
**Chapter 460. AN ACT AUTHORIZING THE ESTABLISHMENT OF THE
WATERTOWN ARSENAL DEVELOPMENT CORPORATION.**

Be it enacted, etc., as follows:

SECTION 1. It is hereby found that there exists within the town of Watertown underutilized property owned by the town or by the federal government, which property is surplus to current and projected governmental need; that such surplus property is a significant resource which, if returned to productive economic use, would contribute to the provision of gainful employment, additional housing opportunities for persons of all incomes, increased revenue of the commonwealth and the town, and a more stable economy; and that the acquisition, development or disposition of such property in accordance with an economic development plan is a valid public purpose. Therefore, it is the purpose of the corporation created by this act to aid private enterprise or public agencies in the speedy and orderly conversion and redevelopment of certain land within the town formerly used for military activities to nonmilitary uses, including industrial, commercial and residential uses, and in the development and redevelopment of this surplus governmental property to stimulate economic development including industrial, commercial and residential uses in order to prevent blight, economic dislocation and additional unemployment.

It is hereby further found that decadent, substandard or blighted open areas exist in the town; that each such area constitutes a serious and growing menace, injurious and inimical to the safety, health, morals and welfare of the residents of the town; that each such area constitutes an economic liability, substantially impairs or arrests the sound growth of the town and retards its economic well being; that each decreases the value of private investments and threatens the sources of public revenue; that redevelopment of each such area in accordance with an economic development plan for the elimination of substandard conditions and the prevention of their recurrence is necessary to retain existing industries, businesses and residents, attract new industries, businesses and residents, and promote the sound economic growth of the town. It is hereby further found that the menace of such decadent, substandard or blighted open areas is beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aid herein provided; that the acquisition of property for the purpose of eliminating decadent, substandard, or blighted open conditions therein, preventing recurrence of such conditions in the area, the removal of structures and improvement of sites for industrial, commercial and residential uses, the disposition of the property for redevelopment incidental to the foregoing, the exercise of powers by the corporation and any assistance which may be given by the town, or any other public body in connection therewith, are public uses and purposes for which public money may be expended.

SECTION 2. As used in this act the following words shall, unless a different meaning clearly appears from the context, have the following meanings:

"Arsenal reuse committee", the committee established by the Watertown town manager and town council in nineteen hundred and eighty-nine for the purpose of recommending appropriate reuses for the Army Materials Technology Laboratory, herein-

after referred to as AMTL and to oversee the environmental restoration of the AMTL site.

"Corporation", the Watertown Arsenal Development Corporation established by section three.

"Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after completion or estimated completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

"Economic development area", any blighted open area or any decadent area, as defined in section one of chapter one hundred and twenty-one B of the General Laws, which is located in the town. For the purposes of this act, an economic development area shall be located only within the property formerly used by the AMTL.

"Economic development plan", a detailed plan, as it shall be approved from time to time by vote of the town council as herein provided, for one or more economic development projects within an economic development area, which plan shall at a minimum indicate the boundaries of the area, indicate intended land acquisition areas and establish the appropriate land uses for the area, such that the approved plan shall have the same effect as a zoning overlay district approved by the town council. The plan shall include design guidelines and siting standards. The plan shall also describe the process by which the corporation shall notify the public of the availability of development sites within the economic development area in order to encourage competing development proposals and shall include the criteria that will be used in judging the development proposals submitted to assure maximum overall public benefits. The plan as adopted will, for purposes of chapter thirty B of the General Laws, be considered the plan required by clause (25) of subsection (b) of section one of said chapter thirty B.

"Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area covered by an economic development plan and for clearance and development of the land so acquired; or (2) a project for the rehabilitation or conservation of an economic development area, or for the demolition, removal, or rehabilitation of improvements on land within an economic development area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, or eliminate obsolete or other uses detrimental to the public welfare; or (3) a project involving any combination of the foregoing types of projects. An economic development project may include improvements necessary for carrying out the objectives of the economic

development project, together with such site improvements as are necessary for the preparation of any site for uses in accordance with the economic development plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for light industrial or manufacturing, commercial or residential uses in accordance with the economic development plan. An economic development project may also include the construction or demolition by the corporation, or a designated public or private entity, of any of the buildings, structures or other facilities for uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation or a designated public or private entity of any of the buildings, structures or other facilities located in the area in accordance with the economic development plan.

"Town", the city known as the town of Watertown.

