House No. 4486

Message from His Excellency the Governor recommending legislation relative to An Act Relative to a Wastewater Management District in the Town of Harvard.

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

DEVAL L. PATRICK GOVERNOR TIMOTHY P. MURRAY

2/4/2010

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment House Bill No. 4407, "An Act Relative to a Wastewater Management District in the Town of Harvard."

This bill permits the town of Harvard (the "Town") to establish a wastewater management district, and to construct and operate a sewer system for areas of the Town as already approved by the town meeting, with the possibility of adding to the jurisdiction of the district by subsequent town meeting votes. The district is not a separate body politic and corporate, but is simply the area of the Town to be served by the wastewater facility and sewer system. The bill establishes a three member commission, appointed by the board of selectmen, to construct, operate and maintain the system. The system is intended to operate on its own revenues – as envisioned, both operating and capital costs will be borne by its users.

I am in favor of the overall bill but am returning it for two technical amendments that will ensure the text better reflects the Town's intentions. The first is an amendment to section 4, which relates to the issuance of debt for system capital projects. I am recommending an amendment to clarify that the project debt will be general obligation debt, not debt solely payable by system revenue. I also am recommending a technical amendment to section 5, which deals with the collection of liens for overdue sewer user charges. To clarify the Town's intent to adopt the lien collection provisions of the general laws, it is necessary to reference two additional sections of said laws.

For these reasons, I recommend that House Bill No. 4407 be amended all follows:

By striking out the following text: in line 9 of section 4 the word "solely" By inserting after the word "16B" in line 3 of section 5, the following words: "16C, 16D".

Sincerely,

DEVAL L. PATRICK, *Governor*.