

HOUSE No. 1039

By Mr. Perkins of Hingham, petition of T. Clark Perkins for the incineration of certain refuse and garbage in the towns of Cohasset, Hingham, Hull and Weymouth and creating the south shore incinerator authority. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT PROVIDING FOR THE INCINERATION OF CERTAIN REFUSE AND GARBAGE COLLECTED IN THE TOWNS OF COHASSET, HINGHAM, HULL AND WEYMOUTH AND CREATING THE SOUTH SHORE INCINERATOR AUTHORITY AND DEFINING ITS POWERS AND DUTIES.

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. In order to eliminate the nuisances attendant
2 upon the dumping of refuse and garbage produced in the towns
3 of Cohasset, Hingham, Hull and Weymouth there is hereby
4 created a public body politic and corporate to be known as the
5 South Shore Incinerator Authority, which is hereby authorized
6 and directed to acquire so much land as said authority may
7 deem necessary, and to construct, maintain and operate on the
8 land so acquired a refuse disposal incinerator of sufficient size
9 to provide adequate disposal facilities for all combustible refuse
10 and garbage produced in the towns of Cohasset, Hingham, Hull
11 and Weymouth. After the construction of such incinerator is
12 completed, no refuse or garbage produced in said town shall,
13 unless it is incombustible refuse, be deposited at any dump
14 within the commonwealth except in case of emergency.

15 Said authority is hereby constituted a public instrumentality;
16 and the performance by it of the duties imposed, and the exercise
17 by it of the powers conferred, by this act shall be deemed and

18 held to be the performance of essential governmental functions.
19 Said authority shall be deemed to be an instrumentality within
20 the meaning of chapter one hundred and eighteen C of the
21 General Laws; but chapter thirty-one of the General Laws, and
22 rules made thereunder, shall not apply to any officer, agent or
23 employee of said authority.

1 SECTION 2. The authority created by section one of this act
2 shall consist of the selectmen of said towns each of whom shall
3 serve without compensation, but shall be reimbursed for ex-
4 penses necessarily incurred in the performance of his duties.

5 The authority shall from time to time elect a secretary-
6 treasurer who shall execute a surety bond in such penal sum as
7 the authority shall from time to time determine, such bond to
8 be conditioned upon the faithful performance of the duties of
9 his office, to be executed by a surety company authorized to
10 transact business in the commonwealth as surety, and to be
11 approved by the attorney general and filed in the office of the
12 state secretary, and the premium on such bond to be paid by the
13 authority.

1 SECTION 3. The authority is hereby authorized and em-
2 powered —

3 (a) To adopt by-laws for the regulation of its affairs and the
4 conduct of its business;

5 (b) To adopt an official seal and alter the same at pleasure;

6 (c) To sue and be sued, and to plead and be impleaded, in its
7 own name;

8 (d) To acquire in the name of the authority by purchase or
9 otherwise, on such terms and conditions and in such manner as
10 it may deem proper, or by the exercise of the power of eminent
11 domain in accordance with the provisions of chapter seventy
12 nine of the General Laws, or any alternative method now or
13 hereafter provided by general law, in so far as such provisions
14 may be applicable, so much land as it may deem necessary for
15 carrying out the provisions of this act;

16 (e) To construct, maintain and operate on the land so ac-
17 quired a refuse disposal incinerator of sufficient size to provide
18 adequate disposal facilities for all combustible refuse and garbage

19 produced in the towns of Cohasset, Hingham, Hull and Wey-
20 mouth;

21 (f) To dispose of the ash and residue from said incinerator
22 in such manner as it shall adjudge most advantageous;

23 (g) To establish rules and regulations, and fix policies, for
24 the operation of said incinerator and the reception thereof of
25 refuse and garbage;

26 (h) To receive at said incinerator and incinerate therein com-
27 bustible refuse and garbage originating in said towns when
28 brought to said incinerator otherwise than by said town or
29 their agents or contractors, and to fix and revise from time to
30 time and charge and collect fees for such reception and incinera-
31 tion;

32 (i) To receive at said incinerator, and incinerate therein,
33 whenever the full capacity of said incinerator is not required for
34 the incineration of combustible refuse and garbage originating
35 in said towns combustible refuse and garbage originating in
36 other districts;

37 (j) To receive and accept from any federal agency grants for
38 or in aid of the construction of said incinerator, and to receive
39 and accept contributions from any source of either money,
40 property, labor or other things of value, to be held, used and
41 applied only for the purposes for which such grants and con-
42 tributions may be made;

43 (k) To lease, sell or otherwise dispose of any real or personal
44 property, or any interest therein, which it shall determine to be
45 no longer needed for the purposes of this act, and to invest from
46 time to time in obligations of the government of the United
47 States or of the commonwealth any portions of its working
48 capital fund which it shall judge temporarily unnecessary for
49 the purposes of said fund; and

50 (l) To make all contracts and agreements necessary or in-
51 cidental to the performance of its duties and the execution of
52 its powers under this act, to employ a plant superintendent and
53 such other employees and agents, including engineering and
54 financial experts, attorneys and accountants, as may be neces-
55 sary in its judgment, and to fix their compensation, and to do
56 all acts and things necessary or convenient to carry out the
57 powers expressly granted in this act.

