

HOUSE No. 4217

By Mr. Scibak of South Hadley, petition of John W. Scibak (by vote of the town) that the town of Hadley be authorized to establish a sewer system capital improvement fund. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING A SEWER SYSTEM CAPITAL IMPROVEMENT FUND FOR THE TOWN OF HADLEY.

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 any general or special law, rule or
2 regulation to the contrary, the town of Hadley may establish a
3 special account to be known as the Town of Hadley Sewer System
4 Capital Improvement Fund. The purpose of the fund is to provide
5 the revenue for the improvement and rehabilitation of the system to
6 treat wastewater within the sewer system servicing the town of
7 Hadley, the funding of engineering, construction and rehabilitation
8 of the sewer treatment works, pumping stations and facilities serving
9 the town of Hadley and to provide revenues to do all things neces-
10 sary to correct, remedy, repair, prevent and prohibit any and all
11 forms of infiltration or inflow from groundwater and other sources
12 of leakage into pipes, facilities and system. The special account shall
13 be maintained by the treasurer of the town of Hadley in a banking
14 institution doing business in the commonwealth and expenditures
15 from the special account shall be made subject to appropriation
16 initiated by the sewer commission and approved by a majority vote
17 of the town meeting.

1 SECTION 2. Payments to such account shall be made by appli-
2 cants for connection to the sewer system of the town who are
3 constructing or erecting new buildings or developing land for indus-
4 trial, commercial and residential uses. The method and amount of
5 such payments from such private sources shall be as determined by a

6 schedule of fees to be set by the sewer commission. The schedule
7 shall provide for the method of determining the amount of each pay-
8 ment from such applicants based upon their anticipated sewer use as
9 provided in section 3.

1 SECTION 3. The sewer commission may assess a sewer improve-
2 ment fee for all new connections to the town sewer system as deter-
3 mined by the sewer commission. Prior to assessing said sewer
4 improvement fee, the sewer commission shall prepare a wastewater
5 facilities upgrade and improvement plan, which shall include an
6 engineer's estimate of construction costs. The sewer improvement
7 fee shall be assessed by one of the methods authorized by MGL c,
8 83, s. 15 and shall not exceed the estimated cost of construction to
9 improve the sewer system and to reduce infiltration and inflow into
10 the system.

1 SECTION 4. There shall be a schedule of estimated costs of con-
2 structing such wastewater facilities as are described in section 1,
3 expressed in dollars per square foot, established by the commission,
4 which schedule will not be established until the proposed schedule is
5 first published in a newspaper in general circulation in the town and
6 considered at a public hearing held for such purpose.

1 SECTION 5. All sewer improvement fees collected shall be
2 deposited into the special fund. Monies deposited into the special
3 fund shall be used only for the purposes set forth in this act, as may
4 be determined by the commission. The commission may accept
5 grants or gifts for deposit into the fund. The treasurer of the town of
6 Hadley may invest monies in the special account and the income and
7 interest accruing shall inure to the benefit of the special account.

1 SECTION 6. The sewer system improvement fees imposed under
2 this act shall be in addition to any other fees permitted by law,
3 including without limitation, sewer connection fees, betterment fees,
4 privilege fees and user charges.

1 SECTION 7. Additional appropriation may be made by a majority
2 vote of the town meeting into this special account for the purpose of
3 providing additional funds for the purposes set forth in this act.

1 SECTION 8. The sewer commission for the town of Hadley may
2 make applications for available state and federal government grants
3 for the engineering, construction and rehabilitation of wastewater
4 treatment works, pumping station and facilities, and to pledge any
5 and all such sums of money in said account with the approval of the
6 town meeting for any such matching grants for engineering, con-
7 struction and rehabilitation of wastewater treatment works, pumping
8 stations and facilities.

1 SECTION 9. The town accountant shall file jointly with the sewer
2 commission, the treasurer, finance committee and the bureau of
3 accounts, a written report relative to such special account. The report
4 shall be made 120 days after the books of account are closed for
5 each fiscal year.

1 SECTION 10. The sewer commission shall promulgate rules and
2 regulations for the implementation and administration of the special
3 account and set fees in accordance with this act.