

SENATE No. 423

The Commonwealth of Massachusetts

SENATE, April 30, 1937.

The committee on Counties, to whom was referred the petition (with accompanying bill, Senate, No. 348) of Frederick Butler, chairman of the county commissioners of Essex County, that provision be made for the reconstruction of Groveland Bridge over the Merrimack River between the city of Haverhill and the town of Groveland, report the accompanying bill (Senate, No. 423).

For the committee,

THOMAS H. BRADEN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Seven.

An Act to provide for the Reconstruction of Groveland Bridge over the Merrimack River between the City of Haverhill and the Town of Groveland.

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 county commissioners of the
2 county of Essex, subject to the provisions of all
3 laws which may be applicable, are hereby authorized
4 to reconstruct, of such type and dimensions as they
5 may determine, the Groveland bridge, so called, over
6 the Merrimack river between the city of Haverhill
7 and the town of Groveland, and in such reconstruc-
8 tion may retain parts of the present bridge and raise,
9 extend, alter, and repair the same as may be neces-
10 sary to conform to the new work, and they may
11 rebuild the approaches at both ends of the bridge,
12 and for said purpose may lay out, alter, relocate or
13 widen existing ways and discontinue any portions of
14 such ways or of any public landing as may be neces-
15 sary for the purposes of this act.

16 The county commissioners may, if they deem it
17 advisable, reconstruct the said bridge and approaches,
18 or any part thereof, in co-operation with the federal
19 government under the provisions of any federal act

20 providing for such co-operation, and may comply
21 with any conditions or requirements necessary for
22 securing the same.

1 SECTION 2. The costs and expenses incurred under
2 this act shall not exceed the sum of four hundred
3 thousand dollars and shall be paid in the first instance
4 by the county of Essex, but no financial obligation
5 shall be incurred, no money shall be expended and
6 no work shall be commenced under this act unless
7 and until said county commissioners receive proper
8 assurance that not less than fifty per cent of the cost
9 of the work authorized by this act shall be met with
10 funds furnished by the federal government and the
11 commonwealth, or either of them. The said county
12 commissioners may borrow by a temporary loan or
13 loans, on the credit of the county, such sums not ex-
14 ceeding the said amount as may from time to time be
15 required for the costs and expenses aforesaid, includ-
16 ing interest, and may issue bonds or notes of the county
17 therefor, and the county treasurer of said county may
18 sell such bonds or notes at public or private sale upon
19 such terms and conditions as the county commis-
20 sioners may deem proper. The notes may be renewed
21 from time to time for such period as may be neces-
22 sary. All money so borrowed shall be deposited in
23 the county treasury and the county treasurer shall
24 pay out the same as ordered by the said commissioners
25 and shall keep a separate, accurate account of all
26 money so borrowed and expended, including interest
27 or discount, as the case may be.

1 SECTION 3. From time to time after April first,
2 nineteen hundred and thirty-eight, and upon comple-

tion of the said bridge and the approaches thereto, the county commissioners shall file in the office of the clerk of the courts of said county a detailed statement, certified under their hands, of the actual costs and expenses of reconstructing said bridge and the approaches thereto including interest or discount, as the case may be, on all money borrowed under authority of section two. Within three months after the filing of any such statement of the costs and expenses of reconstructing said bridge and the approaches thereto, the county commissioners shall, after such notice as they may deem proper and a hearing, apportion and assess said costs and expenses as follows: — fifty per cent thereof upon said county, twenty-five per cent thereof upon the city of Haverhill, twelve and one half per cent thereof upon the town of Georgetown, six and one fourth per cent thereof upon the town of Groveland and six and one fourth per cent thereof upon the town of West Newbury. The county commissioners shall file in the office of the clerk of the courts of said county the report of the said apportionment and assessment, and the said clerk shall transmit a true and attested copy thereof to the mayor of the said city and to the board of selectmen of each of said towns, and the said city and the said towns shall each pay its proportion of said costs and expenses, determined by the county commissioners as aforesaid, into the treasury of said county within sixty days thereafter; and if said city or any of said towns shall refuse or neglect to pay any proportion determined as aforesaid, said county commissioners shall, after notice to the city or town, issue a warrant against said city or town for its proportion determined as aforesaid, with interest and costs of the notice and warrant, and the same shall be collected in

