

HOUSE No. 5307

By Mr. Lombard of Fitchburg, petition (accompanied by bill, House, No. 5307) of Joseph D. Ward, George J. Bourque, Gerald P. Lombard, Angelo Picucci and Robert D. Wetmore (with the approval of the city of Leominster and the city of Fitchburg) for legislation relative to the construction and financing of wastewater treatment facilities by the city of Fitchburg. Local Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATING TO THE CONSTRUCTING AND FINANCING OF WASTEWATER TREATMENT FACILITIES BY THE CITY OF FITCHBURG.

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. In addition to all powers heretofore conferred
2 upon the city of Fitchburg, hereinafter called the city, by
3 general or special laws, with respect to the construction,
4 operation and maintenance of sewers, sewerage systems and
5 sewage treatment and disposal facilities, and the financing
6 thereof, said city is authorized to construct, maintain, oper-
7 ate, enlarge and improve wastewater treatment facilities. For
8 the purposes of this act, the words "wastewater treatment
9 facilities" shall mean facilities which can be used for treat-
10 ing, neutralizing or stabilizing sewage, sanitary wastes, indus-
11 trial wastes and storm water either separately or together,
12 may include sewers for carrying wastewater or treated waste-
13 water to or from the treatment facilities, and shall be deemed
14 to be "abatement facilities" under chapter twenty-one of
15 the General Laws.

1 SECTION 2. The city, acting by its mayor with the approval
2 of the city council, may contract with any party who is or
3 may be a substantial user of wastewater treatment facilities

4 constructed or to be constructed by the city. Contracts en-
5 tered under this section may be for a term not exceeding
6 fifty years, may provide for payments by such user to the
7 city and set forth the method for securing such payments.
8 Any such contract may also provide for cooperation between
9 the city and the user with respect to the planning, con-
10 struction, maintenance and operation of the wastewater treat-
11 ment facilities. Provisions of contracts securing payments to
12 the city thereunder may include mortgages of real property
13 or pledges of, or the creation of security interests in, per-
14 sonal property, either directly between the user and the city,
15 or with the aid of one or more other persons acting as trustees
16 or agents for either party. To the extent necessary, such users
17 are hereby authorized to enter such contracts with the city
18 and take such actions from time to time as may be neces-
19 sary to carry out their obligations thereunder.

1 SECTION 3. For the purpose of financing the construction of
2 wastewater treatment facilities pursuant to section one of
3 this act, the city may borrow from time to time such sums
4 as may be necessary, not exceeding, in the aggregate, twenty
5 million dollars, and may issue bonds or notes therefor,
6 which shall bear on their face the words, City of Fitch-
7 burg, Wastewater Treatment Facilities Loan, Act of 1969.
8 Each authorized issue shall constitute a separate loan, and
9 such loans shall be paid in not more than thirty years from
10 their dates. Indebtedness incurred under this act shall be in
11 excess of the statutory limit, but shall, except as herein pro-
12 vided, be subject to chapter forty-four of the General Laws,
13 exclusive of any limitation or requirement contained in sec-
14 tions seven or eight thereof, and also except that, notwith-
15 standing the provisions of section seventeen of said chapter
16 forty-four, temporary notes issued in anticipation of the
17 money to be derived from the sale of bonds or notes autho-
18 rized under this act may mature not more than two years
19 from their dates.

1 SECTION 4. The city by ordinance may establish a sewer
2 commission consisting of either three or five commissioners
3 to be appointed by the mayor with the approval of the city

4 council and to serve for terms of not more than four years.
5 The ordinance may provide that one commissioner, if there
6 are three commissioners, or two commissioners, if there are
7 five commissioners, shall be a representative or representa-
8 tives of one or more parties who have, or may have, a con-
9 tract with the city entered under section two of this act. Ex-
10 cept as provided herein, the ordinance shall set forth the
11 powers and duties of the commission consistent with the
12 provisions of the General Laws. Notwithstanding any other
13 provisions of law, no person shall be disqualified from serv-
14 ing, or acting on any matter, as a sewer commissioner of the
15 city by reason of a direct or indirect financing interest in, or
16 employment by, a user of the wastewater treatment facili-
17 ties; and no sewer commissioner shall be disqualified from
18 serving or acting on any matter as an employee of such a
19 user.

1 SECTION 5. For the purpose of constructing and maintain-
2 ing its sewerage system and sewage or wastewater treat-
3 ment or disposal facilities, the city may acquire, by gift or
4 by purchase, any necessary land or easements located in the
5 City of Leominster in the vicinity of Forest and Hamilton
6 Streets; and the City of Fitchburg may thereafter construct
7 and maintain thereon such systems or facilities as may be
8 required.

1 SECTION 6. This act shall take effect upon its acceptance
2 by the city of Fitchburg.

