

By Mr. Cain of Wilmington, petition of John M. Kilmartin and others (selectmen) for legislation to dissolve the Burlington Water and Sewer District and transferring its powers and duties to the town of Burlington. Towns.

The Commonwealth of Massachusetts

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

AN ACT TRANSFERRING THE ASSETS, OBLIGATIONS, POWERS, AND CERTAIN EMPLOYEES OF THE BURLINGTON WATER AND SEWER DISTRICT TO THE TOWN OF BURLINGTON.

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 Burlington water and sewer district is
2 hereby dissolved. By virtue of this act and without further con-
3 veyance or other action, the assets of the district are trans-
4 ferred to the town and obligations, indebtedness and liabili-
5 ties of the district shall be assumed by the town.

1 SECTION 2. And full-time and part-time civil service em-
2 ployees of the district are hereby transferred to the town,
3 to perform the same work in the same positions and with the
4 same status held by them on the effective date of this act.

1 SECTION 3. All appointed officials of the district, who are
2 not under civil service and whose general functions and duties
3 are not duplicated by, or do not correspond in nature to,
4 the functions and duties of like positions in the town are
5 hereby transferred to the town, to perform the same work
6 in the same positions and with the same status held by them
7 on the effective date of this act. Without limiting the general-
8 ity of the foregoing, the superintendent shall be so transferred.

1 SECTION 4. The town of Burlington is hereby authorized to
2 supply water within the town for the extinguishment of fires
3 and for domestic and other purposes.

4 The provisions of the General Laws applicable to town
5 water systems shall apply, except as otherwise provided by
6 this act. Without limiting the generality of the foregoing, the
7 acceptance of this act shall constitute the establishment of
8 the town water system, and the town shall have the powers
9 granted by sections thirty-nine B to thirty-nine G, inclusive,
10 of chapter forty of the General Laws.

1 SECTION 5. The town of Burlington is hereby authorized to
2 lay out, construct, maintain and operate a system or systems
3 of sewers, with such connections, pumping stations, treatment
4 plants and other works as may be required therefor. The pro-
5 visions of the general laws applicable to town sewer systems
6 shall apply, except as otherwise provided by this act. The ac-
7 ceptance of this act shall constitute the establishment of the
8 town sewer system.

1 SECTION 6. The board of public works shall act as water
2 commissioners and sewer commissioners as provided in sections
3 sixty-nine C to sixty-nine F, inclusive, of chapter forty-one
4 of the General Laws. Without limiting the generality of the
5 foregoing, the board of public works or its successor or suc-
6 cessors shall have the powers of the district board of water and
7 sewer commissioners which are transferred to the town by
8 section seven hereof.

1 SECTION 7. All rules, regulations and rates established by
2 the district shall remain in force so far as consistent with
3 this act until repealed or amended by or on behalf of the town.
4 All assessments and taxes levied by the district which are
5 unpaid on the effective date of this act shall remain in force
6 as assets of the town. All outstanding contracts of the dis-
7 trict shall remain in force as contracts of the town. The town
8 shall succeed to the status of the district with respect to the
9 metropolitan district commission. In addition to the powers
10 granted by the general laws, for the purposes of this act, the
11 town shall have within its boundaries the powers granted
12 to the district within its boundaries and the town shall have
13 outside of its boundaries the powers granted to the district
14 outside of its boundaries, provided that the town may levy

15 taxes and incur debt for the purposes of this act only as pro-
16 vided by this act or in accordance with other applicable law.

1 SECTION 8. Debt which has been authorized by the district
2 but not incurred prior to the effective date of this act may be
3 incurred as town debt by the town treasurer with the approval
4 of the selectmen. Debt which the district shall have been em-
5 powered by special law to incur but which the district shall
6 not have authorized may be authorized and incurred as town
7 debt by the town. Debt assumed by the town by virtue of this
8 act or authorized or incurred pursuant to this section shall
9 not be subject to the limitation contained in the first para-
10 graph of section seven of chapter forty-four of the General
11 Laws and shall be in excess of the limitation contained in
12 section ten of said chapter forty-four but any such debt which
13 is for water purposes shall be subject to the limitation con-
14 tained in the last paragraph of section eight of said chapter
15 forty-four.

1 SECTION 9. Moneys received by the town from the district
2 and moneys received by the town on account of its water or
3 sewer system from any installation, connection, service or use
4 charges, special assessments, or water rates, or from taxes
5 levied by the district shall be placed in a separate account
6 or accounts and shall be used only for water or sewer expendi-
7 tures, subject to such additional limitations as may be im-
8 posed by law.

1 SECTION 10. The question of accepting this act shall be
2 included in the warrant and placed upon the ballot at the
3 annual town election of the town of Burlington to be held
4 in nineteen hundred and sixty-eight in substantially the fol-
5 lowing form: "Shall the town accept an act passed by the Gen-
6 eral Court dissolving the Burlington water and sewer district
7 and transferring its functions to the town?"

1 SECTION 11. This section and section ten shall take effect
2 upon the passage of this act. The balance of this act shall take
3 effect on July one, nineteen hundred and sixty-eight, if this
4 act is accepted by a majority of those voting on the question
5 pursuant to section ten.