SECTION 3. The town is hereby authorized to organize the Watertown Arsenal Development Corporation, a public body politic and corporate, hereinafter referred to as the corporation. No such corporation, however, shall be organized, transact any business, employ any personnel or exercise any powers until the town council with the recommendation of the town manager shall by vote declare a need for such a corporation to assist with the conversion and redevelopment of land formerly used for military purposes to nonmilitary uses and to develop decadent, substandard and blighted open areas as security against future unemployment because a lack of business opportunity and a lack of sufficient residential units is hampering efforts aimed at attracting new industry and commerce into the town and substantially expanding existing industry, commerce and housing and that an economic development project or projects financed under this act and implemented by such a corporation would alleviate unemployment, lack of business opportunity and residential problems.

The corporation shall be managed by a board of directors consisting of nine members, six of whom shall be appointed by the town manager and approved by the town council. The three remaining members shall be members of the town council, all of whom shall be approved by a majority vote of the town council. In the event that a council member's term on the town council terminates prior to the end of that member's appointment as a member of the board of directors, the vacancy shall be filled by the council president, by appointment, for the unexpired term. Of the six members to be appointed by the town manager, at least one shall be experienced in financial matters, one in real estate matters and one shall be a representative of the legal profession. All members of the board of directors shall be residents of the town. The town manager shall designate one of the nine members as chairman and another as vice-chairman. Each of the nine members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the nine directors shall constitute a quorum for the transaction of any business, but any action of the board of directors shall require the affirmative vote of a majority of the entire board. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth. The original members of the board of directors of the corporation

shall be chosen as soon as possible following the effective date of this act. All shall serve for an initial period ending on May fifteenth, nineteen hundred and ninety-seven and then for an additional term according to their appointments. Of the members of the board of directors of the corporation first appointed, three shall be appointed to serve for one year from May fifteenth, nineteen hundred and ninety-seven, three for two years from said date, and three for three years from said date. All terms thereafter shall be for three years. Upon the expiration of the term of office of any such member of the board of directors, or of any subsequent member of the board of directors, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member of the board of directors appointed by the town manager, a substitute member shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the board of directors of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member of the board of directors may be removed by the town manager, with the approval of town council, for malfeasance, misfeasance, or willful neglect of duty, but only after reasonable notice and a public hearing by the town council, unless the same are in writing expressly waived. For purposes of chapter two hundred and sixty-eight A of the General Laws, the members of the board of directors of the corporation shall be deemed to be special municipal employees.

The members of the board of directors of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

The corporation may be dissolved if the town council shall by vote declare that there is no longer a need for the corporation to provide the redevelopment and conversion assistance and development services described in the first paragraph and that the purpose of the corporation, as set forth in section one, has been fulfilled. Following a vote of dissolution as described herein, the corporation shall transact only such business as is necessary to conclude its affairs.

SECTION 4. The board of directors of the corporation shall adopt a corporate seal for the corporation, and designate the custodian thereof. The directors may from time to time appoint and at pleasure remove a clerk, a treasurer or such other officers of the corporation as they may deem necessary, and may determine their duties and their compensation, which shall be paid by the corporation; shall cause at all times accurate accounts to be kept of all receipts and expenditures of the funds of the corporation; and shall make a report annually to the town, containing an abstract of such accounts and detailed information of all receipts and expenditures, including prices paid for land purchased or taken and any buildings constructed thereon, contracts for construction of facilities and for the leasing thereof, and such other detailed information as may be deemed helpful. The office of treasurer and clerk may be held by the same person. The corporation shall cause

an audit of its books and accounts to be made at least once in each fiscal year by certified public accountants and the cost thereof shall be treated as an item of current expense. Except as otherwise provided in this act, the corporation shall have full power to exercise care of its property and the management of its business and affairs, and to sell and convey any real estate or other property not needed for its business or affairs, by deed or other instrument sealed with the corporate seal, signed and acknowledged by a majority of the board of directors or in like manner to authorize such sale and conveyance by any of its officers or agents. The treasurer shall give bond for the faithful performance of his duties, with a surety company authorized to do business in this commonwealth as surety, in such sum as the said board may determine, the premium therefor to be paid by the corporation. Neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to any person employed or engaged by the corporation under this act. For the purposes of chapter two hundred and sixty-eight A or paragraph (7) of section forty-four D of chapter one hundred and forty-nine of the General Laws, the corporation shall be considered a municipal agency and, without limiting the power of the town to classify additional special municipal employees pursuant to said chapter, any person who performs professional services for the corporation on a part-time, intermittent or consultant basis, such as those of architect, attorney, engineer, planner, or construction, financial, real estate or traffic expert, shall be considered a special municipal employee.