37 the same manner as executions in actions at law, and
38 paid into the treasury of the county of Essex. For the
39 purpose of paying the county's ultimate share of said
40 costs and expenses, the county treasurer, with the
41 approval of the county commissioners, may borrow
42 from time to time such sums as may be necessary, and
43 may issue bonds or notes of the county therefor, which
44 shall bear on their face the words, County of Essex,
45 Groveland Bridge Loan, Act of 1937. Such loans shall
46 be payable by such annual payments, beginning not
47 more than one year after the respective dates thereof,
48 as will extinguish each loan within twenty years from
49 its date, and the amount of such annual payment in
50 any year shall not be less than the amount of the
51 principal of the loan payable in any subsequent year.
52 Each authorized issue shall constitute a separate
53 loan. For the purpose of paying the amounts as-
54 sessed upon said city and towns each of said munici-
55 palities may borrow from time to time such sums as
56 may be necessary, and may issue bonds or notes there-
57 for which shall bear on their face the words Groveland
58 Bridge Loan, Act of 1937. Each authorized issue shall
59 constitute a separate loan, and such loans shall be
60 payable within fifteen years from their dates. In-
61 debtedness incurred by said municipalities under this
62 act shall be in excess of the statutory limit, but shall,
63 except as otherwise provided herein, be subject to
64 chapter forty-four of the General Laws. The said
65 county and each of said municipalities may sell the
66 said securities at public or private sale upon such terms
67 as it may deem proper, but not for less than their par
68 value, and the proceeds of the loans issued by the
69 county shall be used only to pay temporary loans in
70 accordance with the provisions of section two or for

71 reconstructing said bridge and approaches, and the
72 proceeds of the securities issued by said municipalities
73 shall be paid into the county treasury to be applied to
74 payment of notes or bonds issued by the county in
75 accordance with section two.

76 The amount to be permanently assessed upon the
77 said county and the said municipalities shall be the
78 balance after deducting from the total costs and ex-
79 penses the costs and expenses permanently assumed
80 by the federal government or paid from funds con-
81 tributed therefor by the commonwealth, and the
82 amount to be apportioned and assessed upon the said
83 county and the amount to be apportioned and assessed
84 upon the said municipalities shall for the said county
85 be fifty per cent of said balance, and for the said
86 municipalities fifty per cent of said balance.

1 SECTION 4. The county commissioners may take
2 by eminent domain under chapter seventy-nine of
3 the General Laws, or acquire by purchase or other-
4 wise, such lands, or rights or easements, as may be
5 required to carry out the provisions of this act, and
6 they may, without petition, order and make specific
7 repairs upon and lay out, alter or relocate, as provided
8 in chapter eighty-two of the General Laws, such ways
9 or parts of ways as may be necessary to provide
10 proper approaches to the new bridge or for any other
11 purpose consistent herewith, and may construct the
12 same. They may also discontinue any portions of
13 any ways or public landings as necessary for the
14 purposes of this act. The costs and expenses inci-
15 dental to the takings and purchase of lands, rights
16 and easements and the costs and expenses incidental

17 to any other acts authorized by this section shall be
18 included as a part of the costs and expenses of the
19 work authorized by this act.

1 SECTION 5. Upon the completion of the recon-
2 struction of said bridge, the said county commis-
3 sioners shall have full control of the bridge and the
4 provisions of chapter three hundred and thirty-five
5 of the acts of nineteen hundred and nine shall apply
6 to the entire bridge as reconstructed and repaired.
7 The approaches, except as otherwise determined by
8 the county commissioners, shall be maintained by
9 the city of Haverhill, the town of Groveland or other
10 authority now having control, but the county com-
11 missioners may at their discretion determine that the
12 limits of the bridge to be maintained by them shall
13 extend a certain definite distance from each end of
14 the bridge structure, and shall, when making their
15 final assessment upon the city and towns as provided
16 herein, define the limits of any such portion beyond
17 the ends of the structure to be maintained by them.

1 SECTION 6. No member of the board of county
2 commissioners for the county of Essex shall be dis-
3 qualified from serving under the provisions of this
4 act by reason of his residence in a city or town within
5 the limits of which anything is to be done, notwith-
6 standing any provisions of section twelve of chapter
7 thirty-four of the General Laws.

1 SECTION 7. This act shall take effect upon its ac-
2 ceptance during the current year by the county com-
3 missioners of the county of Essex.

