

HOUSE No. 4519

By Representative Bradley of Hingham and Senator Hedlund, joint petition of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) relative to establishing the Hingham Shipyard improvement district in the town of Hingham. Community Development and Small Business.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT ESTABLISHING THE HINGHAM SHIPYARD IMPROVEMENT DISTRICT
IN THE TOWN OF HINGHAM.

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. There shall be within the town of Hingham, the
2 Hingham Shipyard Improvement District, a body politic and corpo-
3 rate, hereinafter referred to as the District, bounded and described as
4 follows: Commencing at a point on the northern side of Lincoln
5 Street (Route 3A) at the southeasterly corner of land herein
6 described and at the southwesterly corner of land now or formerly of
7 John J. Daly, thence
8 Westerly a distance of two hundred seven and 36/100 (207.36')
9 feet along a curve to the right and the northerly sideline of Lincoln
10 Street (Route 3A), with a radius of thirty-nine hundred seventy and
11 00/100 (3970.00') feet, thence
12 N00°00'30"W A distance of seven and 79/100 (7.79') feet along
13 the northerly sideline of Lincoln Street, thence
14 N00°00'30"W A distance of three hundred eighty-one and 84/100
15 (381.84') feet along land now or formerly of 719 Realty Trust,
16 thence
17 S89°59'30"W A distance of five hundred fifty-seven and 96/100
18 (557.96') feet along land now or formerly of 719 Realty Trust,
19 thence
20 S00°01'05"W A distance of three hundred thirty-five and 90/100
21 (335.90') feet along land now or formerly of 719 Realty Trust to the
22 northerly sideline of Lincoln Street, thence

23 N85°15'59"W A distance of three hundred ninety-nine and 66/100
24 (399.66') feet along the northerly sideline of Lincoln Street, thence
25 N00°01'05" W A distance of two hundred eighty-two and 86/100
26 (282.86') feet along land now or formerly of Lincoln 349 Realty
27 Trust, thence
28 S89°59'30"W A distance of five hundred ten and 10/100 (510.10')
29 feet along land now or formerly of Lincoln 349 Realty Trust, thence
30 S00°01'05"W A distance of two hundred eighty-two and 03/100
31 (282.03') feet along land now or formerly of Lincoln 349 Realty
32 Trust to the northerly sideline of Lincoln Street, thence
33 S89°13'59"W A distance of ninety-six and 02/100 (96.02') feet
34 along the northerly sideline of Lincoln Street, thence
35 Southwesterly A total distance of two hundred thirty-six and
36 80/100 (236.80') feet along a curve to the left with a radius of one
37 thousand, two hundred nine and 00/100 (1209.00') feet along the
38 northerly sideline of Lincoln Street (Route 3A), to a bound, thence
39 Southwesterly A distance of two hundred seventy and 43/100
40 (270.43') feet along a curve to the left with a radius of two thousand
41 two hundred fifty-five (2255.00') feet to a bound situated at the
42 southeasterly rounding curve of Shipyard Drive, thence Northwest-
43 erly A distance of sixty-two and 04/100 (62.04') feet along a curve to
44 the right with a radius of forty and 00/100 (40.00') feet, thence
45 S70°31'02"W A distance of fifty and 00/100 (50.00') feet along
46 Shipyard Drive, thence
47 Southwesterly A distance of sixty-two and 83/100 (62.83') feet
48 along a curve to the right with a radius of forty and 00/100 (40.00')
49 feet (non-tangent with the previous course), thence
50 S70°00'08W A distance of three hundred thirty-two and 53/100
51 (332.53') feet along the northerly sideline of Lincoln Street, thence
52 N19°52'23"W A distance of three hundred seventy and 34/100
53 (370.34') feet along land now or formerly of Rocky Reach, LLC,
54 thence Southwesterly A distance of eighty-seven and 05/100 (87.05')
55 feet along a curve to the left (non-tangent with the last course), with
56 a radius of one hundred sixty-four and 00/100 (164.00') feet long
57 land now or formerly of Rocky Reach, LLC, thence
58 Southwesterly A distance of seventy-two and 43/100 (72.43') feet
59 along another curve to the right, with a radius of one hundred sixty-
60 four and 00/100 (164.00') feet along land now or formerly of Rocky
61 Reach, LLC, thence

62 S70°07'37"W A distance of one hundred twenty-three 17/100
63 (123.17') feet along land now or formerly of Rocky Reach, LLC,
64 thence

65 S18°30'12"E A distance of three hundred twenty-one 24/100
66 (321.24') feet along land now or formerly of Rocky Reach, LLC,
67 thence

68 Southwesterly A distance of sixty and 39/100 (60.39') feet along a
69 curve (non-tangent with the last course) and the northerly sideline of
70 Lincoln Street (Route 3A) to the left, with a radius of nine hundred
71 ninety-one 00/100 (991.00') feet, thence

72 N07°44'03"W A distance of one hundred thirty-two and 83/100
73 (132.83') feet along land now or formerly of Rocky Reach, LLC,
74 thence

75 N19°00'00"W A distance of one hundred ninety-two and 63/100
76 (192.63') feet along land now or formerly of Rocky Reach, LLC,
77 thence S70°07'37"W A total distance of two hundred eleven and
78 42/100 (211.42') feet along land now or formerly of Rocky Reach,
79 LLC, thence

80 S25°05'03"W A distance of one hundred eighty-seven and 84/100
81 (187.84') feet along land now or formerly of Rocky Reach, LLC,
82 thence

83 S19°34'45"W A distance of forty-three and 65/100 (43.65') feet
84 along land now or formerly of FMS Realty Trust, thence

85 Southerly A distance of fifty-eight and 26/100 (58.26') feet along
86 a curve to the left, with a radius of ninety-eight and 93/100 (98.93')
87 feet along land now or formerly of FMS Realty Trust, thence

