

SENATE, NO. 2348

[Senate, March 25, 2010 – Substituted by amendment by the Senate (Sen. Pacheco) for Senate, No. 2153]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATIVE TO THE NORTH CARVER WATER DISTRICT.

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 1 of chapter 124 of the acts of 2008 is hereby amended by striking
2 out the definition of “Bonds” or “bond” and inserting in place thereof the following definition:-
3 "Bonds", general obligation bonds, notes or other obligations that the town has authorized
4 or issued to finance capital costs prior to the effective date of this act, or that the town of Carver
5 may issue to pay capital costs after said effective date, upon the request of the district by a vote
6 of two-thirds of the members of the commission. Any such bonds shall be issued for terms not
7 to exceed 40 years and shall otherwise be issued in accordance with chapter 44 of the General
8 Laws. A bond issued pursuant to this act shall be arranged so that the amounts payable over a

9 term of years for principal and interest combined shall be as equal as practicable in the opinion
10 of the officers authorized to issue the bonds or, in the alternative, in accordance with a schedule
11 that provides a more rapid amortization of the principal. Notwithstanding any general or special
12 law to the contrary, the district may issue its bonds only if the commission, in consultation with
13 the local appointing authority, determines that such bonds are required to be issued by the district
14 to the United States Rural Development Administration or to any other similar federal or state
15 agency to qualify for federal or state grants, loans or any other financial assistance with respect
16 to the development of the district's facilities. Bonds issued by the district shall not be included in
17 any debt or other limitation pursuant to any general or special law. Bonds issued by the district
18 in accordance with this act and not paid by the district when they become due and payable shall
19 constitute a pledge of the full faith and credit of the town and shall be a debt of the town within
20 the meaning of section 23 of chapter 59 of the General Laws. Bonds issued by the district
21 pursuant to this act shall be signed by a majority of the commission and acknowledged by the
22 signatures of the town treasurer and by a majority of the selectmen of the town. Bonds issued by
23 the town to pay capital costs of the district shall be signed by such parties as shall be required for
24 other bonds or notes of the town as required by chapter 44 of the General Laws.

25 **SECTION 2.** Said section 1 of said chapter 124 is hereby further amended by striking
26 out the definition of "District service area" and inserting in place thereof the following
27 definition:-

28 "District service area", the area exclusively within the town as shown on the map of the
29 district on file in the town clerk's office as may be amended by a majority vote of each of the
30 commission, the local appointing authority and the town.

31 **SECTION 3.** Section 2 of said chapter 124 is hereby amended by striking out the second
32 paragraph and inserting in place thereof the following paragraph:-

33 Except as otherwise provided in this act, the powers of the commission shall be exercised
34 by a board of 3 members to be elected by the voters of the town for overlapping 3-year terms.
35 Vacancies shall be filled in accordance with section 11 of chapter 41 of the General Laws, except
36 that at the annual town election held by the town in 2009, the initial members of the commission
37 shall be elected to 1, 2 and 3-year terms, with the candidate receiving the highest number of
38 votes to serve for a 3-year term, the candidate with the second highest number of votes to serve
39 for a 2-year term and the candidate with the third highest number of votes to serve for a 1-year
40 term. Until the initial members of the commission are elected in accordance with this section, the
41 board of selectmen shall appoint 3 registered voters of the town as members. Two members of
42 the commission shall constitute a quorum and the affirmative vote of 2 members shall be
43 necessary for any action requiring a vote of the commission. Any such action shall take effect
44 immediately unless otherwise provided and shall not require publication or posting.

45 **SECTION 4.** Clause (h) of section 4 of said chapter 124 is hereby amended by adding
46 the following words:- in an intermunicipal agreement entered into in accordance with section 4A
47 of chapter 40 of the General Laws, except that the maximum term of any such intermunicipal
48 agreement shall be 50 years.

49 **SECTION 5.** Section 5 of said chapter 124 is hereby amended by striking out the
50 introductory paragraph.

51 **SECTION 6.** The second sentence of subsection (a) of said section 5 of said chapter 124
52 is hereby amended by striking out the word “clause” and inserting in place thereof the following
53 word:- subsection.

54 **SECTION 7.** The first sentence of subsection (b) of said section 5 of said chapter 124 is
55 hereby amended by striking out the word “clause” and inserting in place thereof, in each
56 instance, the following word:- subsection.

57 **SECTION 8.** The first sentence of subsection (c) of said section 5 of said chapter 124 is
58 hereby amended by striking out the word “clauses” and inserting in place thereof the following
59 word:- subsections.

60 **SECTION 9.** Said section 5 of said chapter 124 is hereby further amended by adding the
61 following 3 subsections:-

62 (h) The commission may enter a deferral and recovery agreement with owners of real
63 property who meet the requirements of section 13B of chapter 80 of the General Laws on behalf
64 of the district as though the town has accepted said section 13B of said chapter 80 for that
65 purpose.

66 (i) Notwithstanding section 15B or section 39B of chapter 40 of the General Laws or any
67 other general or special law requiring local or state approval or vote for the transfer or
68 conveyance of easements taken for water supply purposes, the easements acquired by order of
69 taking dated March 24, 2008, and recorded in the Plymouth county registry of deeds, book
70 37071, page 257 for water supply purposes as authorized by the vote taken under Article 4 of the
71 warrant for the special town meeting held on February 25, 2008, shall be transferred and
72 conveyed to the district for water supply and distribution purposes.

73 (j) The powers and limitations provided in this section shall be in addition to the powers
74 of the commission that are otherwise provided in this act.

75 **SECTION 10.** Section 6 of said chapter 124 is hereby amended by adding the following
76 2 sentences:- The assessments shall bear interest either at the rate of 5 per cent per annum or, at
77 the election of the commission, at a rate not greater than 2 per cent above the rate of interest
78 chargeable to the town or the district for the water works project to which the assessments relate,
79 from the thirtieth day after assessments have been committed to the collector. An election made
80 prior to the passage of this act by the district or the town is hereby ratified, validated and
81 confirmed.

82 **SECTION 11.** This act shall take effect as of June 4, 2008, and all acts taken by the
83 commission between June 4, 2008, and the passage of this act are hereby ratified, validated and
84 confirmed.