

SENATE . . . . . No. 2108

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to authorize the town of Charlton to acquire dams within the town to make improvements to dams and to authorize the assessment of betterments to pay costs of the same.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Geraldo Alicea	6th Worcester

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act to authorize the town of Charlton to acquire dams within the town to make improvements to dams and to authorize the assessment of betterments to pay costs of the same.

*Whereas*, The deferred operation for this act would tend to defeat its purpose, which is forthwith to enable the Town of Charlton to acquire, maintain, repair and make necessary improvements to dams located within the Town, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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.** The Town of Charlton is authorized, subject to the approval of its town  
2 meeting, to acquire by gift, purchase, eminent domain or otherwise, any dam or dams located  
3 within the town, including any real property incidental or related thereto, so long as any such  
4 dam or dams and any incidental real property are not at the time of such acquisition owned or  
5 held in trust by the Commonwealth. In connection therewith the Town is further authorized,  
6 subject to appropriation, to repair, reconstruct and make improvements to town-owned dams as  
7 may be necessary in the judgment of the board of selectmen to maintain, repair or improve such  
8 dams, and to accept and expend grants or gifts for such purposes in accordance with G.L. c. 44,  
9 sec. 53A upon approval of the board of selectmen without further appropriation.

10           **SECTION 2.** Upon a two-thirds vote of the voters present and voting at a meeting duly  
11 called, the Town of Charlton is authorized to borrow funds for the purposes of this act. Any such  
12 borrowing shall be repaid within 40 years of its date of issue, and shall be outside the limit of  
13 indebtedness prescribed in Section 10 of Chapter 44 of the General Laws. Except as provided in  
14 this act, any borrowing pursuant hereto shall be subject to the requirements of Chapter 44 of the  
15 General Laws.

16           **SECTION 3.** Any dam or dams owned by the Town of Charlton shall constitute public  
17 improvements for purposes of Chapter 80 of the General Laws, and, subject to the approval of  
18 the Town, the selectmen are authorized to assess betterments to pay any and all costs of or  
19 relating to acquiring, owning, maintaining or improving any such dam or dams. Such  
20 betterments may be assessed upon properties benefiting from the acquisition, ownership, repair,  
21 maintenance or improvement of such dams and in such amounts as the selectmen shall  
22 determine. Except as otherwise provided by this act, any betterment so assessed shall be subject  
23 to the provisions of Chapter 80 of the General Laws. Any betterment so assessed pursuant to this  
24 act may be apportioned for a maximum term of 40 years.

25           **SECTION 4.** Notwithstanding any general or special law to the contrary, the Town of  
26 Charlton shall have no liability for or related to the presence, release or threat of release of oil or  
27 any hazardous material with respect to any dam or dams acquired by the Town in accordance  
28 with this act that occurred prior to the date any such dam or dams were acquired by the Town.

29           **SECTION 5.** This act shall take effect upon its passage.