88 S14°09'35"E A distance of fifty-six and 93/100 (56.93') feet along
89 land now or formerly of FMS Realty Trust to the northerly sideline
90 of Lincoln Street, thence

91 Southwesterly A distance of two hundred forty (240') feet, more
92 or less along a curve to the right, with a radius of thirty-six hundred
93 sixty-nine and 65/100 (3669.65') feet along the northerly sideline of
94 Lincoln Street to a point, thence

95 Northerly A total distance of seventeen hundred (1700') feet,
96 more or less along the western property line of land now or formerly
97 belonging to Landfall Marine and Recreation Center to a point along
98 Mean Low Water (as depicted on 1964 plan by Perkins), thence

99 Easterly & Southerly A total distance of six hundred (600') feet,
100 more or less along said Mean Low Water (as depicted on 1964
101 Perkins Plan), to a point along Extreme Low Water (circa 1942) (as
102 per Records of Bethlehem-Hingham Shipyard, Inc.), thence
103 Northwesterly A total distance of thirty-eight hundred seventy
104 (3870') feet, more or less, along said Extreme Low Water (circa
105 1942) (as per Records of Bethlehem-Hingham Shipyard, Inc.) to a
106 point, thence S89°22'25"E A distance of four hundred twenty (420')
107 feet, more or less, thence
108 S44°34'34"E A distance of two hundred ten (210' feet, more or
109 less, thence
110 S00°25'26"W A distance of twelve hundred one and 25/100
111 (1201.25') feet along the western property line of land now or for-
112 merly belonging to Town of Hingham, thence
113 S73°06'59"E A distance of one hundred nineteen (119') feet, more
114 or less along the southern property line of land now or formerly
115 belonging to Town of Hingham to a concrete bound, thence
116 S82°25'00"E A distance of two hundred sixty and 56/100
117 (260.56') feet, thence
118 N83°18'55"E A distance of ninety-six and 30/100 (96.30') feet to
119 the northwesterly most corner of land now or formerly belonging to
120 Bear Hill Investment Corporation, thence
121 S28°36'00"W A distance of seventy-one and 29/100 (71.29') feet,
122 thence
123 S32°17'40"W A distance of three hundred seventy-three and
124 49/100 (373.49') feet, thence
125 S47°52'00"W A distance of four and 02/100 (4.02') feet, thence
126 S32°30'30"W A distance of eighty-three and 93/100 (83.93') feet
127 to a concrete bound, thence
128 S60°09'20"E A distance of one hundred fourteen and 72/100
129 (114.72') feet to a concrete bound, thence
130 S27°05'44"W A distance of one hundred thirty-two and 94/100
131 (132.94') feet to a concrete bound, thence
132 S62°54'16"E A distance of fifty-seven and 00/100 (57.00') feet
133 along the southerly sideline of Holly Street to a concrete bound at a
134 point of intersection with the westerly right of way line of Ivy Way,
135 thence

136 S27°05'44"W A distance of two hundred forty and 00/100
137 (240.00') feet along the westerly sideline of Ivy Way to a concrete
138 bound at a point of intersection with the southerly right of way line
139 of Sycamore Lane, thence
140 S62°54'16"E A distance of nineteen and 76/100 (19.76') feet
141 along the southerly sideline of Sycamore Lane to a concrete bound,
142 thence
143 S27°05'44"W A distance of one hundred and 00/100 (100.00')
144 feet along the western property line of land now or formerly
145 belonging to Mathew G. & Paula J. Dillon to a concrete bound,
146 thence
147 S62°54'16"E A distance of nineteen and 24/100 (19.24') feet
148 along land now or formerly of Dillion, thence
149 S27°05'44"W A distance of one hundred and 00/100 (100.00')
150 feet along land now or formerly of Christine M. Neterval, thence
151 N62°54'16"W A distance of thirty-three and 00/100 (33.00') feet
152 along the northerly sideline of Bradley Woods Drive, thence
153 S27°05'44"W A distance of one hundred fifty and 00/100
154 (150.00') feet along the western property line of land now or for-
155 merly belonging to John Jr. & Marilyn Gomez, thence
156 S62°54'16"E A distance of one hundred and 00/100 (100.00') feet
157 along the southern property line of land now or formerly belonging
158 to John Jr. & Marilyn Gomez, thence
159 S27°05'44"W A distance of one hundred forty-two and 00/100
160 (142.00') feet, thence
161 S53°00'33"W A distance of one hundred seventeen and 29/100
162 (117.29') feet, thence
163 S27°40'58"E A distance of three hundred twenty-seven and
164 14/100 (327.14') feet along lands now or formerly of Jon D'Alle-
165 sandro, Juniper Road, Eric F. Lamlein et ux., and Giordano Taverna,
166 thence
167 S00°26'34"E A distance of sixty and 00/100 (60.00') feet along
168 the western property line of land now or formerly belonging to John
169 J. Daly, to the point of beginning.

1 SECTION 2. The purpose of the District shall be in general to
2 enhance its economic development and more specifically in order to
3 serve the needs of its residents, property owners, tenants and their
4 employees and clients and the general public visiting the District, by

5 acquiring, laying, constructing, maintaining, improving and oper-
6 ating storm drainage systems, sewers, water systems, roads, bridges,
7 culverts, tunnels, streets, sidewalks, lighting, parking, including
8 garages, parks and recreational facilities and fiber and telecommuni-
9 cation systems and other infrastructure improvements as necessary,
10 referred to hereafter as the “Improvements”, whether located within
11 or without the District, if reasonably related to the Improvements
12 within the District, contracting with the town, the commonwealth,
13 cities or towns or other political entities and private and public utili-
14 ties serving the District and the town in connection with the
15 Improvements, and financing, refinancing, or reimbursing the cost of
16 the design, acquisition or construction of the Improvements, and
17 assessing and raising revenues for economic development purposes
18 and the design, construction, acquisition, operation and maintenance
19 of the Improvements and the District itself; in a manner as the board
20 of commissioners determine to be in the best interest of the District.

