

SENATE NO. 1152

AN ACT RELATIVE TO THE CHARLTON WATER AND SEWER 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 Section 3 of Chapter 83 of the General Laws or
2 any general or special law, rule or regulation to the contrary, the town of Charlton board of
3 water and sewer commissioners (hereinafter “board” or “water and sewer commission”), which
4 in this Act shall mean any other board or officer hereafter having charge of the repair and
5 maintenance of sewers in the town of Charlton, may, in its discretion, allow buildings upon land
6 abutting upon a public or private way in which a common sewer has been laid to be connected
7 with such sewer, but shall not be obligated to allow such connections, except with respect to
8 requests for connections for single-family residences for which a sewer betterment has been
9 assessed, which shall be permitted in accordance with Section 3 of Chapter 83 of the General
10 Laws.

11 SECTION 2. No owner of land connected to the common sewer shall reconstruct, enlarge,
12 alter or renovate an existing structure on such land or expand, change or alter an existing use of
13 such land without a permit from said board. Said board may permit continued use of an existing

14 sewer connection, but shall not be obligated to do so. No permit under this section shall be
15 required for the reconstruction, change or alteration of existing single or two-family residential
16 structures, provided such reconstruction, enlargement, enlargement, alteration or renovation will
17 not change the use of the property or increase the number of living units in the existing
18 structure.

19 SECTION 3. Notwithstanding any general or special law, rule or regulation to the contrary, the
20 town of Charlton may establish a special account to be known as the town of Charlton Sewer
21 System Capital Improvement Fund (hereinafter, "the Sewer Fund"). The purpose of the Sewer
22 Fund is to provide revenue for the increase of capacity of the system and to remedy and prevent
23 any and all forms of infiltration or inflow from groundwater and other sources of flow or
24 leakage into the system. The Sewer Fund shall be maintained by the treasurer of the town of
25 Charlton, and expenditures therefrom shall be made subject to appropriation initiated by the
26 water and sewer commission and approved by a majority vote of the town meeting.

27 SECTION 4. Payments to the Sewer Fund shall be made by applicants for connection to the
28 common sewer, pursuant to Section 1, and those applicants required to obtain a permit for
29 increased use of existing connections, pursuant to Section 2. The water and sewer commission
30 shall assess a sewer improvement fee for all connections to the common sewer or increased use
31 of existing connections, including those which will generate a sewage design flow in excess of
32 the sewage design flow contemplated for the relevant property at the time of assessment of a
33 betterment assessment or privilege fee upon the relevant property, if any, including without
34 limitation the betterment assessment made on or about August 22, 2003.

35 The amount of such payments from such private sources shall be as determined by a schedule of
36 fees to be set by the water and sewer commission. The schedule shall provide for the method of
37 determining the amount of each payment from such applicants based upon their anticipated
38 sewage flow. The sewer improvement fee assessed shall be proportionate to the total estimated
39 cost to the Town of designing, constructing, reconstructing, reducing infiltration or inflow or
40 expanding capacity of the wastewater treatment plant serving the Charlton sewer system,
41 pumping stations and related facilities, to handle an incremental amount of wastewater equal to
42 the excess flow to be generated by the property or by the increase in use of the property and
43 shall be proportionate to the betterments and privilege fees heretofore assessed, or the sewer
44 improvement fee assessed under this Act, upon other property owners for such improvements.

45 SECTION 5. All sewer improvement fees collected shall be deposited into the Sewer Fund.
46 Monies deposited into the Sewer Fund shall be used only for the purposes set forth in this act, as
47 may be determined by the board. The board may accept grants or gifts for deposit into the
48 Sewer Fund. The treasurer of the town of Charlton may invest monies in the Sewer Fund and
49 the income and interest accruing shall inure to the benefit of the Sewer Fund.

50 SECTION 6. Additional appropriations may be made by a majority vote of town meeting into
51 the Sewer Fund for the purpose of providing additional funds for the purposes set forth in this
52 act.

53 SECTION 7. The water and sewer commission may make applications for available state and
54 federal government grants for the engineering, construction and rehabilitation of wastewater
55 treatment works, pumping stations and facilities, and to pledge any and all such sums of money

56 in said Sewer Fund with the approval of the town meeting for any such matching grants for such
57 purposes.

58 SECTION 8. The town accountant shall file jointly with the water and sewer commission and
59 the treasurer, a written report relative to the Sewer Fund. The report shall be made within 120
60 days after the books of account are closed for each fiscal year.

61 SECTION 9. The water and sewer commission may promulgate rules and regulations for the
62 implementation and administration of the Sewer Fund and to set fees, and may promulgate such
63 other rules and regulations as may be in furtherance of its responsibilities and the purpose of
64 this act.