

By Mr. Slater of Chelsea, petition of John J. Slater, Jr., other members of the General Court and others for legislation to establish the Melrose regional solid waste disposal district and repealing certain legislation relative to solid waste disposal facilities in said city. Social Welfare.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING THAT THE DEPARTMENT OF PUBLIC WORKS CONSTRUCT A SOLID WASTE DISPOSAL FACILITY IN THE CITY OF MELROSE AND ESTABLISHING THE MELROSE REGIONAL SOLID WASTE DISPOSAL DISTRICT AND REPEALING CHAPTER 682 OF THE ACTS OF 1968.

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

1 SECTION 1. The department of public works shall con-  
2 struct a solid waste disposal facility within the city of Mel-  
3 rose, at a location approved by the executive board herein-  
4 after created, and in accordance with the plans, designs, and  
5 specifications prepared by the department and approved by  
6 said board. The department shall construct said solid waste  
7 disposal facility to serve the following cities and towns:  
8 Chelsea, Everett, Malden, Melrose, Revere, Saugus, Stoneham  
9 and Wakefield. Said construction of a solid waste disposal  
10 facility shall be undertaken by the department of public  
11 works with the consent of an executive board consisting of  
12 the mayor and the chairman of the board of selectmen, or  
13 their designee, of each city and town named in this section.  
14 Each member community shall be entitled to one vote on the  
15 executive board.

1 SECTION 2. Upon completion of said solid waste disposal  
2 facility the department shall convey it to the Melrose Re-  
3 gional Solid Waste Disposal District, hereinafter referred to  
4 as the district. The district shall be governed by the exec-  
5 utive board provided for in section one of this act. The fiscal

6 year of the district shall be from January first to December  
7 thirty-first. Upon taking title to said facility, the district  
8 shall be responsible for its operation and maintenance.

1 SECTION 3. The district shall be a body corporate and  
2 politic and shall have the following powers and duties:

3 (a) to adopt a corporate seal;

4 (b) to sue and be sued, but only to the same extent and  
5 upon the same conditions that a city or town may be sued;

6 (c) to purchase land for the purposes of the district and  
7 to hold property;

8 (d) to accept from the federal and state government or  
9 any charitable foundation or organization, private corpora-  
10 tion or person, and expend for the purpose for which given,  
11 any grant or gift in aid of the purposes of this act and to ac-  
12 cede to any conditions or obligations attached thereto. Until  
13 so expended all amounts so received shall be deposited with  
14 the district treasurer and held in an account.

15 (e) to engage legal counsel;

16 (f) to engage a certified public accountant;

17 (g) to employ an executive director and such other experts  
18 and consultant services as it deemes necessary to plan and  
19 operate said district;

20 (h) the executive director shall appoint, and may remove  
21 as employees of the district, such employees as he may deem  
22 necessary. The executive director, employees, and experts and  
23 consultants employed by the district shall not be subject to  
24 the provisions of chapter thirty-one, nor to section nine A of  
25 chapter thirty; provided, however, that the executive director  
26 and employees of the district may be members of the state  
27 contributory retirement system and shall be eligible to par-  
28 ticipate in all group insurance programs under chapter  
29 thirty-two A;

30 (i) to submit to the governor, the general court, and to  
31 the member cities and towns of the Melrose Regional Solid  
32 Waste Disposal District on or before the first Wednesday of  
33 December in each year, beginning in nineteen hundred and  
34 sixty-nine, a report of the operations of the district relative  
35 to solid waste disposal during the preceeding fiscal year in-  
36 cluding a detailed financial statement for each year showing

37 the method by which the annual charges assessed against each  
38 city and town in district were computed;

39 (j) to adopt an annual operating budget not later than  
40 December thirty-first of each year;

41 (k) to enter into contracts for the disposal of the solid  
42 waste of non-member cities and towns as well as other bodies  
43 politic, the United States of America, and other persons for  
44 the disposal of solid waste, and for such purposes to establish  
45 and collect rates and charges at least equal to the full cost of  
46 service provided under such contracts.

