

HOUSE No. 3671

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to 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 1 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 the by-laws to the sewer district as required for a system or systems of sewage treatment and
10 disposal, and may construct, maintain and operate the sewers and related works in the 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 the 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 the designated sewer districts shall become part of or
15 connected to any sewer, sewers, pumping stations or other works within the limits of the
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 pursuant to section 1
19 where common sewers are laid out or constructed, the connecting sewers within the limits of the
20 way as may be necessary to connect any estate within the district that abuts upon a way within
21 the 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 the fund shall be made only jointly upon authorization by the board of
27 sewer commissioners and the town manager as defined by chapter 34 of the acts of 1997, as
28 amended by chapter 421 of the acts of 1998 and chapter 330 of the acts of 2000. The town shall,
29 by vote at town meeting, determine whether it shall pay the whole or a portion of the cost of the
30 system or systems of sewerage and sewage disposal; provided, however, if the town determines
31 that it shall pay a portion, the town shall further determine what proportion it shall pay. If the
32 town votes to pay less than the whole cost, in providing for the payment of the remaining portion
33 of the cost of said system or systems, the town, acting through its board of sewer commissioners,
34 may avail itself of any or all the methods permitted by the General Laws, including provisions of
35 the General Laws relative to the assessment, apportionment, division, reassessment, abatement
36 and collection of sewer assessments or the additional methods set forth in section 17, and as to
37 liens therefor and to interest thereon, shall apply to assessments made pursuant to this act by the
38 board of sewer commissioners, except that interest shall be at the rate as may be established by
39 the board of sewer commissioners from time to time. At the same meeting at which town
40 meeting determines that any portion of the cost is to be borne by the town, the town meeting may
41 by vote determine by which methods the remaining portion of the cost shall be provided for. The
42 collector of taxes of the town shall certify the payment or payments of any assessment or
43 apportionments thereof to the board of sewer commissioners, who shall preserve a record
44 thereof.

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

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

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

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

59 Section 12. The board of sewer commissioners may, from time to time, adopt and
60 prescribe rules and regulations for the means of connection of estates and buildings with sewers

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

71 SECTION 6. Section 14 of said chapter 65 is hereby repealed.

72 SECTION 7. Said chapter 65 is hereby further amended by adding the following 3
73 sections:-

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

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

90 Section 17. The board of sewer commissioners may, in its discretion, prescribe for the
91 users of the sewer systems and disposal works annual charges, connection fees, assessments,
92 privilege fees and the like, based on the benefits derived therefrom as the board of sewer
93 commissioners may deem proper, subject to any by-laws as may be adopted by vote of the town,
94 or as may be provided for in the General Laws. Notwithstanding any law to the contrary, the
95 board of sewer commissioners may impose and collect the charges, fees or assessments prior to
96 connection or operation of the system of sewers and disposal works, and may enter into
97 agreements for the payment thereof over such a time as the board of sewer commissioners shall

98 determine. In fixing the charges to be imposed for said system, the board of sewer
99 commissioners may: make use of any fee, charge, assessment or betterment provided for by the
100 General Laws; take into consideration all costs for ongoing removal of infiltration and inflow of
101 non-wastewater into the system as part of the normal operating costs of the system; include, in
102 setting privilege fees, capital costs and interest charges applicable thereto; impose late fees for
103 unpaid billings; assess a capacity utilization fee to new estates and properties added to a sewer
104 district authorized by this act from outside a designated needs area in addition to any privilege
105 fee and; charge betterments, special assessments or any other charge to the estates and properties
106 being served by collection system improvements and extensions and disposal works to pay for all
107 costs for sewer line extensions to serve.

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

117 SECTION 8. This act shall take effect upon its passage.