

thing proper or necessary for the purposes of this act; provided that it shall not take in fee any land of a railroad corporation, and that it shall not enter upon or construct any sewer within the location of any railroad corporation or within the location of any electric or gas transmission line corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of a failure to agree, as may be approved by the department of public utilities.

SECTION 3. A detailed certified statement of the capital cost of the construction of the interceptor sewer, including all grants authorized and payments made or to be made by commonwealth and federal agencies, shall be filed with the metropolitan district commission.

SECTION 4. The town of Reading may borrow, subject to the provisions of chapter forty-four of the General Laws, such sums as are necessary to accomplish the purposes of this act.

SECTION 5. The proceedings of the town of Reading under Articles 51, 52 and 54 of the warrant for its annual town meeting held on May eighth, nineteen hundred and seventy-five, shall be deemed as valid and effective as if this act had been in effect at the time of the posting of said warrant.

SECTION 6. This act shall take effect upon its passage.

*Approved December 23, 1975.*

---

**Chap. 823.** AN ACT RELATIVE TO THE SEWER CONNECTION IN A CERTAIN PORTION OF THE TOWN OF MIDDLETON WITHIN THE SOUTH ESSEX SEWERAGE DISTRICT.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 190 of the acts of 1972 is hereby amended by striking out section 2 and inserting in place thereof the following section:—

*Section 2.* The South Essex Sewerage Board hereinafter called the board, acting on behalf of the South Essex Sewerage District, hereinafter called the district, shall, subject to such conditions, rules and regulations, including a reasonable charge for the use of existing facilities, as set forth by the board, permit, from time to time, that portion of the town of Middleton, as described in section one, to connect the sewerage outlets of the sewerage system or systems from time to time serving such portion of the town of Middleton to any sewer line of the district, or to the town of Danvers municipal sewer, which connects with a sewer line of the district, at a point agreeable to the town of Danvers, provided the system or systems so connected, including portions thereof located in said town of Danvers, have been constructed in accordance with plans approved by the depart-

ment of public health and by the division of water pollution control. The town of Middleton shall not have any financial obligation to the town of Danvers for the design, construction or maintenance of said Danvers sewer connection line.

The town of Danvers may charge the owners of that portion of the town of Middleton described in section one that are connected to the Danvers municipal sewer as provided in this section, sewer use charges and a meter replacement charge with respect to the meter described in section three. The said sewer use charge shall be computed by taking the sewer use charge levied against residents of the town of Danvers, deducting therefrom that portion of said charge attributable to assessments made on the town of Danvers by the district, and multiplying the resulting amount by two and five-tenths to reflect overhead and administrative expenses incurred by the town of Danvers. The meter replacement charge shall be computed by taking the actual cost to the town of Danvers of any replacement meter installed and apportioning said cost against the owners of said land in Middleton on the same basis as the sewer use charge.

The town of Danvers shall be responsible for all maintenance of the sewer trunk extension in said town, including the meter described in section three and the town of Middleton shall not be liable to the town of Danvers for any charge with respect to the design, construction and maintenance of said sewer trunk extension. The town of Danvers, with respect to the sewer use charge to be assessed against the owners of the said land in Middleton connected to the Danvers sewer trunk extension, shall have the powers of assessment, collection and enforcement provided in chapters eighty and eighty-three of the General Laws, provided however any sewer charge liens of the town of Danvers shall be subordinated to sewer, water, tax or other liens of the town of Middleton.

In the event that either the town of Middleton or the owners of any portion of the town of Middleton described in section one decide to construct a sewer trunk line connecting property located in that portion of the town of Middleton described in section one directly to a sewer line of the district without any connection to the Danvers municipal sewer the town of Middleton or the said owners or both shall have the right to construct such a sewer trunk connection line within and through the town of Danvers, and shall be granted such easements with respect to construction of said line through streets and lands owned or controlled by the town of Danvers as may be within the power of the town of Danvers. If any properties located in that portion of the town of Middleton described in section one which had been connected to the Danvers municipal sewer as provided in this section two are subsequently disconnected from the Danvers Municipal Sewer and connected directly to a sewer line

of the district, whether or not including a sewer trunk line constructed pursuant to the preceding sentence, the right of the town of Danvers to charge a sewer use charge and meter replacement charge as hereinabove provided shall cease with respect to said properties, provided however that the town of Danvers may assess, collect, and enforce any such charges accrued and unpaid through the time that such property is disconnected from the Danvers municipal sewer.