1 SECTION 4. To provide for the expenses of constructing said
2 incinerator and of making any major alteration thereto or any
3 major repair thereof, and for the establishment of a working
4 capital fund, the authority may from time to time borrow from
5 the towns of Cohasset, Hingham, Hull and Weymouth and said
6 town may from time to time loan to the authority, such sums
7 not exceeding, in the aggregate, five hundred thousand dollars
8 as the authority shall demand that said town loan it. The
9 authority shall repay every loan made to it under this section
10 in the same instalments and with the same interest as shall be
11 payable on debt incurred under section five to make such loan.
12 No bond or note given by the authority to evidence a loan made
13 to it under this section shall, without special authorization from
14 the general court, be disposed of by the town to which it is given.

1 SECTION 5. For the purpose of providing funds to make loans
2 demanded by the authority under section four, the town treas-
3 urers of said towns shall, without further authority than that
4 contained in this section, in the name and behalf of their respec-
5 tive municipalities, borrow from time to time such sums as may
6 be necessary, not exceeding in the aggregate, five hundred
7 thousand dollars, and may issue therefor bonds and notes.
8 Each issue shall constitute a separate loan; and such loans
9 shall be paid in not more than twenty years from their dates.
10 Debt incurred from time to time under this section by said towns
11 shall be included in determining their respective limits of in-
12 debtedness as established by law, and shall, except as herein
13 provided, be subject to the provisions, respectively applicable to
14 them, of chapter forty-four of the General Laws, exclusive of the
15 limitation contained in the first paragraph of section seven
16 thereof. Anything in section twenty of said chapter forty-four
17 to the contrary notwithstanding, any premium received upon
18 any bonds or notes issued under this section, shall be paid to the
19 authority after deducting therefrom the cost of preparing, is-
20 suing and marketing such bonds or notes.

1 SECTION 6. The authority shall keep a daily record of the
2 aggregate amount of refuse and garbage deposited in the in-
3 cinerator by said towns and, beginning with the calendar month

4 next after the calendar month in which construction of the in-
5 cinerator is completed, shall, not later than the tenth day of
6 each calendar month, compute the net cost of maintaining and
7 operating said incinerator during the preceding calendar month
8 and apportion such cost between said towns in proportion to the
9 aggregate amount of refuse and garbage, respectively, deposited
10 in said incinerator by said towns during such preceding month
11 and notify said towns of such computation and apportionment;
12 and the town treasurers of said towns shall thereupon forthwith,
13 without further authorization than herein contained, pay to the
14 authority out of any available funds in the treasury of said
15 towns, as the case may be, the sum respectively apportioned to
16 such town. There shall be included in computing the cost of
17 maintaining and operating the incinerator during any calendar
18 month the administrative expenses of the authority during such
19 month and also all instalments of principal and interest on debt
20 accruing during such month. Administrative expenses, interest
21 and instalment payments on principal accruing prior to the
22 completion of the construction of the incinerator shall be treated
23 as expenses of construction. If at any time the authority shall
24 have funds which in its judgment are not required for the pur-
25 poses of this act, it shall forthwith distribute such funds to said
26 towns in proportion to the amounts which have been respectively
27 apportioned to them under this section.

1 SECTION 7. The authority and all its real and personal prop-
2 erty shall be exempt from taxation and from betterments and
3 special assessments; and the authority shall not be required to
4 pay any tax, excise or assessment to or for the commonwealth or
5 any of its political subdivisions; nor shall the authority be re-
6 quired to pay any fee or charge for any permit or license issued
7 to it by the commonwealth, by any department, board or officer
8 thereof, or by any political subdivision of the commonwealth,
9 or by any department, board or officer of such political subdivi-
10 sion; nor shall the authority be liable for any injury, loss or
11 damage suffered by any person or property by reason of any
12 ordinary or gross negligence of the authority or any of its
13 officers, employees or agents; provided, however, that it shall
14 be liable as an employer under chapter one hundred and fifty-
15 two of the General Laws, and shall insure against such liability.

1 SECTION 8. On or before the last day of January in each
2 year, the authority shall make an annual report of its activities
3 for the preceding calendar year to the governor and to the
4 general court. Each such report shall set forth a complete
5 operating and financial statement covering its operations during
6 such year. The authority shall cause an audit of its books to be
7 made at least once in each year by the director of accounts in the
8 state department of corporations and taxation; and the cost
9 thereof shall be treated as part of the cost of operating said in-
10 cinerator. Such audits shall be deemed to be public records
11 within the meaning of chapter sixty-six of the General Laws.

1 SECTION 9. If at any time the authority shall be dissolved,
2 its corporate existence shall continue as provided in section
3 fifty-one of chapter one hundred and fifty-five of the General
4 Laws, and its assets shall be liquidated and the proceeds dis-
5 tributed between said towns in proportion to the amounts which
6 have been respectively apportioned to them under section six of
7 this act.

1 SECTION 10. This act shall take full effect only upon its ac-
2 ceptance by a majority of the town meeting members present
3 and voting thereon at an annual or special town meeting called
4 for the purpose, and upon the filing of certificates of such ac-
5 ceptances with the state secretary; provided, that such accept-
6 ances, approval and filing occur during the current year.

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