47 (l) to enter into contracts for the maintenance and/or  
48 operation of solid waste disposal facilities.

49 (m) to enter into contracts for the disposal within and  
50 outside of the district, of solid waste originating in the dis-  
51 trict.

52 (n) to contract for one or more of the following: 1. engi-  
53 neering evaluation of its existing or proposed solid waste  
54 facilities and its existing or proposed methods of solid waste  
55 disposal, 2. study and research respecting improvements  
56 therein, and 3. expert advice concerning new methods and  
57 facilities, 4. any other service appurtenant to the planning,  
58 construction, and maintenance of solid waste disposal facil-  
59 ities.

60 (o) any and all powers and duties not enumerated herein  
61 but necessary to fulfill the intent of this act.

1 SECTION 4. To meet the initial expenses of establishing  
2 the district, including the planning, design and all work in-  
3 cidental thereto, the executive board may from time to time,  
4 and upon proper certification by the district treasury, borrow  
5 from the state treasurer such sums as are necessary, the ag-  
6 gregate of all such borrowings not to exceed six hundred  
7 thousand dollars. The aggregate of all borrowings under  
8 this section shall be repaid to the commonwealth in equal  
9 annual installments commencing with the first year's matur-  
10 ities of any bonds issued by the commonwealth.

1 SECTION 5. To meet the construction costs for the district  
2 solid waste disposal facility, the state treasurer shall, upon  
3 the request of the governor, and with the approval of the

4 executive board created in section one of this act, issue and  
5 sell at public or private sale bonds of the commonwealth,  
6 registered or with interest coupons attached, as he may deem  
7 best, to an amount to be specified by the governor, but not  
8 exceeding, in the aggregate, the sum of six million dollars.  
9 All bonds issued by the commonwealth, as aforesaid, shall  
10 be designated on their face, Melrose Regional Solid Waste  
11 Disposal District Loan Act of 1969, and shall be on the serial  
12 payment plan for such maximum term of years not exceeding  
13 twenty years, as the governor may recommend to the general  
14 court pursuant to section 3 of Article LXII of the Amend-  
15 ments to Constitution of the Commonwealth, the maturities  
16 thereof to be so arranged that the amounts payable in each  
17 of the several years of the period of amortization, other than  
18 the final year, shall be as nearly equal as in the opinion of  
19 the state treasurer it is practicable to make them. Said bonds  
20 shall bear interest semi-annually at such rate as the state  
21 treasurer, with the approval of the governor, shall fix. The  
22 initial maturities of such bonds shall be payable not later  
23 than June thirtieth, nineteen hundred and ninety-three.

1 SECTION 6. The district executive board shall annually  
2 determine the amounts necessary to be raised to administer,  
3 maintain and operate the district during the ensuing calen-  
4 dar year. The amounts so determined shall be apportioned  
5 among the several member cities and towns in accordance  
6 with section seven (b) of this act. The amounts so appor-  
7 tioned for each city and town shall, prior to December thirty-  
8 first in each year be certified by the Melrose Regional Solid  
9 Waste Disposal District executive board to the treasurers of  
10 the several cities and towns. The obligation of each member  
11 city or town to pay apportionments pursuant to section seven  
12 (b) of this act shall be included in the amounts to be assessed  
13 annually in such cities or town under section twenty-three of  
14 chapter fifty-nine without appropriation and the city or town  
15 treasurer shall pay to the district the amounts so apportioned  
16 at the times specified in section seven (b) of this act.

1 SECTION 7. The board, not later than October first in each  
2 year, shall notify the state treasurer of the sums due the com-

3 monwealth from the several cities and towns within the dis-  
4 trict for the purposes of repayment of borrowings from the  
5 commonwealth for the initial expenses of the district and  
6 amortizing the debt of the district's solid waste disposal facil-  
7 ity, and said sums shall be paid by the respective cities and  
8 towns to the commonwealth as provided by section twenty of  
9 chapter fifty-nine of the General Laws. No part of any deficit  
10 shall be borne by the commonwealth.

