

SENATE No. 2945

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 relative to a town center wastewater service area for the town of Norfolk.

PETITION OF:

NAME:

Rebecca L. Rausch

DISTRICT/ADDRESS:

Norfolk, Bristol and Middlesex

SENATE No. 2945

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 2945) of Rebecca L. Rausch (by vote of the town) for legislation relative to a town center wastewater service area for the town of Norfolk. Municipalities and Regional Government. [Local approval received]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to a town center wastewater service area for the town of Norfolk.

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. Section 2 of chapter 101 of the acts of 2004 is hereby amended by striking
2 out the first sentence and by inserting in place thereof the following sentence:- The select board
3 of the town of Norfolk shall have all the powers and duties now or from time to time vested by
4 general or special law, or by town by-law, in the following boards, commissions, or officers:
5 highway department, including highway superintendent; water department, including the board
6 of water commissioners; sewer department, including the board of sewer commissioners; and
7 cemetery commission.

8 SECTION 2. Section 3 of chapter 101 of the acts of 2004 is hereby amended by inserting
9 after the word “department” the following words:- of public works.

10 SECTION 3. Notwithstanding chapter 83 of the General Laws, or any other general or
11 special act, rule or regulation to the contrary, the sewer commission of the town of Norfolk, in
12 order to preserve and manage limited wastewater treatment capacity may allow at its discretion,

13 owners of parcels of land or portions of parcels of land located within a municipal wastewater
14 service area as shown on a plan entitled "Norfolk Town Center, Norfolk Strategic Plan, Norfolk,
15 MA: Proposed Wastewater Service Area Map" dated September 23, 2010, prepared by
16 Bergmeyer Associates, Inc., which is on file in the office of the town clerk, including in such
17 term any later expansion of such Town Center Wastewater Service Area as may be approved by
18 the board of sewer commissioners, and any other wastewater service area established by the
19 town by two-thirds town meeting vote, to connect to common sewers located within such
20 wastewater service area subject to available capacity, and may provide that each property owner
21 proposing to connect to the common sewer shall pay to the town, in advance of construction of
22 the common sewers within such service area, a proportional part of the cost of common sewers
23 within such service area as the sewer commission shall determine is to be paid by those who
24 initially propose to connect to the sewer.

25 SECTION 4. Notwithstanding said chapter 83, the sewer commission of the town of
26 Norfolk may allow property owners who did not initially propose to connect to the sewer and did
27 not initially make the prepayment as established in section 3 of this act to connect to the common
28 sewer, provided that such subsequent connectors shall be assessed a surcharge upon and in
29 addition to the annual sewer use charges authorized under section 16 of chapter 83 of the General
30 Laws, which surcharge shall be proportionate to said prepayment and shall be over such term of
31 years as the sewer commission shall determine to be just and equitable, with the objective that
32 those owners who made such prepayment shall enjoy a proportionate reduction in their annual
33 sewer use charges.

34 SECTION 5. A property owner who undertakes new construction or who changes the use
35 of all or part of land or structure or expands a use or structure that existed at the time of

36 connection, or otherwise increases sewage flow or estimated flow in a manner not contemplated
37 by the sewer commission at the time the sewer commission calculated the prepayment as
38 established in section 3 of this act or the surcharge as established in section 4 of this act, which
39 construction, change of use or expansion of use is estimated by the sewer commission to result in
40 an increased estimated sewage design flow allocation to the property, may be assessed a
41 proportionate sewer use surcharge or additional surcharge, with the objective that those owners
42 who made such prepayment and who did not so increase their estimated use of the common
43 sewer shall enjoy a further proportionate reduction in their sewer use charges.

44 SECTION 6. The provisions of this act are not in derogation of the powers of the sewer
45 commission under chapter 83 of the General Laws to assess betterments, special assessments,
46 privilege fees, sewer connection fees, and annual sewer use charges as provided in said chapter
47 83, in addition to or instead of the prepayment and sewer use surcharges authorized herein.

48 SECTION 7. The sewer commission may, from time to time, prescribe rules and
49 regulations for the connection of estates and buildings with common sewers and the assessment
50 of charges and surcharges, as provided in this act, in the manner provided by section 10 of
51 chapter 83 of the general laws.

52 SECTION 8. An enterprise fund is hereby established for the town of Norfolk under the
53 provisions of Section 53F ½ of Chapter 44 of the General Laws for purposes of funding the
54 construction, operation, maintenance, repair and replacement of a system of town common
55 sewers and wastewater facilities in the Town Center Wastewater Service Area, to be known as
56 the Town Center Wastewater Enterprise Fund, such enterprise fund to become effective as of the
57 first day of July of the fiscal year following the effective date of this act.

58 SECTION 9. The provisions of sections 16A through 16F of chapter 83 of the General
59 Laws shall be effective within the town of Norfolk upon the effective date of this act with no
60 further vote of acceptance required by the town, and an affidavit attesting to the enactment of
61 this act, recorded in lieu of the certificate referred to in section 16A of said chapter 83 and shall
62 have the same effect as such a certificate.

63 SECTION 10. This act shall take effect upon passage.