

By Mr. Pacheco of Taunton, petition of Marc R. Pacheco, Joan M. Menard and Erving H. Wall, Jr. (with the approval of the mayor and municipal council) relative to the design, construction, operation and maintenance of a coal fired electric generating plant in the city of Taunton. State Administration. [Local Approval Received.]

The Commonwealth of Massachusetts

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

AN ACT RATIFYING, CONFIRMING AND AUTHORIZING THE CITY OF TAUNTON, ACTING THROUGH ITS MUNICIPAL LIGHTING PLANT COMMISSION, TO CONTRACT FOR AN ELECTRIC POWER PLANT AND FACILITIES RELATED OR NECESSARY THERETO, AND TO LEASE LAND TO THE OWNERS OF SUCH A PLANT AND RELATED FACILITIES FOR PLACEMENT OF SUCH FACILITIES.

1 *Whereas*, the deferred operation of this act would tend to
2 defeat its purpose, which is to immediately ratify, confirm and
3 authorize the actions of the City of Taunton, acting through its
4 municipal lighting plant commission, in contracting for the
5 design, construction, operation and maintenance of a coal fired
6 electric generating plant with a net electrical output of
7 approximately 150 megawatts and facilities related or necessary
8 thereto, but not to include any additional generating units or
9 additions which would increase the said net electrical output, to
10 lease certain parcels of land and to authorize and permit the
11 design, construction, operation and maintenance of such electric
12 power plant and facilities related and necessary thereto on such
13 land, therefore it is hereby declared to be an emergency law,
14 necessary for the immediate preservation of the public
15 convenience.

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. Notwithstanding the provisions of section three
2 of chapter forty of the General Laws or any other general or

3 special law to the contrary, and in addition to any other power
4 conferred by law, the City of Taunton, acting through its
5 municipal light plant commission, is hereby authorized to lease
6 certain land as described below for the purposes of designing,
7 constructing, operating, and maintaining a coal fired electric
8 generating plant with a net electrical output of approximately 150
9 megawatts, and facilities related or necessary thereto, which shall
10 not include any additional generating units or additions which
11 would increase the said net electrical output, for a term not to
12 exceed fifty (50) years. Said land may be used for the
13 aforementioned purposes notwithstanding any restrictions or
14 limitations on said lands existing by deed or otherwise.

15 Said land consists of the following parcels located in the City
16 of Taunton:

17 The property conveyed to the Taunton Municipal Lighting
18 Plant by deed of Daniel W. Cody, Trustee of Railroad Realty
19 Trust, dated September 19, 1988, and recorded with the Bristol
20 county north district registry of deeds in book 3922, page 294.

21 The property conveyed to the Taunton Municipal Lighting
22 Plant by deed of Jose DaRosa and Louisa DaRosa, dated
23 October 23, 1989, and recorded with the Bristol county north
24 registry of deeds in Book 4272, page 121.

25 The property conveyed to the City of Taunton and the Taunton
26 Municipal Lighting Plant by deed of Ralph M. Strange, dated
27 April 16, 1964, and recorded with the Bristol county north district
28 registry of deeds in book 1440, page 509.

29 The property conveyed to the Taunton Municipal Lighting
30 Plant by deed of Carlos DaRosa and Maria J. DaRosa, dated
31 October 24, 1978, and recorded with the Bristol county north
32 district registry of deeds in book 1860, page 23.

33 The property conveyed to the City of Taunton, for and on
34 behalf of the Taunton Municipal Lighting Plant, by deeds of
35 Antone L. Rose and Mary P. Rose, dated March 1, 1965 and
36 recorded with the Bristol county north district registry of deeds
37 in book 1458, page 33, and by deed dated May 8, 1965, and
38 recorded with the Bristol county north district registry of deeds
39 in book 1461, page 863.

40 The property conveyed to the Taunton Municipal Lighting
41 Plant, by deed of Richard St. Germain, Lynn St. Germain and

42 Mathew St. Germain, dated March 10, 1989, and recorded with
43 the Bristol county north district registry of deeds in book 4069,
44 page 259.