1 SECTION 3. A Board of Commissioners, consisting of 5 mem-
2 bers, shall exercise the powers conferred by this act. The Board shall
3 not be subject to the supervision of any other board, department,
4 commission, bureau or agency of the town or the commonwealth
5 except to the extent and in the manner provided in this act. The
6 members of the Board shall be appointed by the Board of Selectmen
7 of the town as follows: 4 members shall be appointed from the list of
8 individuals nominated and submitted by the Hingham Shipyard
9 Property Owners’ Association, hereinafter referred to as the “Asso-
10 ciation”, and 1 member shall be the Hingham Town Administrator or
11 his designee. In the event that Hingham Shipyard Property Owners’
12 Association shall no longer be in existence, the Board of Selectmen
13 shall appoint 4 members who are either record owners of real estate
14 within the District or representatives thereof including entities
15 empowered to own real estate in the commonwealth such as corpora-
16 tions, partnerships, realty trusts, limited liability companies and fed-
17 eral, state and local governmental agencies and authorities. The
18 District shall indemnify the town, its Board of Selectmen and town
19 employees from any claims arising from the District Board appoint-
20 ments or the town’s employee’s participation in the affairs of the
21 District. Members shall serve 3-year terms, except that with regard
22 to the initial Board, 2 members shall serve a 1-year term, 2 members

23 shall serve 2 year terms and 1 member shall serve a 3 year term. The
24 term of each initial member shall be designated on appointment.
25 Any member may be eligible for reappointment. Three members of
26 the Board shall constitute a quorum and the affirmative vote of 3
27 members shall be necessary to exercise any of the powers enumer-
28 ated in section 4. No vacancy in the membership of the Board shall
29 impair the right of a quorum to exercise the powers of the Board.
30 Any action by the Board shall take effect immediately unless other-
31 wise provided and need not be published or posted. The initial
32 meeting of the Board shall be not later than 30 days following the
33 establishment of the District. Thereafter the Board shall schedule
34 meetings pursuant to its by-laws. At such initial meeting and at all
35 annual meetings, as provided in its bylaws, the Board shall elect
36 from its members a chairperson who shall preside at all Board meet-
37 ings and who shall serve until a successor is elected at the meeting
38 following the annual meeting. The Board shall also elect a vice-
39 chairperson who shall be empowered to preside over Board meetings
40 in the absence of the chairperson and who shall serve for like term.
41 The Board shall also elect a treasurer and a clerk from its member-
42 ship and who shall serve for like terms. The duties and responsibili-
43 ties of the District offices shall be as provided in the District
44 by-laws. All meetings of the Board shall be in accordance with sec-
45 tions 23A to 23C of chapter 39 of the General Laws. The District
46 by-laws shall also provide for the manner of the removal of mem-
47 bers from the Board for misfeasance and the filling of vacancies on
48 the Board as they may from time to time arise.

1 SECTION 4. The Board, acting for and on behalf of the District,
2 shall have all the rights and powers necessary or convenient to carry
3 out and effectuate this act, including, but without limiting the gener-
4 ality of the foregoing, the following rights and powers: (a) to adopt
5 by-laws for the regulation of its affairs and the conduct of its busi-
6 ness, to promulgate rules, regulations and procedures in connection
7 with the performance of its functions and duties, and to fix, enforce
8 and collect penalties for the violation thereof; but any by-laws, rules,
9 regulations and procedures shall be consistent with the powers con-
10 ferred by this act and with other applicable provisions of the General
11 Laws, and that any by-laws with respect to the removal of members
12 of the Board shall be consistent with the laws, statutes, and ordi-

13 nances applicable to the town ; (b) to adopt an official seal and alter
14 the same at its pleasure; (c) to maintain an office at such place or
15 places within the District as it may determine; (d) to enter into con-
16 tracts and agreements with, but not limited to, the town, property
17 owners in the District, the commonwealth and any other city, town
18 or political entity or utility providing services that are necessary to
19 the acquisition, construction or operation of the Improvements
20 (including utilities or infrastructure outside the District but bene-
21 fitting the District), collection of revenue, data processing, and other
22 matters of management, administration and operation; to make other
23 contracts of every name and nature; and to execute and deliver all
24 instruments necessary or convenient for carrying out any of its
25 purposes; (e) to acquire by eminent domain, if approved by a vote of
26 4 of the 5 members of the Board, under the provisions of chap-
27 ters 79, 79A, 80 and 80A of the General Laws, real and personal
28 property located within the District, and to acquire by purchase,
29 lease, lease-purchase, sale and lease-back, gift or devise, or to obtain
30 options for the acquisition of; any property, real or personal, tangible
31 or intangible, or any interest therein, in the exercise of its powers
32 and the performance of its duties; provided that the District may
33 acquire real estate or any interest therein, except by eminent domain,
34 located outside the boundaries of the District itself necessary for the
35 acquisition, construction, maintenance and operation of the Improve-
36 ments within the District; (f) to, sell, lease, mortgage, exchange,
37 transfer or otherwise dispose of, or to grant options for any such pur-
38 poses with respect to, any property, real or personal, tangible or
39 intangible, or any interest therein; (g) to construct, improve, extend,
40 equip, enlarge, rehabilitate, maintain and repair the Improvements
41 within and for the benefit of the District; to acquire existing or con-
42 struct such Improvements under or over any roads, public ways or
43 parking areas, and to enter upon and dig up any private land within
44 the District for the purpose of laying said Improvements and of
45 maintaining and repairing the same; but, the District shall obtain the
46 prior approval of the town if such activities affect any town roads or
47 property within the District. Chapter 30B of the General Laws shall
48 apply to the District, except that section 16 of said chapter 30B shall
49 not apply. Chapter 31 of the General Laws shall not apply to any
50 person employed or engaged by the District under this act. With
51 respect to any construction or repair work undertaken by it pursuant