SECTION 1A. Section 3 of said chapter 190, as amended by section 2 of chapter 101 of the acts of 1975, is hereby amended by adding the following paragraph: —

The owner of a private estate situated in that part of the town of Middleton described in section one first making a connection to the Danvers municipal sewer as provided in section two shall install a sewerage flow meter in the sewer connection line, at a point near the Danvers-Middleton town line to measure the amount of sewage flowing from said part of Middleton. The district shall read said meter on such basis as shall be provided by the board, and shall utilize such reading to determine the assessments to be made on the town of Middleton for operation and maintenance of the district sewer system as provided in the preceding paragraph of this section. The district shall deduct the amount of sewage flow from Middleton, measured by said meter, from the total measured flow from Danvers utilized by the board in determining the operation and maintenance assessments to be made by the district on the town of Danvers. If at any time the said meter is found defective by either the town of Danvers or the district, then said meter shall be replaced and the cost of such replacement shall be assessed as provided in section two.

SECTION 2. Said chapter 190 is hereby further amended by striking out section 4, as amended by section 1 of chapter 517 of the acts of 1972, and inserting in place thereof the following section: —

*Section 4.* After any connection by any sewer system serving the property described in section one to the district trunk sewer in accordance with section two, the board shall allocate and apportion to that portion of the town of Middleton described in section one its proportionate share of all the costs of construction, operation of works and facilities constructed, principal retirement, interest payments due on bonds and notes issued under chapter five hundred and sixteen of the acts of nineteen hundred and sixty-nine, including notes issued to pay annual interest on bonds or notes previously issued and all other costs authorized by said chapter five hundred and sixteen and to assess the town of Middleton annually such proportionate share.

SECTION 3. Said chapter 190 is hereby further amended by striking out section 6, as amended by section 2 of chapter 517 of the acts of 1972, and inserting in place thereof the following section: —

*Section 6.* Before the first sewer connection is made from any private estate situated in that part of the town of Middleton described in section one to the district sewer system in accordance with section two, the owner of the private estate making such connection shall, in addition to any assessments under the succeeding paragraph, pay the connection fee assessed by the district and pay one hundred thousand dollars to the town of Middleton; the town of Middleton shall not be obliged under any circumstances to refund any part of said one hundred thousand dollar payment, which shall constitute compensation, with no restriction as to its use, for the costs incurred in the administration of this act; and said payment to the town of Middleton shall be due only from the owner of the private estate first seeking such connection; and all other owners of private estates located in the part of Middleton described in section one shall thereafter be entitled to make sewer connections without regard to the provisions of this paragraph which shall apply only to the initial connection made under this act.

The town of Middleton, in respect to any assessment allocated to it by the board, under any provision of this act, is hereby granted all powers of assessment, in like manner, which are granted to the cities and towns by the General Laws, including without limitation chapters eighty and eighty-three of the General Laws for the assessment, collection and enforcement thereof of sewer uses and betterments and said assessment shall be made against the various owners of the part of the town of Middleton as described in section one and said town may adopt such rules and regulations as it may determine for the purpose of said assessment, collection, and enforcement thereof.

SECTION 4. Said chapter 190 is hereby further amended by inserting after section 9 the following section:—

*Section 9A.* The town of Middleton shall at the direction of the board, adopt any and all programs, including sewer use charges and cost recovery programs, in accordance with the requirements of appropriate state or federal agencies that all the member municipalities of the district are required to adopt by said state or federal agencies.

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

*Approved December 23, 1975.*

---

**Chap. 824.** AN ACT RELATIVE TO FILING A CERTIFICATE OF CONDITION BY BUSINESS CORPORATIONS.

*Be it enacted, etc., as follows:*

SECTION 1. Clause (5) of the fourth paragraph of section 4 of chapter 181 of the General Laws, as appearing in section 1 of chapter 844 of the acts of 1973, is hereby amended by striking