  
26 any expenditure from such fund shall be made only jointly upon authorization by the board of  
27 sewer commissioners and the town of Cohasset Town Manager as defined by Chapter 34 of the  
28 Acts of 1997, as amended by chapter 421 of the Acts of 1998 and chapter 330 of the acts of  
29 2000. The town shall, by vote at town meeting, determine whether it shall pay the whole or a  
30 portion of the cost of said system or systems of sewerage and sewage disposal, and if a portion,  
31 what proportion. If the town votes to pay less than the whole cost, in providing for the payment  
32 of the remaining portion of the cost of said system or systems, the town, acting through its board  
33 of sewer commissioners, may avail itself of any or all the methods permitted by the General  
34 Laws, and the provisions of the General Laws relative to the assessment, apportionment,  
35 division, reassessment, abatement and collection of sewer assessments or the additional methods  
36 set forth in section 17, and as to liens therefor and to interest thereon, shall apply to assessments  
37 made pursuant to this act by the board of sewer commissioners, except that interest shall be at the  
38 rate as may be established by the board of sewer commissioners from time to time. At the same  
39 meeting at which town meeting determines that any portion of the cost is to be borne by the  
40 town, such town meeting may by vote determine by which of such methods the remaining  
41 portion of said cost shall be provided for. The collector of taxes of said town shall certify the  
42 payment or payments of any such assessment or apportionments thereof to the board of sewer  
43 commissioners, who shall preserve a record thereof.

44 SECTION 3. Said chapter 65 is hereby further amended by striking out section 9 and  
45 inserting in place thereof the following section:-

46 Section 9. The revenues received by the fund described in section 7 of this act from  
47 sewer assessments, fees, charges, contributions from the town towards the costs of such sewer  
48 system as described in section 7, and the like as receipts or revenues, shall be applied to the  
49 payment of charges and expenses incident to the planning, permitting, design, construction,  
50 maintenance, and operation of said system or systems of sewerage and sewage disposal or to the  
51 extensions thereof, to the payment of principal or interest upon bonds or notes issued for sewer  
52 purposes, or to the payment or redemption of such bonds or notes.

53 SECTION 4. Section 11 of chapter 65 of the acts of 1962 is hereby amended by  
54 inserting after the words "signed by the board", in line 2, the following words:- with approval by  
55 the town manager.

56 SECTION 5. Said chapter 65 is hereby further amended by striking out section 12 and  
57 inserting in place thereof the following section:-

58 Section 12. The board of sewer commissioners may, from time to time, adopt and  
59 prescribe rules and regulations for the means of connection of estates and buildings with sewers  
60 and for inspection of the materials, the construction, alteration, and use of all connections  
61 entering to such sewers, but not including the expansion of districts except as provided in  
62 sections 1 and 16, and may prescribe penalties, not exceeding \$300 per day for each violation of  
63 any such rule or regulation. Such rules and regulations shall be available for public review at the  
64 sewer commission's designated office during regular office hours. Any changes, deletions,  
65 additions or revisions to said rules and regulations deemed necessary by the board of sewer  
66 commissioners from time to time, shall take full effect after a notice of change has been  
67 published at least once a week for 2 successive weeks in a newspaper of general circulation in  
68 the town of Cohasset, which notice shall detail where and when such revised rules and  
69 regulations may be viewed by the general public.

70 SECTION 6. Section 14 of chapter 65 of the acts of 1962 is hereby repealed.

71 SECTION 7. Said chapter 65 is hereby further amended by striking out section 16 and  
72 inserting in place thereof the following section:-

73 Section 16. Notwithstanding any general or special law to the contrary, owners of land  
74 not within the sewer districts defined and established pursuant to section 1 of this act shall not be  
75 permitted to connect to the town's sewer system except as is set forth in this act. The territory  
76 covered by said sewer districts may be amended from time to time by the board of sewer  
77 commissioners, after a public hearing conducted to consider such amendment, upon approval of  
78 the department of environmental protection if otherwise required by law and upon enactment by  
79 town meeting of a by-law defining or establishing a new or expanded sewer district. In the event  
80 that the board of sewer commissioners votes not to amend the territory of any sewer district in  
81 accordance with the foregoing sentence, then the amendment may nevertheless be enacted in a  
82 form of a by-law upon a two-thirds majority vote of town meeting.

83 Any by-law adopted pursuant to the authority granted to the town of Cohasset by this act  
84 may include authorization to the board of sewer commissioners without a town meeting vote to  
85 add to the sewer districts created pursuant to this act properties located within sewer needs areas  
86 as defined by any comprehensive wastewater management plan as may be approved by the  
87 secretary of energy and environmental affairs with such conditions and limitations with respect  
88 to such authorization as such by-law may provide.

89 SECTION 8. Said chapter 65 is hereby further amended by striking out section 17 and  
90 inserting in place thereof the following 2 sections:-

91           Section 17. The board of sewer commissioners may, in its discretion, prescribe for the  
92 users of said sewer systems and disposal works such annual charges, connection fees,  
93 assessments, privilege fees, and the like, based on the benefits derived therefrom as such sewer  
94 commission may deem proper, subject however, to such by-laws as may be adopted by vote of  
95 the town, or as may be provided for in the General Laws. Notwithstanding any law to the  
96 contrary, the commission is authorized to impose and collect such charges, fees, or assessments  
97 prior to connection or operation of such system of sewers and disposal works, and may enter into  
98 agreements for the payment thereof over such time as the sewer commission shall determine. In  
99 fixing the charges to be imposed for said system, the Board of sewer commissioners is  
100 authorized to make use of any fee, charge, assessment or betterment provided for by the General  
101 Laws and further may take into consideration all costs for ongoing removal of infiltration and  
102 inflow of non-wastewater into the system as part of the normal operating costs of the system;  
103 may include, in setting privilege fees, capital costs and interest charges applicable thereto; may  
104 impose late fees for unpaid billings; may assess a capacity utilization fee to new estates and  
105 properties added to a sewer district authorized by this act from outside a designated needs area in  
106 addition to any privilege fee; may charge betterments, special assessments, or any other charge to  
107 the estates and properties being served by collection system improvements and extensions and  
108 disposal works to pay for all costs for sewer line extensions to serve.

109           Section 18. Notwithstanding anything to the contrary contained herein, the board of  
110 sewer commissioners may at any time permit extensions, new connections or increases in flow to  
111 the sewer system, subject to capacity, to serve municipal buildings or public restrooms or other  
112 public service uses as defined by the municipality; provided, however, that such uses may  
113 include, but shall not be limited to, affordable housing constructed pursuant to chapters 40B and  
114 40R of the General Laws, without thereby creating any entitlement on the part of any person to  
115 connect to such sewer system, subject to capacity and in order of application, may permit or if in  
116 the public interest, may require, extensions, new connections or new flow to the sewer system  
117 within such districts.

118           SECTION 9. This act shall take effect upon its passage.