52 to this clause, the District shall be considered to be a public agency
53 for purposes of section 26 and sections 44A to 44H, inclusive, of
54 chapter 149 of the General Laws. Said provisions of chapters 30B
55 and 149 shall not be applicable to Improvements acquired by but not
56 constructed by the District itself. All applicable provisions of the
57 General Laws protecting public health, welfare and safety shall be
58 applicable; (h) to apply for, receive, accept, administer, expend and
59 comply with the conditions, obligations and requirements respecting
60 any grant, gift, loan, including any grant, gift or loan from agencies
61 of federal, state or local governments, donation or appropriation of
62 any property or money in aid of the purposes of the District and to
63 accept contributions of money, property, labor or other things of
64 value;

65 (i) to pledge or assign any money, fees, charges, receipts, or other
66 revenues of the District and any proceeds derived by the District;

67 (j) to borrow money and incur indebtedness and issue bonds or
68 notes as hereinafter provided;

69 (k) to exercise the powers and privileges of, and to be subject to,
70 the limitations upon, towns and cities provided by sections 38 to
71 42k, inclusive, of chapter 40 of the General Laws, chapter 80 of the
72 General Laws and sections 1 to 29, inclusive, of chapter 83 of the
73 General Laws, in so far as they are applicable and consistent with
74 this act; but, any requirement in said sections or chapters for a vote
75 by the Board of Selectmen or the governing body of a town or for a
76 vote by the voters of a town or district shall be satisfied by a vote or
77 resolution duly adopted by the Board in accordance herewith.
78 Notwithstanding anything in this act to the contrary, the District
79 shall have no authority to produce or generate electricity, or own or
80 operate a cable television network. The District shall not produce
81 water or process sewerage except in cooperation with the town, the
82 commonwealth or agencies thereof; or any public or private utilities
83 presently serving the town. The residents and businesses located
84 within the District boundaries shall pay the same rates and charges
85 for electric, cable, water and sewer usage and sewer connection fees
86 as are charged to other residents and businesses in the town. Resi-
87 dents and businesses in the District may contract directly with the
88 providers of electricity, water, sewer, and cable television services
89 on a similar basis to other residents and businesses in the town. The
90 Board may contract with the Association, or any successor in

91 interest thereto, to collect any payments due the District from the
92 District's residents and businesses and pay any utility expenses to
93 the providers thereof.

94 (l) to sue and be sued in its own name and to plead and be
95 impleaded; provided, however, that the District may indemnify its
96 officers and employees to the extent provided in chapter 258 of the
97 General Laws; and, provided further, that the revenues pledged to
98 the payment of notes or bonds, shall not be subject to attachment, or
99 be levied upon by execution or otherwise;

100 (m) to invest any funds not required for the immediate use of the
101 District in a manner and to the extent permitted under the General
102 Laws for the investment of the funds by the treasurer of a town;

103 (n) to employ assistants, agents, employees and persons,
104 including legal counsel, financial advisors, and such other consul-
105 tants and experts, as may be deemed necessary or convenient in the
106 Board's judgment, and to define their duties and fix their compensa-
107 tion;

108 (o) to procure insurance against any loss or liability that may be
109 sustained or incurred in carrying out the purposes of this act in such
110 amount as the District shall consider necessary and appropriate and
111 with 1 or more insurers who shall be licensed to furnish the insur-
112 ance in the commonwealth;

113 (p) to adopt an annual budget and to raise, appropriate, and assess
114 funds in amounts necessary to carry out the purposes for which the
115 District is formed as described hereafter in section 5; and

116 (q) to do all things necessary, convenient or desirable for carrying
117 out the purposes of this act or the powers expressly granted or neces-
118 sarily implied in this act.

1 SECTION 5. The Board may fix, revise, charge, collect and abate
2 reasonable fees, rates, rents, betterments and assessments, and other
3 charges for the cost of the Improvements and other services and
4 commodities furnished or supplied to the real property in the Dis-
5 trict. In providing for the payment of the cost of the Improvements
6 or for the use of the Improvements, the Board may avail itself of the
7 General Laws relative to the assessment, apportionment, division,
8 fixing, reassessment, revision, abatement and collection of infra-
9 structure charges, including betterments and assessments, or the
10 establishment of liens therefore and interest thereon. Notwith-

11 standing any provision of the General Laws to the contrary, the Dis-
12 trict may pay the entire cost of any Improvements, or the debt
13 service of notes or bonds used to fund such costs, from betterments,
14 assessments or fees and may establish said betterments, assessments
15 or fees within one (1) year from the completion or acquisition of the
16 Improvements. The Board may establish a schedule for the payment
17 of betterments or assessments of up to twenty-five (25) years. The
18 Board may determine the circumstances under which the fees, rates,
19 rents, assessments, betterments and other charges, may be increased,
20 if at all, as a consequence of delinquency or default by the owner of
21 that parcel or any other parcel within the District. In order to provide
22 for the collection and enforcement of its fees, rates, rents, assess-
23 ments, betterments and other charges, the Board is hereby granted all
24 the powers and privileges with respect thereto held by the town on
25 the effective date of this act or as otherwise provided in this act, to
26 be exercised concurrently with the town. The fees, rates, rents,
27 assessments, betterments and other charges of the Board of general
28 application shall be adopted and revised by the Board at least annu-
29 ally in accordance with the procedures to be established by the
30 Board for assuring that interested persons are afforded notice and an
31 opportunity to present data, views and arguments. The Board shall
32 hold at least 1 public hearing on its schedule of fees, rates, rents,
33 assessments and other charges or any revision thereof before adop-
34 tion, notice of which shall be delivered to the Board of Selectmen
35 and be published in a newspaper of substantial circulation in the
36 town at least 1 month in advance of the hearing. No later than the
37 date of the publication, the Board shall make available to the public
38 and deliver to the Board of Selectmen the proposed schedule of fees,
39 rates, rents, assessments and other charges. The fees, rates, rents,
40 assessments and other charges established by the Board shall not be
41 subject to supervision or regulation by any department, division,
42 commission, board, bureau, or agency of the commonwealth or any
43 of its political subdivisions, including without limitation, the town,
44 nor shall the District be subject to section 20A of chapter 59 of the
45 General Laws. Notwithstanding the foregoing, except to the extent
46 of fees, rates, rents, assessments, betterments and other charges
47 assessed by the Board, the Board shall have no general power of tax-
48 ation. Any liens imposed by the town for the payment of property
49 taxes shall have priority in payment over any liens of the District.

