

HOUSE No. 3823

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello and Kathleen O'Connor Ives

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 creating a board of water and sewer commissioners in the city of Newburyport.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael A. Costello</i>	<i>1st Essex</i>	<i>12/13/2013</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>12/19/2013</i>

HOUSE No. 3823

By Representative Costello of Newburyport and Senator O'Connor Ives, a joint petition (accompanied by bill, House, No. 3823) of Michael A. Costello and Kathleen O'Connor Ives (with the approval of the mayor and city council) that the city of Newburyport be authorized to establish a board of water and sewer commissioners consisting of five members and two alternates. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

—
In the Year Two Thousand Thirteen
—

An Act creating a board of water and sewer commissioners in the city of Newburyport.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to facilitate municipal services in the city of Newburyport, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 any general or special law to the contrary,
2 there shall hereby be established in the city of Newburyport a board of water and sewer
3 commissioners consisting of five members and two alternates appointed for three year terms by
4 the mayor, subject to confirmation by the city council. Such board shall have all duties and
5 responsibilities assigned originally to the board of sewer commissioners established under
6 chapter 261 of the acts of 1963, “An Act Authorizing the city of Newburyport to Construct and
7 operate a System or Systems of Sewerage and Sewage Disposal,” and to the board of water
8 commissioners established under chapter 403 of the acts of 1908, “An Act Relative to the Water
9 Supply of the City of Newburyport”, as amended by chapter 56 of the acts of 1956, “An Act
10 relative to Water Supply in the City of Newburyport”.

11 Section 2. Chapter 261 of the acts of 1963 is hereby amended by deleting section 4 in its
12 entirety and inserting in place thereof the following:- The powers and duties granted to and
13 imposed upon the city by this act shall, except the power of borrowing money, be exercised by a
14 board of water and sewer commissioners consisting of five regular and two alternate members of
15 the city, to be appointed by the mayor, subject to confirmation by the city council, for three-year
16 rotating terms, hereinafter called the board. All members shall hold office, unless sooner

17 removed, until their successors are appointed and qualified. Vacancies shall be filled for the
18 remainder of the term in the same manner as the original appointment. No person shall be
19 appointed to the board who holds at the time any elected city office. Any member, after notice
20 and opportunity for a hearing, may be removed by the mayor. Such board shall have all the
21 powers and duties provided for hereunder, as well as those powers and duties provided for under
22 chapter 403 of the acts of 1908, as amended by chapter 56 of the acts of 1956. The board shall
23 annually choose a chairman and a secretary; provided, however, that such board may reorganize
24 at any time at its discretion. The board members shall receive no compensation for their services
25 unless an appropriation is made therefor by a 2/3 vote of the city council. Said board shall
26 annually, and as often as the city council shall require, render an account of its official acts; and
27 the board's books and accounts shall be open to the inspection of the finance director at any time.

28 Section 3. Chapter 403 of the acts of 1908 is hereby amended by deleting section 10 in
29 its entirety and inserting in place thereof the following:- The powers and duties granted to and
30 imposed upon the city by this act shall, except the power of borrowing money, be exercised by a
31 board of water and sewer commissioners consisting of five regular and two alternate members of
32 the city, to be appointed by the mayor, subject to confirmation by the city council, for three-year
33 rotating terms, hereinafter called the board. All members shall hold office, unless sooner
34 removed, until their successors are appointed and qualified. Vacancies shall be filled for the
35 remainder of the term in the same manner as the original appointment. No person shall be
36 appointed to the board who holds at the time any elected city office. Any member, after notice
37 and opportunity for a hearing may be removed by the mayor. Such board shall have all the
38 powers and duties provided for hereunder, as well as those powers and duties provided for under
39 chapter 261 of the acts of 1963. The board shall annually choose a chairman and a secretary;
40 provided, however, that such board may reorganize at any time at its discretion. The board
41 members shall receive no compensation for their services unless an appropriation is made
42 therefor by a 2/3 vote of the city council. Said board shall annually, and as often as the city
43 council shall require, render an account of its official acts; and the board's books and accounts
44 shall be open to the inspection of the finance director at any time.

45 Section 4. Section 11 of said chapter 403 of the acts of 1908, as amended by chapter 56
46 of the acts of 1956, is further amended by deleting in said section 11, the words "water
47 commissioners" and inserting in place thereof the following:- water and sewer commissioners.

48 Section 5. Section 12 of said chapter 403 of the acts of 1908, as amended by chapter 56
49 of the acts of 1956, is further amended by deleting the word "commissioners" and inserting in
50 place thereof the following:- water and sewer commissioners.

51 Section 6. Upon the appointment and qualification of the board of water and sewer
52 commissioners created by section 1 of this act, the board of sewer commissioners created under
53 chapter 261 of the acts of 1963 and the board of water commissioners created under chapter 403
54 of the acts of 1908, as amended by chapter 56 of the acts of 1956, shall be abolished, and the

55 terms of the persons holding such offices terminated. Initial appointments of the consolidated
56 board of water and sewer commissioners created under sections 1 through 3 of this act shall be
57 made as follows: two members for three years, two members for two years, and one member for
58 one year, and one alternate shall be appointed for one year, and one for two years.

59 Section 7. No contracts or liabilities in force on the effective date of this act shall be
60 affected by abolition of such offices and consolidation of the water and sewer-related functions
61 of the city as provided for herein, and the newly created consolidated board of water and sewer
62 commissioners shall in all respects be the lawful successor of the offices so abolished and
63 consolidated. All records, property and equipment whatsoever of any office, department, or part
64 thereof, of said board of sewer commissioners and said board of water commissioners are hereby
65 assigned to the board of water and sewer commissioners created hereunder. Notwithstanding
66 any other provision of this act, the enactment hereof shall not affect the validity or legality of any
67 act done, any liability incurred, or any right accrued, or established under the authority of the
68 board of water commissioners under chapter 261 of the acts of 1963 and board of sewer
69 commissioners under chapter 403 of the acts of 1908, as amended.

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