45 The property conveyed to the Taunton Municipal Lighting
46 Plant by deed of Princess House, Inc., dated June 5, 1978, and
47 recorded with the Bristol county north district registry of deeds
48 in book 1820, Page 263.

1 SECTION 2. The provisions of sections thirty-eight A $\frac{1}{2}$ to
2 thirty-eight O, inclusive, of chapter seven of the General Laws,
3 the provisions of section twenty A of chapter nine of the General
4 Laws, the provisions of sections thirty-nine F to thirty-nine R
5 of chapter thirty of the General Laws, inclusive, the provisions
6 of sections forty-four A to forty-four J, inclusive, of chapter one
7 hundred and forty-nine of the General Laws, the provisions of
8 section fifty-six D of chapter one hundred and sixty-four
9 (provided that contracts for the supply of electricity to a municipal
10 plant shall be subject to the approval of the department of public
11 utilities), the regulations promulgated under any of such portions
12 of the General Laws or any other provisions of the General Laws
13 governing the procurement by municipal light plants of
14 construction and design services (other than the provisions of
15 sections twenty-seven and twenty-seven A through twenty-
16 seven F of chapter one hundred and forty-nine), if and to the
17 extent otherwise applicable, shall not apply to the design,
18 construction, operation, or maintenance of the electric power
19 plant and facilities related or necessary thereto, provided for in
20 section 1 of this Act.

1 SECTION 3. The City of Taunton, acting through the
2 municipal light plant commission, is hereby authorized to lease
3 certain parcels of land presently zoned by the City of Taunton
4 for open space and conservancy, described in particular below,
5 and located in said City of Taunton which is currently the site
6 of the existing Taunton Municipal Lighting Plant Cleary Flood
7 Electrical Generating Station, for the purposes set forth in
8 section 1 of this Act. Said land is described in the following
9 instruments:

10 The property conveyed to the Taunton Municipal Lighting
11 Plant by deed of Daniel W. Cody, Trustee of Railroad Realty
12 Trust, dated September 19, 1988, and recorded with the Bristol
13 county north district registry of deeds in book 3922, page 294.

14 The property conveyed to the Taunton Municipal Lighting
15 Plant by deed of Richard St. Germain, Lynn St. Germain and
16 Mathew St. Germain, dated March 10, 1989, and recorded with
17 the Bristol county north district registry of deeds in book 4069,
18 page 259.

19 The property conveyed to the City of Taunton and the Taunton
20 Municipal Lighting Plant by deed of Ralph M. Strange, dated
21 April 16, 1964, and recorded with the Bristol county north district
22 registry of deeds in book 1440, page 509.

23 The property conveyed to the Taunton Municipal Lighting
24 Plant by deed of Carlos DaRosa and Maria J. DaRosa, dated
25 October 24, 1978, and recorded with the Bristol county north
26 district registry of deeds in book 1860, page 23.

27 The property conveyed to the City of Taunton, for and on
28 behalf of the Taunton Municipal Lighting Plant, by deeds of
29 Antone L. Rose and Mary P. Rose, dated March 1, 1965, and
30 recorded with the Bristol county north district registry of deeds
31 in book 1458, page 33, and by deed dated May 8, 1965, and
32 recorded with the Bristol county north district registry of deeds
33 in book 1461, page 863.

34 The property conveyed to the Taunton Municipal Lighting
35 Plant, by deed of Princess House, Inc., dated June 5, 1978, and
36 recorded with the Bristol county north district registry of deeds
37 in book 1820, page 263.

38 Said lease shall be used for the construction and operation of
39 an electric power plant and facilities related or necessary thereto
40 notwithstanding any restrictions or limitations on said lands.

1 SECTION 4. Notwithstanding the provisions of any general or
2 special law to the contrary or any ordinance of the City of
3 Taunton, the City of Taunton acting through its Board of
4 Assessors and Mayor is hereby authorized to agree to and to take
5 all actions necessary and proper to carry out the provisions
6 contained in the agreement between the City of Taunton and

7 Silver City Energy Limited Partnership dated April 23, 1991, with
8 regard to the taxation of the real and personal property and
9 betterment assessments applicable to certain electric power plant
10 and facilities necessary or related thereto located in the City of
11 Taunton.

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