50 The Board's budget for current administrative expenses (exclusive of
51 operational and capital expenses relating to the Improvements) shall
52 be limited to the sum of \$55,000 for current administrative expenses
53 for the fiscal year in which the District is established. Each year
54 thereafter said sum maybe increased by up to 2½ per cent per year.
55 The fees, rates, rents, betterments, assessments and other charges
56 established by the Board in accordance with this section shall be
57 fixed and adjusted in respect of the aggregate thereof so as to pro-
58 vide revenues at least sufficient to: (i) pay the current expenses of
59 the District; (ii) pay the principal of, premium, if any, and interest on
60 bonds, notes or other evidences of indebtedness issued by the Board
61 under this act as the same becomes due and payable; (iii) create and
62 maintain reserves as reasonably required by any trust agreement or
63 resolution securing bonds; (iv) to provide funds for paying the cost
64 of necessary repairs, replacements and renewals of the infrastructure
65 system or systems; and (v), pay or provide for any amounts that the
66 Board may be obligated to pay or provide for by law or contract,
67 including any resolution or contract with or for the benefit of the
68 holders of its bonds and notes. Nothing in this act shall prevent the
69 town from directly assessing and collecting sewer connection fees
70 from any applicant for a building permit within the District.

1 SECTION 6. The Board may provide by resolution, from time to
2 time, for the issuance of bonds of the District for any of its corporate
3 purposes. Bonds may be issued hereunder as general obligations of
4 the District or as special obligations payable solely from particular
5 funds. Without limiting the generality of the foregoing, the bonds
6 may be issued to pay or refund notes issued pursuant to section 8, to
7 pay the cost of acquiring, laying, constructing, maintaining, and
8 reconstructing the Improvements. The term "Cost" shall include the
9 cost of: (1) construction, reconstruction, renovation and acquisition
10 of all lands, structures, real or personal property, rights, rights-of-
11 way, franchises, easements, and interests acquired or to be acquired
12 by the District, the town, the commonwealth or any of its agencies
13 or subdivisions; (2) all machinery and equipment including
14 machinery and equipment needed to expand or enhance services
15 from the town, the commonwealth or any of its agencies or subdivi-
16 sions to the District; (3) Financing charges and interest before and
17 during construction, and for a limited time after completion of the

18 construction, interest and reserves for principal and interest,
19 including costs of municipal bond insurance and any other type of
20 financial guaranty and costs of issuance; (4) extensions, enlarge-
21 ments, additions, and improvements; (5) architectural, engineering,
22 financial and legal services; (6) plans, specifications, studies,
23 surveys and estimates of costs and of revenues; (7) administrative
24 expenses necessary or incident to the construction, acquisition, and
25 financing of the Improvements; and (8), other expenses as may be
26 necessary or incident to the construction, acquisition, and financing
27 of the Improvements. The principal of and interest on the bonds
28 shall be payable solely from the funds herein provided for their pay-
29 ment. The bonds of each issue shall be dated, shall bear interest at
30 the rates and shall mature at the time or times not exceeding 25 years
31 from their date or dates, as determined by the Board, and may be
32 redeemable before maturity, at the option if the Board, at the price or
33 prices and under the terms and conditions fixed by the Board before
34 the issuance of the bonds. The Board shall determine the form of the
35 bonds, and the manner of execution of the bonds, and shall fix the
36 denomination or denominations of the bonds and the place or places
37 of payment of principal and interest, which may be at any bank or
38 trust company in the commonwealth and other locations designated
39 by the Board. In case any officer whose signature or a facsimile of
40 whose signature shall appear on any bonds or coupons shall cease to
41 be an officer before the delivery of the bonds, the signature or
42 facsimile shall nevertheless be valid and sufficient for all purposes
43 the same as if he had remained in office until the delivery. The bonds
44 shall be issued in registered form. The Board may sell the bonds in a
45 manner and for a price, either at public or private sale, as it may
46 determine to be for the best interests of the District. Before the
47 preparation of definitive bonds, the Board may, under like restric-
48 tions, issue interim receipts or temporary bonds exchangeable for
49 definitive bonds when the bonds have been executed and are avail-
50 able for delivery. The Board may also provide for the replacement of
51 any bonds that shall become mutilated or shall be destroyed or lost.
52 The Board may provide by resolution for the issuance of refunding
53 bonds of the District for the purpose of refunding any bonds then
54 outstanding and issued under the provisions of this act, including the
55 payment of any redemption premium thereon on any interest accrued
56 or to accrue to the date of redemption of the bonds and, if considered