SECTION 5. The corporation is hereby authorized:

(a) To sue and be sued in its own name, and plead and be impleaded.

(b) To adopt rules for the regulation of its affairs and the conduct of its business, and to alter the same at its pleasure.

(c) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation.

(d) To receive and accept from any federal agency, the commonwealth or the town grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made. The town may borrow outside its debt limits to obtain money for loans to the corporation, or within its debt limits to obtain money for grants to the corporation.

(e) To borrow money and to borrow money against its income stream as well as its assets, and, from time to time, to make, accept, endorse and execute promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the corporation.

(f) To invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States; and subject to a specific vote of the board of directors, to invest funds in any fashion in which municipal funds may be invested pursuant to the provisions of chapter forty-four of the General Laws.

(g) To provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(h) To prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates.

(i) Subject to the approval of the town, by vote of the town council, to designate areas of the town within the AMTL site as economic development areas.

(j) To acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper.

(k) To procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.

(l) To clear and improve property acquired by it, and to engage in or contract for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof.

(m) To arrange or contract with the town for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the town of property or property rights or for the furnishing of property or services in connection with an economic development project or projects.

(n) To sell, convey, mortgage, lease, transfer, option, exchange or otherwise dispose of, any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.

(o) To loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default, and to bid for and purchase property at any foreclosure or other sale; and in such event, to deal with such property in such manner as may be necessary or desirable to protect the interests of the corporation therein.

(p) To manage any economic development project whether owned or leased by the corporation and to enter into agreements with the commonwealth or the town or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any project to be managed.

(q) To act with respect to one or more projects as a corporation organized under section three or section eighteen B of chapter one hundred and twenty-one A of the General

Laws; provided, however, that the accounts for each project shall be kept separately, and the income of one project shall not be expended upon or for the benefit of another project.

(*r*) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

SECTION 6. No economic development project shall be undertaken until (*a*) a public hearing relating to the economic development plan covering such project has been held by the corporation after due notice which shall include publication in a local newspaper of local circulation at least ten days in advance of said hearing; (*b*) the economic development plan has been approved by a majority vote of the town council with the recommendation of either the corporation or the arsenal reuse committee. If no economic development project covered by an economic development plan is commenced within seven years after the approval of such plan and the acquisition by the corporation of the land included in the economic development plan, the approval of such plan shall lapse.

Every economic development plan submitted to the town for approval under this act (*i*) shall require that every person conducting a business located in whole or in part in the economic development area covered by such plan during the period of twenty years after the approval of such plan, make every reasonable effort, in employing persons in his business, to give to the fullest practicable extent preference to residents of the town and (*ii*) shall prepare an annual report on the implementation of such plan for the corporation.

Notice of the public hearing required by the first paragraph of this section shall be given by the corporation to (1) such persons, groups and organizations as have requested in writing that such notice be given them, (2) any department or agency of the town which is likely in the judgment of the corporation to have an actual or potential interest in the economic development plan, (3) the senator for the senatorial district or districts and the representative for the representative district or districts of the commonwealth within which the economic development area or any part thereof lies, and (4) community groups known to the corporation that provide services or conduct programs within any portion of the economic development area. In the course of preparing an economic development plan, the corporation shall consult with each of the aforesaid so far as in the judgment of the corporation it is practicable.

If an economic development plan is so approved by the town the corporation shall have the powers and duties imposed by this act to undertake and carry out the economic development projects covered by such plan.

SECTION 7. The corporation shall be liable in contract and in tort in the same manner as a municipal corporation. The directors, employees, officers and agents of the corporation shall not be liable as such on its contracts or for torts not committed or directly authorized by them. The property or funds of the corporation shall not be subject to attachment or to levy and sale on execution, but if the corporation refuses to pay a judgment entered against it in any court of competent jurisdiction, the superior court, sitting within and for the county in which the corporation is situated, may, by writ of mandamus, direct the treasurer of such corporation to pay such judgment. The real estate owned by the corporation shall not be subject to liens under chapter two hundred and fifty-four of the

General Laws but the provisions of sections twenty-eight and twenty-nine of chapter one hundred and forty-nine of the General Laws shall be applicable to any construction work by the corporation.

