

HOUSE No. 1233

By Mr. Craven of Boston (by request), petition of Lenahan O'Connell that municipalities be authorized to enter into purchase contracts for buildings and equipment to be used as incinerators. Municipal Finance.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE A MUNICIPALITY TO ENTER INTO PURCHASE CONTRACTS FOR BUILDINGS AND EQUIPMENT PERTAINING TO INCINERATORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 (a) Whenever a municipality determines that (1) the needs
2 for space for an incinerator or incinerators in any particular
3 area cannot be satisfied by utilization of any existing property
4 suitable for the purpose then owned by the municipality; and
5 (2) the best interests of the municipality will be served by
6 taking action hereunder, it is hereby authorized to obtain and
7 provide space for said incinerator or incinerators, and any
8 equipment required for said incinerators, by negotiating and
9 entering into purchase contracts, the terms of which shall not
10 be subject to the provisions of General Laws, chapter forty,
11 section four, and which shall provide in each case that title
12 to the property shall vest in the municipality at or before the
13 expiration of the contract term and upon fulfillment of the
14 terms and conditions stipulated in each of such purchase
15 contracts. Such terms and conditions shall include provision
16 for the application to the purchase price agreed upon therein
17 of installment payments made thereunder, including provision
18 for the exchange of surplus real property or real property

19 which may become surplus as a result of such agreement,
20 where the municipality determines that its best interests in
21 economy and efficiency of operation will be served.

22 (b) The municipality is authorized to exercise the powers
23 granted in this section with respect to existing properties,
24 including those for which conversions, additions, extensions or
25 remodeling may be required, and properties upon which con-
26 struction is to be subsequently effected in pursuance of the
27 terms of applicable purchase contracts.

28 (c) The municipality is authorized to enter into agreements
29 with any person, copartnership, corporation or private entity
30 to effectuate the purposes of this section; and it is further
31 authorized to bring about the development and improvement
32 of any land owned by any municipality, including the demoli-
33 tion of obsolete and outmoded structures situated thereon,
34 by providing for the construction thereon by others of such
35 structures and facilities as shall be the subject of the purchase
36 contracts.

37 (d) Each such purchase contract shall include such provi-
38 sion as the municipality, in its discretion, shall deem to be in
39 their best interests, and appropriate to secure the performance
40 of the obligations imposed upon the party or parties that
41 shall enter into such agreement with the municipality.

42 (e) With respect to any interest in real property acquired
43 under the provisions of this section, the same shall be subject
44 to state and local taxes until title to the same shall pass to the
45 municipality.

46 (f) The municipalities shall be subject to the provisions of
47 sections forty-four A, forty-four B and forty-four C of chapter
48 one hundred and forty-nine, General Laws (bidding statute),
49 and the prevailing wages.

50 (g) The municipalities shall be permitted to operate and
51 maintain an incinerator on a cost per ton basis.