57 advisable by the Board, for the additional purpose of the acquisition,
58 construction or reconstruction and extension or improvement of the
59 infrastructure system or systems. The issue of the bonds, the maturi-
60 ties, and other details thereof; the rights of the holders thereof; and
61 the duties of the District in respect of the same shall be governed by
62 this act insofar as the same may be applicable. While any bonds or
63 notes issued by the Board remain outstanding, the powers, duties or
64 existence of the Board shall not be diminished or impaired in any
65 way that will affect adversely the interests and rights of the holders
66 of such bonds or notes. Bonds or notes issued under this act, unless
67 otherwise authorized by law, shall not be considered to constitute a
68 debt of the commonwealth or the town, or a pledge of the faith and
69 credit of the commonwealth or of the town, but the bonds or notes
70 shall be payable solely by the District or as special obligations
71 payable from particular District funds. Any bonds or notes issued by
72 the District shall contain on the face thereof a statement to the effect
73 that neither the commonwealth nor the town shall be obliged to pay
74 the same or the interest thereon, and that neither the faith and credit
75 nor taxing power of the commonwealth or of the town is pledged to
76 the payment of the bonds or notes. All bonds or notes issued under
77 this act shall have and are hereby declared to have all the qualities
78 and incidents of negotiable instruments as defined in sections 3 to
79 104, inclusive of chapter 106 of the General Laws. Issuance by the
80 District of 1 or more series of bonds or notes for 1 or more purposes
81 shall not preclude if from issuing other bonds or notes in connection
82 with the same project or any other project; but, the resolution or trust
83 indenture wherein any subsequent bonds or notes may be issued
84 shall recognize and protect any prior pledge made for any prior issue
85 of bonds or notes unless in the resolution or trust indenture autho-
86 rizing such prior issue the right is reserved to issue subsequent bonds
87 on a parity with such prior issue.

1 SECTION 7. In the discretion of the Board the bonds may be
2 secured by a trust agreement by and between the District and a
3 corporate trustee, which may be any trust company or bank having
4 the powers of a trust company within the commonwealth. The trust
5 agreement may pledge or assign the revenues. Either the resolution
6 providing for the issuance of bonds or the trust agreement may con-
7 tain such provisions for protecting and enforcing the rights and

8 remedies of the bondholders as may be reasonable and proper and
9 not in violation of law, including without limiting the generality of
10 the foregoing provisions defining defaults and providing for
11 remedies in the event thereof; which may include the acceleration of
12 maturities, and covenants setting forth the duties of and limitations
13 on the District in relation to the acquisition, construction, improve-
14 ment, enlargement, alteration, equipping, furnishing, maintenance,
15 operation, rehabilitation, demolition, repair, insurance and disposi-
16 tion of property, the custody, safeguarding, investment and applica-
17 tion of moneys, the use of any surplus bond or note proceeds and the
18 establishment of reserves. The resolution or trust agreement may
19 also contain covenants by the Board in relation to, among other
20 things: (1) the establishment, revision and collection of the fees,
21 rates, assessments, rents and charges for services of facilities
22 furnished or supplied by the District as shall provide revenues suffi-
23 cient with other revenues of the District, if any, to pay (i) the cost of
24 maintaining, repairing and operating the District utilities and infra-
25 structure and of making renewals and replacements in connection
26 therewith, (ii) the principal of and the interest on said bonds or notes
27 as the same shall become due and payable, (iii) payments in lieu of
28 taxes, betterment and special assessments, and (iv) reserves for such
29 purposes; (2) the purpose or purposes for which the proceeds of the
30 sale of the bonds or notes will be applied and the use and disposition
31 thereof; (3) the use and disposition of the gross revenues of the
32 District from the District utilities and infrastructure, any additions
33 thereto and extensions and improvements thereof; including the
34 creation and maintenance of funds for working capital and for
35 renewals and replacements to the District utilities and infrastructure;
36 (4) the amount, if any, of additional bonds or notes payable from the
37 revenues of the District and the limitations, terms and conditions on
38 which the additional bonds or notes may be issued; and (5) the oper-
39 ation, maintenance, management, accounting and auditing of the
40 utilities and District infrastructure and of the income and revenues of
41 the District. It shall be lawful for any bank or trust company incor-
42 porated under the laws of the commonwealth to act as depository of
43 the proceeds of the bonds or of revenues, and to furnish indemni-
44 fying bonds or to pledge securities as required by the Board. The
45 trust agreement may set forth the rights and remedies of the bond-
46 holders and of the trustees, and may restrict the individual right of

47 action by bondholders as is customary in trust agreements or trust
48 indentures securing bonds and debentures of Boards. In addition to
49 the foregoing, the trust agreement may contain other provisions, as
50 the Board considers reasonable and proper for the security of the
51 bondholders. All expenses incurred in carrying out the trust agree-
52 ment may be treated as a part of the cost of the operation of the
53 District utilities and infrastructure. The pledge by any trust agree-
54 ment or resolution shall be valid and binding from time to time when
55 the pledge is made; the revenues or other moneys so pledged and
56 then held or thereafter received by the Board shall immediately be
57 subject to the lien of the pledge without any physical delivery
58 thereof or further act; and the lien of the pledge shall be valid and
59 binding as against all parties having claims of any kind in tort,
60 contract or otherwise against the Board, irrespective of whether the
61 parties have notice thereof. Neither the resolution nor any trust
62 agreement by which a pledge is created need be filed or recorded
63 except in the records of the Board, and no filing need be made under
64 chapter 106 of the General Laws.

1 SECTION 8. The Board may provide by resolution for the
2 issuance from time to time, of notes of the District in anticipation of
3 federal, state or local grants for the cost of acquiring, constructing or
4 improving the District utilities or infrastructure or in anticipation of
5 bonds to be issued pursuant to section 7. The notes shall be autho-
6 rized, issued and sold in the same manner as, and shall otherwise be
7 subject to sections 6 and 7 and other provisions of this act. The notes
8 shall mature at the time provided by the issuing resolution of the
9 Board and may be renewed from time to time; but, all the notes and
10 renewals thereof shall mature on or before 20 years from their date
11 of issuance.