SECTION 8. The real estate and tangible personal property of the corporation shall be deemed to be public property used for essential public and governmental purposes and shall be exempt from taxation and from betterments and special assessments; provided, however, that in lieu of such taxes, betterments and special assessments, the town may determine a sum to be paid to it annually in any year or period of years, such sum to be in any year not in excess of the amount that would be levied at the then current tax rate upon the average of the assessed value of such real estate, including buildings and other structures, for the three years preceding the year of acquisition thereof, the valuation for each year being reduced by all abatements thereon.

The town may, however, agree with the corporation upon the payments to be made, or the corporation may make and the town may accept such payments, the amount of which shall not in either case be subject to the foregoing limitation.

Nothing in this act shall be construed to prevent the taxation, to the same extent and in the same manner as other real estate is taxed, of real estate sold or otherwise transferred by the corporation pursuant to an economic development project, or the taxation to the same extent and in the same manner as real estate of the commonwealth is taxed, of real estate acquired by the corporation pursuant to an economic development project and thereafter leased by the corporation; provided, however, that real estate so acquired by the corporation and sold or leased to an urban redevelopment corporation or other entity operating under chapter one hundred and twenty-one A of the General Laws or to an insurance company or savings bank or group of savings banks operating under said chapter, shall be taxed as provided in said chapter and not otherwise. In addition, so long as the corporation owns a parcel of land within an economic development area and has a reversionary interest in any building constructed upon such parcel, the town may enter into a payment in lieu of tax agreement with the corporation even though the parcel as improved is leased to a for-profit entity.

The corporation and the debentures issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free from taxation by the commonwealth or any subdivision thereof.

SECTION 9. The town may borrow or otherwise appropriate, or may agree with the corporation or with the federal government or the commonwealth to borrow or otherwise appropriate, in aid of the corporation, such sums as may be necessary to carry out the purposes and powers of the corporation, including defraying part of the development, acquisition and operating costs of any economic development project. Indebtedness of the town authorized under this section shall be outside the limit of indebtedness prescribed in section ten of chapter forty-four of the General Laws and shall be payable within twenty years and otherwise subject to sections sixteen to twenty-seven, inclusive, of said chapter forty-four; provided, however, that the total amount of indebtedness of the town outstanding at any one time under this section and clauses one, two, and four of section twenty of chapter

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one hundred and twenty-one B of the General Laws shall not exceed five percent of the town's equalized valuation as defined in section one of said chapter forty-four. Indebtedness incurred under this act shall also be subject to approval under section twenty-two of said chapter one hundred and twenty-one B in like manner as indebtedness incurred under said section twenty.

SECTION 10. Insofar as the provisions of this act are inconsistent with the provisions of any other law, general or special, excluding the state building code or any corresponding ordinance or regulation of the town, the provisions of this act shall be controlling.

SECTION 11. This act, being necessary for the welfare of the commonwealth and the town and its inhabitants, shall be liberally construed to effect the purpose thereof.

SECTION 12. This act shall take effect upon its passage.

Approved January 6, 1997.

Chapter 461. AN ACT ESTABLISHING THE WAYLAND WASTEWATER MANAGEMENT DISTRICT COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared essential for the benefit of the people of the town of Wayland, in order that there be an increase in their welfare, prosperity, an improvement in their living conditions and greater protection of drinking water supplies, that said town through its commission establish an economical and efficient wastewater management system as needed and where appropriate; that accurate, appropriate, and self-sustaining fees, rates and charges for the wastewater collection, treatment and disposal services provided by the commission be established and that all consumers of such service, public and private, taxpayer and tax exempt, pay their fair share of the costs of such service; that the wastewater management system of said commission be operated in a modern, efficient and financially self-sustaining manner to further its sound financial, environmental and physical condition; that the remedying of failing or inadequate systems be facilitated; that the implementation and financing of on-site systems including alternative systems for single facilities be facilitated; that conservation of water sources be encouraged; that the implementation of Title V of the state environmental code be facilitated so as to protect and improve ground water supplying drinking water; that said town be provided a means to improve its treatment and disposal of wastewater and insure the continued availability of wastewater treatment and disposal services at sufficient rates; all to the public benefit and good, and to the extent and in the manner provided herein.

SECTION 2. This act shall be known and may be cited as the Wayland Wastewater Management District Commission Act.

SECTION 3. As used in this act, the following words shall, unless the context otherwise requires, have the following meanings:-