

By Mr. Dwinell of Millbury, petition of Richard J. Dwinell that cities and towns be authorized to establish resource recovery commissions. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT AUTHORIZING CITIES AND TOWNS TO ESTABLISH RESOURCE RECOVERY COMMISSIONS.

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. Chapter 40 of the General Laws is hereby
2 amended by inserting after section 8E the following section: —
3 *Section 8EE.* A city or town which accepts this section may
4 establish a resource recovery commission, hereinafter called the
5 commission, for the promotion and development of resource
6 recovery programs and for the economic utilization of reclaimed
7 resources of said city or town. Such commission shall conduct
8 researches into its local resource recovery areas and products
9 and shall seek to coordinate the activities of unofficial bodies
10 organized for similar purposes, and may advertise, prepare,
11 print and distribute books, maps, charts, plans and pamphlets
12 which in its judgement it deems necessary for its work. Among
13 such plans may be a resource recovery utilization plan which
14 shall be, as far as possible, consistent with the city or town
15 master plan, the state solid waste plan and any regional plans
16 relating to the same area. The commission may, from time to
17 time, amend such plan. Such plan shall show schedules for
18 resource recovery efforts, city and town land areas recommend-
19 ed as suitable for resource recovery projects, including but not
20 limited to, resource recycling, resource transfer stations,
21 resource recovery installations and energy conservation plans
22 and projects and any other matters which may be necessary to
23 promote, establish and maintain adequate and economically

24 feasible resource recovery programs in cooperation with other
25 city or town boards, commissions or departments. Such plans
26 shall show other areas which public necessity requires to be
27 acquired and retained for future resource recovery programs. It
28 shall keep accurate records of its meetings and actions and shall
29 file an annual report which shall be printed in the city or town
30 annual report. The commission may appoint a director, clerks,
31 consultants and other employees, and may contract for materials
32 and services within available funds insofar as the same are not
33 supplied by other departments. The commission shall consist of
34 not less than three nor more than seven members. In cities the
35 members shall be appointed by the mayor, subject to the
36 provisions of the city charter, except that in cities having or
37 operating under a Plan D or Plan E form of city charter, said
38 appointments shall be by the city manager, subject to the
39 provisions of the charter; and in town they shall be appointed by
40 the selectmen, excepting towns having a manager form of
41 government, in which towns appointments shall be made by the
42 town manager, subject to the approval of the selectmen. When a
43 commission is first established, the terms of the members shall
44 be for one, two or three years, and so arranged that the terms of
45 approximately one third of the members will expire each year,
46 and their successors shall be appointed for terms of three years
47 each. Any member of a commission so appointed may, after a
48 public hearing, if requested be removed for cause by the
49 appointing authority. A vacancy occurring otherwise than by
50 expiration of a term shall in a city be filled for the unexpired
51 term in the same manner as an original appointment, and in a
52 town in the manner provided in section eleven of chapter forty-
53 one. Said commission may receive gifts, bequests or devises of
54 personal property or interests in real property of the kinds
55 mentioned below in the name of the city or town, subject to the
56 approval of the city council in a city or of the selectmen in a
57 town. It may purchase interests in such land with sums available
58 to it. If insufficient funds are available or other reasons so
59 require, a city council or a town meeting may raise or transfer
60 funds so that the commission may acquire in the name of the
61 city or town by option, purchase, lease or otherwise the fee in
62 such land or conservation restrictions, easements or other

63 contractual rights including conveyances on conditions or with
64 limitations or reversions, as may be necessary to acquire,
65 maintain, improve, protect, limit the future use of or otherwise
66 conserve and properly utilize land areas within its city or town,
67 and it shall manage and control the same. Said commission may
68 acquire by gift, purchase, grant, bequest, devise, lease or
69 otherwise the fee in such land or any lesser interest, development
70 right, easement, covenant, or other contractual right including
71 conveyances on conditions or with limitations or reversions, as
72 may be necessary to acquire, maintain, improve, protect, limit
73 the future use of or otherwise conserve and properly utilize land
74 areas within their city or town, and shall manage and control the
75 same. For the purposes of this section a city or town may, upon
76 the written request of the commission, take by eminent domain
77 under chapter seventy-nine, the fee or any lesser interest in any
78 land located in such city or town, provided such taking has first
79 been approved by a two-thirds vote of the city council or a two-
80 thirds vote of an annual or special town meeting, which land
81 shall thereupon be under the jurisdiction and control of the
82 commission. Upon a like vote, a city or town may expend
83 monies in the fund, if any, established under the provisions of
84 clause 66 of section five for the purpose of paying, in whole or in
85 part, any damages for which such city or town may be liable by
86 reason of any such taking. The commission may adopt rules and
87 regulations governing the use of land under its control, and
88 prescribe penalties, not exceeding a fine of one hundred dollars,
89 for any violation thereof. No action taken under this section
90 shall affect the powers and duties of the state reclamation board
91 or any mosquito control or other project operating under or
92 authorized by chapter two hundred and fifty-two, or restrict any
93 established public access. Lands used for farming or agriculture,
94 as defined in section one A of chapter one hundred and twenty-
95 eight, shall not be taken by eminent domain under the authority
96 of this section.

1 SECTION 2. Section 5 of chapter 40 of the General Laws is
2 hereby amended by inserting after clause (65) the following
3 clause: — (66) For the maintenance of a resource recovery
4 commission. In addition a city or town may appropriate money

5 in any year to a resource recovery fund of which the treasurer
6 shall be custodian. He may deposit or invest the proceeds of said
7 fund in savings banks, trust companies incorporated under the
8 laws of the commonwealth, banking companies incorporated
9 under the laws of the commonwealth which are members of the
10 Federal Deposit Corporation, or national banks, or invest it in
11 paid up shares and accounts of and in co-operative banks or in
12 shares of savings and loan associations or in shares of federal
13 savings and loan associations doing business in the com-
14 monwealth, and any income therefrom shall be credited to the
15 fund. Monies in the fund may be expended by said commission
16 for any purpose, other than a taking by eminent domain,
17 authorized by section eight EE.