1 SECTION 9. In addition to other security provided herein, or
2 otherwise by law, bonds, notes or obligations issued by the District
3 under this act, may be secured, in whole or in part, by a letter of
4 credit, line of credit, bond insurance policy, liquidity facility or other
5 credit facility for the purpose of providing funds for payments in
6 respect of bonds, notes or other obligations required by the holder
7 thereof to be redeemed or repurchased prior to maturity or for pro-
8 viding additional security for such bonds, notes or other obligations.

9 In connection therewith, the District may enter into reimbursement
10 agreements, remarketing agreements, standby bond purchase agree-
11 ments and any other necessary or appropriate agreements. The Board
12 may pledge or assign any of its revenues as security for the reim-
13 bursement by the District to the issuers or providers of the letters of
14 credit, lines of credit, bond insurance policies, liquidity facilities or
15 other credit facilities of any payments made under the letters of
16 credit, lines of credit, bond insurance policies, liquidity facilities or
17 other credit facilities.

1 SECTION 10. In connection with or incidental to the issuance of
2 bonds, notes or other obligations the District may enter into con-
3 tracts as the Board may determine to be necessary or appropriate to
4 place the bonds, notes or other obligations of the District, as repre-
5 sented by the bonds or notes, or other obligations in whole or in part,
6 on such interest rate or cash flow basis as the Board may determine,
7 including without limitation, interest rate swap agreements, insur-
8 ance agreements, forward payment conversion agreements, futures
9 contracts, contracts providing for payments based on levels of, or
10 changes in, interest rates or market indices, contracts to manage
11 interest rate risk, including without limitation, interest rate floors or
12 caps, options, puts, calls and similar arrangements. The contracts
13 shall contain the payment, security, default, remedy and other terms
14 and conditions as the Board may consider appropriate and shall be
15 entered into with a party as the District may select, after giving due
16 consideration, where applicable, for the credit worthiness of the
17 counter party or, including any rating by a nationally recognized
18 rating agency, the impact on any rating on outstanding bonds, notes
19 or other obligations or any other criteria the Board may consider
20 appropriate.

1 SECTION 11. The District shall have the power out of any funds
2 available therefore to purchase its bonds or notes. The District may
3 hold, pledge, cancel or resell such bonds or notes, subject to and in
4 accordance with agreements with bondholders. The Board may issue
5 refunding bonds for the purpose of paying any of its bonds at matu-
6 rity or upon acceleration or redemption. Refunding bonds may be
7 issued at such time or times prior to the maturity or redemption of
8 the refunded bonds as the Board deems to be in the public interest.

9 Refunding bonds may be issued in sufficient amounts to pay or
10 provide for the principal of the bonds being refunded, together with
11 any redemption premium thereon, any interest accrued or to accrue
12 to the date of payment of such bonds, the expense of issuing the
13 refunding bonds, the expense of redeeming bonds being refunded
14 and such reserves for debt service or other capital or current
15 expenses from the proceeds of the refunding bonds as may be
16 required by a trust agreement or resolution securing the bonds. All
17 other provision relating to the issuance of refunding bonds shall be
18 as set forth in this act.

1 SECTION 12. All moneys received pursuant to this act, whether
2 as proceeds from the issue of bonds or notes, or as revenue or other-
3 wise, shall be considered trust funds to be held and applied solely as
4 provided in this act.

1 SECTION 13. Bonds or notes issued under this act are hereby
2 made securities in which all public officers and public bodies of the
3 commonwealth and its political subdivisions, all insurance compa-
4 nies, trust companies in their commercial departments and within the
5 limits set by the General Laws, banking, investment companies,
6 executors, trustees and other fiduciaries, and all other persons what-
7 soever who are now or may hereafter be authorized to invest in
8 bonds or other obligations of a similar nature may properly and
9 legally invest funds, including capital in their control and belonging
10 to them; and the bonds are hereby made obligations that may prop-
11 erly and legally be made eligible for the investment of savings
12 deposits and income thereof in the manner provided by section 2 of
13 chapter 167E of the General Laws. The bonds or notes are hereby
14 made securities that may properly and legally be deposited with and
15 received by any state or municipal officer or any agency or political
16 subdivision of the commonwealth for any purpose for which the
17 deposit of bonds or other obligations of the commonwealth is now or
18 may hereafter be authorized by law. Notwithstanding any rule at
19 common law or any authorization, limitation or any other general or
20 special law, or any provision in their respective charters, agreements
21 of association, articles or organization, or trust indentures, domestic
22 corporations organized for the purpose of carrying on business
23 within the commonwealth, including without implied limitation any

24 electric or gas company as defined in section 1 of chapter 164 of the
25 General Laws, railroad corporations as defined in section 1 of
26 chapter 160 of the General Laws, financial institutions, trustees and
27 the town may acquire, purchase, hold, sell, assign, transfer, or other-
28 wise dispose of any bonds, notes, securities or other evidence of
29 indebtedness of the District and to make contributions to the District,
30 all without the approval of any regulatory authority of the common-
31 wealth.

1 SECTION 14. Any holder of bonds or notes issued under this act,
2 and a trustee, except to the extent the rights herein given may be
3 restricted by the trust agreement, may, either at law or in equity, by
4 suit, action, mandamus or other proceeding, protect and enforce all
5 rights under the laws of the commonwealth or granted hereunder or
6 under the trust agreement, and may enforce and compel the perfor-
7 mance of all duties required by this act or by the trust agreement, to
8 be performed by the District or by any officer thereof.

1 SECTION 15. Notwithstanding this act or any recitals in any
2 bonds or notes issued under this act, all the bonds or notes shall be
3 considered to be investment securities under chapter 106 of the
4 General Laws.

