

# HOUSE . . . . . No. 3984

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By Mr. Fagan of Taunton, petition of James H. Fagan relative to the city of Taunton municipal light plant commission. Municipalities and Regional Government. [Local Approval Received.]

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.

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AN ACT RELATIVE TO THE CITY OF TAUNTON MUNICIPAL LIGHT PLANT COMMISSION.

*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 Sections three  
2 and fifteen of Chapter forty of the General Laws or any other  
3 general or special law to the contrary, and in addition to any other  
4 power conferred by law, the city of Taunton, acting through its  
5 municipal light commission, is hereby authorized to lease certain  
6 land as described below for the purposes of constructing, operating  
7 and maintaining the electric power plant and related facilities as pro-  
8 vided in this act to the joint owners as herein described, for a term  
9 not to exceed fifty years. Said land may be used for the aforemen-  
10 tioned purposes notwithstanding any restrictions or limitations on  
11 said land existing by deed or otherwise and shall be subject to  
12 exemption from the operation of the applicable zoning ordinances or  
13 by-laws pursuant to the provisions of Section three of Chapter forty-  
14 A applicable to public service corporations.

15 Said land consists of the following parcels located in the city of  
16 Taunton.

17 The property conveyed to the Taunton Municipal Lighting Plant  
18 by deed of Daniel W. Cody, Trustee of Railroad Realty Trust, dated  
19 September 19, 1988, and recorded with the Bristol county north dis-  
20 trict registry of deeds in book 3922, page 294;

21 The property conveyed to the Taunton Municipal Lighting Plant  
22 by deed of Jose DaRosa and Louisa DaRosa, dated October 23,  
23 1989, and recorded with the Bristol county north district registry of  
24 deeds in book 4272, page 121.

25 The property conveyed to the city of Taunton and the Taunton  
26 Municipal Lighting Plant by deed of Ralph M. Strange, dated April  
27 16, 1964, and recorded with the Bristol county north district registry  
28 of deeds in book 1440, page 509.

29 The property conveyed to the Taunton Municipal Lighting Plant  
30 by deed of Carols DaRosa and Maria J. DaRosa, dated October 24,  
31 1978, and recorded with the Bristol county north district registry of  
32 deeds in book 1860, page 23.

33 The property conveyed to the city of Taunton, for and on behalf of  
34 the Taunton Municipal Lighting Plant, by deeds of Antone L. Rose  
35 and Mary P. Rose, dated March 1, 1965 and recorded with the  
36 Bristol county north district registry of deeds in book 1458, page 33  
37 and by deed dated May 8, 1965, and recorded with the Bristol  
38 county north district registry of deeds in book 1461, page 863.

39 The property conveyed to the Taunton Municipal Lighting Plant,  
40 by deed of Richard St. Germain, Lynn St. Germain and Matthew St.  
41 Germain, dated March 10, 1989, and recorded with the Bristol  
42 county north district registry of deeds in book 4069, page 259.

43 The property conveyed to the Taunton Municipal Lighting Plant  
44 by deed of Princess House, Inc., dated June 5, 1978, and recorded  
45 with the Bristol county north district registry of deeds in book 1820,  
46 page 263.

1 SECTION 2. The provisions of Sections thirty-eight A  $\frac{1}{2}$  to  
2 thirty-eight O, inclusive, of Chapter seven of the General Laws, the  
3 provisions of Section twenty A of Chapter nine of the General Laws,  
4 the provisions of Sections thirty-nine F to thirty-nine R, inclusive, of  
5 Chapter thirty of the General Laws, the provisions of Sections forty-  
6 four A to forty-four J, inclusive, of Chapter one hundred and forty-  
7 nine of the General Laws, and the regulations promulgated under  
8 any of such portions of the General Laws or any other provisions of  
9 the General Laws governing the procurement by municipal light  
10 plants or municipal lighting plant cooperatives of construction and  
11 design services, other than the provisions of Section twenty-seven  
12 and Sections twenty-seven A to twenty-seven F, inclusive, of  
13 Chapter one hundred and forty-nine, if and to the extent otherwise  
14 applicable, shall not apply to the design, construction, operation or  
15 maintenance of the electric power plant and facilities related or nec-  
16 essary thereto, provided for in this act. Provided however, the provi-

17 sions of Section twenty-seven and Sections twenty-seven A to  
18 twenty-seven F, inclusive, of Chapter one hundred and forty-nine  
19 and Section fifteen, Section seventeen, paragraphs two through four  
20 of Section eighteen, Section nineteen, and Section twenty of Chapter  
21 one hundred and forty-nine A applicable to the design-build method  
22 for public works construction projects shall apply to the design and  
23 construction of the electric power plant and facilities related or nec-  
24 essary thereto. Notwithstanding the foregoing, as the awarding  
25 authority under Section fifteen of Chapter one hundred forty-nine A,  
26 the Taunton Municipal Lighting Plant shall have the right to waive  
27 minor informalities and reject any and all bids if it is in the public  
28 interest to do so.

1 SECTION 3. The Taunton Municipal Lighting Plant is hereby  
2 authorized to issue revenue bonds for the financing of the costs of  
3 the electric power plant and facilities related or necessary thereto,  
4 provided for in this act. Such costs includes all costs of the electric  
5 power plant and facilities, whether incurred prior to or after the issue  
6 of bonds or noted hereunder, of acquisition, site development, con-  
7 struction, improvement, enlargement, reconstruction, alteration,  
8 machinery, equipment, furnishings, demolition or removal of  
9 existing buildings or structures, including the cost of acquiring any  
10 lands to which said buildings or structures may be moved, financing  
11 charges, interest prior to and during the carrying out of the electric  
12 power plant services, administrative expenses, reserves for debt  
13 service or other capital or current expenses as may be required by a  
14 trust agreement or resolution securing notes or bonds, and all other  
15 expenses incidental to the determination of the feasibility of the elec-  
16 tric power plant project or to carrying out the electric power plant  
17 project or the placing the project in operation. Said revenue bonds  
18 shall be governed by, and issued in accordance with the procedures  
19 set forth in Sections 11 (b) through 11 (e), and Sections 12 through  
20 22 of Chapter one hundred and sixty four A of the General Laws,  
21 except as follows:—

22 a) no approval of the department of telecommunications and  
23 energy as specified in the foregoing sections of Chapter 164A of the  
24 General Law shall be necessary in connection with any aspect of the  
25 issuance of revenue bonds by the Taunton Municipal Lighting Plant;  
26 and

27 b) wherever the terms “board” and “municipal light board” shall  
28 appear in the foregoing sections of Chapter 164A of the General  
29 Laws, they shall be construed to mean the municipal light commis-  
30 sion of the Taunton Municipal Lighting Plant; and

31 c) wherever the terms “city or town” shall appear in the foregoing  
32 sections of Chapter 164A of the General Laws, they shall be con-  
33 strued to mean the city of Taunton.

1 SECTION 4. The city of Taunton shall be authorized to finance  
2 the costs of the electric power plant and facilities related or neces-  
3 sary thereto as provided for in this act in accordance with the provi-  
4 sions of Section 8 of Chapter 44; however, the outstanding  
5 indebtedness so incurred shall not be subject to the limitation  
6 expressed therein of 2.5 per cent of the equalized valuation of the  
7 city; and further, no approval of the members of the municipal  
8 finance oversight board will be required in connection with the  
9 amount of indebtedness to be incurred.

1 SECTION 5. This act shall take effect upon its passage.