11 (a) All capital-costs including debt charges and amortiza-  
12 tion shall be apportioned among the cities and towns in direct  
13 proportion to the extent that each city and town uses the dis-  
14 trict solid waste disposal facility. In the event that one or  
15 more cities or towns substantially underutilizes the district  
16 solid waste disposal facility, the board shall determine the  
17 amount(s) to be apportioned to said cities or towns for the  
18 purposes of amortizing the district solid waste disposal facil-  
19 ity, and in so doing, may apportion such amounts on the basis  
20 of the relative share of population that said cities or towns  
21 have to the total population in the district.

22 (b) As soon as practicable, the cost of administering, oper-  
23 ating and maintaining the district shall be apportioned among  
24 the cities and towns within the district in direct proportion  
25 to the extent to which each city and town uses the district  
26 solid waste disposal facility.

27 (c) The annual costs of operation, maintenance and ad-  
28 ministration shall include an annual payment of \$\_\_\_\_\_

29 to the city of Melrose.

30 (d) During the period prior to the official opening of the  
31 district solid waste disposal facility the operating expenses  
32 of the district shall be assessed in direct proportion to each  
33 community's share of the total population of the district  
34 according to the latest federal census.

1 SECTION 8. The Melrose Regional Solid Waste Disposal  
2 District shall appoint a secretary and a treasurer, who may  
3 be the same person, but who need not be a member of the  
4 executive board. The treasurer shall receive and take charge  
5 of all monies belonging to the district and shall pay all au-  
6 thorized expenditures of the district. The treasurer may, by  
7 vote of said executive board, be compensated for his services.

8 The treasurer of said district shall be subject to the provi-  
9 sions of sections thirty-five and one hundred and nine A of  
10 chapter forty-one, to the extent applicable. The treasurer  
11 shall give the district a bond, with a surety company author-  
12 ized to transact business in the commonwealth as surety, for  
13 the faithful performance of his duties in such sum and upon  
14 such conditions as the executive board may require.

1 SECTION 9. The city of Melrose shall not revoke any license  
2 issued by it for the operation of said facility without the ap-  
3 proval of the department of public health.

1 SECTION 10. The director of accounts in the department  
2 of corporations and taxation shall annually cause an audit  
3 to be made of the accounts of the Melrose Regional Solid  
4 Waste Disposal District and for this purpose he, and his duly  
5 accredited agents, shall have access to all necessary papers,  
6 books, and records. Upon the completion of each audit, a  
7 report thereon shall be made to the executive board of said  
8 district and a copy thereof shall be sent to the mayor and to  
9 the chairman of the board of selectmen, respectively, of each  
10 city and town which is a member of said district. The direc-  
11 tor shall apportion the cost among the several cities and  
12 towns which are members of the district on the basis pro-  
13 vided by section forty-four C, and submit the amount of each  
14 apportionment to the state treasurer, who shall issue his war-  
15 rant requesting the assessors of the cities and towns which  
16 are members of the district to assess a tax to the amount of  
17 the expense, and such amounts shall be collected and paid to  
18 the state treasurer, as provided by section twenty of chapter  
19 fifty-nine.

1 SECTION 11. This act shall take effect by vote of the city  
2 councils or boards of alderman in the case of the cities of  
3 Chelsea, Everett, Malden, Melrose and Revere, except as  
4 otherwise provided in their respective charters, and in the case  
5 of the towns of Saugus, Stoneham and Wakefield except as  
6 otherwise provided for by vote of the town at a town meeting  
7 as provided for by chapter 4 Section 4 of the General Laws.

1 SECTION 12. Chapter six hundred eighty-two of the acts  
2 of nineteen hundred and sixty-eight is hereby repealed.

1 SECTION 13. The provisions of this act are severable, and  
2 if any of its provisions shall be held unconstitutional by any  
3 court of competent jurisdiction, the decision of such court  
4 shall not affect or impair any of the remaining provisions.

The first of these is the fact that the population of the State in 1861 was only 1,000,000, and that the population of the United States in 1861 was only 30,000,000. This is a fact which is of great importance in the history of the State, and it is one which is often overlooked. It is a fact which is of great importance in the history of the State, and it is one which is often overlooked.

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