1 SECTION 16. Bonds or notes may be issued under this act
2 without obtaining the consent of the emergency finance board or any
3 department, division, commission, Board, bureau or agency of the
4 commonwealth or the town, and without any proceedings or the
5 happening of any other conditions or things than those proceedings,
6 conditions or things that are specifically required thereof by this act,
7 and the validity of and security for any bonds or notes issued by the
8 District shall not be affected by the existence or nonexistence of any
9 such consent or other proceeding conditions, or things.

1 SECTION 17. The District and all its receipts, revenues, income
2 and real and personal property shall be exempt from taxation and
3 from betterments and special assessments and the District shall not
4 be required to pay any tax, excise or assessment to or from the com-
5 monwealth or any of its political subdivisions. If any Improvements
6 or other real estate owned by the District would have been subject to

7 taxation by the town if owned by a private party, the District shall
8 make payments in lieu of taxes equal to what such taxes would have
9 been. Bonds or notes issued by the District and their transfer and
10 their interest or income, including any profit on the sale thereof;
11 shall at all times be exempt from taxation within the commonwealth;
12 but, nothing in this act shall act to limit or restrict the ability of the
13 commonwealth or the town to tax the individuals and companies, or
14 their real or personal property or any person living or business oper-
15 ating within the boundaries of the District.

1 SECTION 18. The Board shall at all times keep accounts of its
2 receipts, expenditures, disbursements, assets and liabilities, which
3 accounts shall be open to inspection by a duly appointed officer or
4 duly appointed agent or the commonwealth or the town. The fiscal
5 year of the District shall be the same fiscal year as established by the
6 General Laws for cities and towns in the commonwealth. The
7 District shall be subject to an audit of its accounts in the manner
8 provided in section 40 of chapter 44 of the General Laws. Before the
9 issuance of any bonds or notes under the provisions of this act, any
10 member or officer of the Board charged with responsibility of the
11 issuance thereof; shall each execute a surety bond in the sum of
12 \$250,000 payable to the District, or in lieu thereof the Board shall
13 obtain a blanket position bond covering any member or officer of the
14 Board charged with responsibility for the issuance of any bond or
15 notes, the surety bonds to be conditioned upon the faithful perfor-
16 mance of the duties of their offices, to be executed by a surety
17 company authorized to transact business in the commonwealth as a
18 surety and approved by the Board. For the purposes of chapter 268A
19 of the General Laws, the District shall be considered a municipal
20 agency. The members of the Board and employees of the District,
21 together with any person who performs professional services for the
22 District on a part-time, intermittent or consultant basis, such as those
23 of an architect, attorney, engineer, planner, or construction, financial,
24 or real estate expert, shall be special municipal employees.

1 SECTION 19. The District may make representations and agree-
2 ments for the benefit of the holders of the District's bonds and notes
3 or other obligations to provide secondary market disclosure informa-
4 tion. The Board or an officer authorized by the Board may make the

5 representations and agreements on behalf of the District or may dele-
6 gate the authority to any other officer or employee of the District.
7 The agreement may include: (1) covenants to provide secondary
8 market disclosure information; (2) arrangements for such informa-
9 tion to be provided with the assistance of a paying agent, trustee,
10 dissemination or other agent; and (3) remedies for breach of such
11 agreements, which remedies may be limited to specific performance.

1 SECTION 20. The District is a distinct and separate entity from
2 the town and the town shall not be subject to any claims, actions or
3 liabilities resulting from the establishment of the District, its opera-
4 tions or the actions, or inactions of its Board or employees. Obliga-
5 tions of the District shall be solely those of the District and there
6 shall be no recourse against the town on account of or arising from
7 such obligations. The rights of the town and its citizens to access and
8 use of the waterfront as they may have existed prior to the adoption
9 of this act shall not be abridged by this act unless specifically stated
10 herein.

1 SECTION 21. This act shall be considered to provide an exclu-
2 sive, additional, alternative and complete method of accomplishing
3 the purposes of this act and exercising the powers authorized hereby
4 and shall be considered and construed to be supplemental and addi-
5 tional to, and not in derogation of; powers conferred upon the Board
6 by law; but, insofar as the proceedings of this act are inconsistent
7 with any general or special law, administrative order or regulation,
8 or any resolution or ordinance of the town, this act shall be control-
9 ling. Without limiting the generality of the foregoing, no resolution
10 or ordinance of the town requiring ratification by the voters of
11 certain bond issues shall apply to the issuance of bonds or notes of
12 the District pursuant to this act, nor shall chapter 44 of the General
13 Laws be applicable to the manner of voting or the limitations as to
14 the amount and time of payment of debts incurred by the District.
15 Except as specifically provided in this act, all other statutes,
16 ordinances, resolutions, rules and regulations of the commonwealth
17 and the town shall be fully applicable to the property, residents and
18 businesses located in the District. Nothing in this act shall in any
19 way obligate the town to pay any costs for the acquisition construc-
20 tion, equipping or operation and administration of the Improvements
21 located within the District.

1 SECTION 21a. Notwithstanding the description in Section 1
2 hereof or anything else to the contrary contained in this act, the Dis-
3 trict shall not include any lands or interests in land now or in the
4 future owned or held by the Commonwealth of Massachusetts (the
5 “Commonwealth”) or by the Massachusetts Bay Transportation
6 Authority (the “MBTA”); and none of the rights, powers and duties
7 conferred on or granted to the Board and/or the District by this act
8 shall apply to or effect the Commonwealth or the MBTA or any of
9 their lands or interests in land or any of their rights or activities,
10 whether exercised within or without the District, except to the extent
11 the Commonwealth or MBTA otherwise agree in writing.

1 SECTION 22. This act being necessary for the welfare of the
2 town and its inhabitants shall be liberally construed to affect the
3 purposes hereof.

1 SECTION 23. Provided that all District bonds, notes and other
2 obligations have been paid or satisfied, the town may vote to termi-
3 nate the District at any time after 35 years from the effective date of
4 this act without further action required of the General Court.

1 SECTION 24. This act shall take effect upon its passage.