

**SENATE. . . . . No. 2500**

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**The Commonwealth of Massachusetts**

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SENATE, December 12, 2002.

The committee on Ways and Means, to whom was committed the Senate Bill amending the Upper Blackstone Water Pollution Abatement District relative to voting by members of the board to provide for weighted voting by board members from the city of Worcester, the buy-in costs for new members of the district and certain other matters concerning said district (Senate, No. 1064), report recommending that the same ought to pass with an amendment, substituting a new draft entitled "An Act amending the Upper Blackstone water pollution abatement district" (Senate, No. 2500).

For the committee,

MARK C. MONTIGNY.

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Two.

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AN ACT AMENDING THE UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT.

*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 752 of the acts of 1968 is hereby  
2 amended by striking out section 1 and inserting in place thereof  
3 the following section:—

4 Section 1. The city of Worcester, by vote of its city council,  
5 and the towns of Auburn, Boylston, Holden, Leicester, Millbury,  
6 Oxford, Paxton, Rutland, Shrewsbury and West Boylston, by vote  
7 in a town meeting, may, subject to conditions hereinafter enumer-  
8 ated, create a water pollution abatement district which shall be a  
9 body corporate known as the Upper Blackstone Water Pollution  
10 Abatement District, hereinafter referred to as the district. There  
11 shall be no time limit on the date of acceptance of this act. The  
12 metropolitan district commission may act as a sewer district under  
13 this act, accept its provisions and become a participating member  
14 of the district.

15 The board shall consist of 1 resident or 1 employee from and  
16 representing each town that has voted to accept this act and is a  
17 member of the district.

18 All of the sewer districts, not presently members of the district,  
19 representing a portion of any of the above towns may become  
20 associate members of the district without representation on the  
21 board and without voting status, provided that a sewer district has,  
22 or has contracted for, sewerage facilities to transport its sewage to  
23 the district for treatment and has paid the membership fee in  
24 accordance with section 10.

1 SECTION 2. Section 2 of said chapter 752 is hereby amended  
2 by striking out the second paragraph, as most recently amended by

3 chapter 99 of the acts of 1977, and inserting in place thereof the  
4 following paragraph:—

5 In order to insure that Worcester, as the majority member of the  
6 board, retains a majority vote on the board, the board shall consist  
7 of 1 representative of each member of the district, except the city  
8 of Worcester, which shall appoint not less than 3 nor more than 5  
9 representatives. The total number of votes of the board shall equal  
10 2 times the number of representatives not from Worcester plus 1.  
11 The votes shall be distributed so that each representative not from  
12 Worcester shall be entitled to 1 vote with the remaining votes to  
13 be distributed evenly among the Worcester representatives.

1 SECTION 3. Section 2 of said chapter 752 is hereby further  
2 amended by striking out the fifth paragraph, inserted by chapter  
3 184 of the acts of 1973, and inserting in place thereof the  
4 following paragraph:—

5 The appointing authorities in the city of Worcester, member  
6 towns and sewer districts, may appoint 1 alternate representative  
7 for each duly appointed representative, who shall be empowered  
8 to serve in place of the duly appointed representative, when so  
9 authorized by the representative or by the appointing authority, at  
10 such times and places and to the same degree as the representative  
11 is empowered to serve in his own right.

1 SECTION 4. The first paragraph of section 5 of said  
2 chapter 752 is hereby amended by striking out the third sentence,  
3 as most recently amended by chapter 156 of the acts of 1995, and  
4 inserting in place thereof the following 2 sentences:— Members  
5 of the board may receive compensation from the district, which  
6 shall not exceed \$2,500 per year for a board member, \$3,250 per  
7 year for the vice chairman and secretary and \$3,750 per year for  
8 the chairman. Compensation at the discretion of the board may be  
9 increased from time to time, but not more often than every 3  
10 years, and not to exceed the annual increase in the Consumer  
11 Price Index.

1 SECTION 5. Section 10 of said chapter 752 is hereby amended  
2 by striking out the third and fourth paragraphs and inserting in  
3 place thereof the following 2 paragraphs:—

4 The operation and maintenance costs of the district and its  
5 treatment facilities shall be apportioned among the member city,  
6 towns and sewer districts on the basis of their contributions to the  
7 flow entering the district's facilities. The contribution of each  
8 member to the flow entering the district's facilities shall be deter-  
9 mined annually by the board using either metered monitoring data  
10 or such other estimation techniques as the board may determine to  
11 properly represent the member's contribution to the facility.  
12 Commencing in fiscal year 2004, the contributions shall be deter-  
13 mined using a 3-year moving average of data representing the 3  
14 most recently completed fiscal years.

15 Upon acceptance of this act by an eligible town or sewer dis-  
16 trict not previously a member, the district shall determine the fair  
17 market value at that time of the assets of the district, including  
18 capital assets. The district shall determine the value of the assets  
19 of the district including, but not limited to land, structures, equip-  
20 ment, other improvements, inventories and restricted and unre-  
21 stricted reserve funds, but excluding any debt service costs  
22 associated with bonded indebtedness for which payments are yet  
23 due. In establishing the value of the land, structures, equipment  
24 and other improvements, the district shall, not less frequently than  
25 once every 10 years, utilize the services of an independent  
26 appraiser to estimate the value of such land structures, equipment  
27 and other improvements taking into account the replacement costs  
28 of such land, structures, equipment and other improvements and  
29 the actual physical and functional depreciation thereof. The dis-  
30 trict shall use such cost index as it deems appropriate to adjust the  
31 most recent estimated replacement costs to the year in which an  
32 eligible town or sewer district proposes to become a member of  
33 the district. The district shall also adjust the physical and func-  
34 tional depreciation by the same index and shall include additional  
35 depreciation reflecting the amount of time from the date of the last  
36 appraisal to the year in which an eligible town or sewer district  
37 proposes to become a member of the district. Should the district  
38 have made additional investments in structures, equipment or  
39 other improvements since the time of the most recent appraisal,  
40 the value of the additional investments shall be computed as the  
41 cost of such investments, adjusted according to a cost index the  
42 district deems appropriate to adjust the additional investments to

43 the year in which an eligible town or sewer district proposes to  
44 become a member of the district and deducting therefrom depreci-  
45 ation of the investment as determined by the district. The  
46 appraised value, indexed as appropriate, together with the value of  
47 additional investments and the original costs of land acquired by  
48 the district, net of depreciated contributions in aid of construction  
49 and net of principal of debt outstanding shall be used to establish  
50 the buy-in costs paid by such eligible town or sewer district. The  
51 cost of membership in the district shall be computed as the pro-  
52 portion of the population of the new member community or sewer  
53 district to the revised total population of the district, new plus pre-  
54 vious members, times the fair market value. Buy-in costs shall be  
55 apportioned and paid to previous members on the basis of popula-  
56 tion, according to the most recent state or federal census.

1 SECTION 6. The first paragraph of section 13 of said  
2 chapter 752 is hereby amended by striking the third and fourth  
3 sentences.

1 SECTION 7. Said chapter 752 is hereby further amended by  
2 inserting after section 14A the following section:—

3 Section 14B. Sums apportioned by the Upper Blackstone Water  
4 Pollution Abatement District and assessed to the city and towns  
5 which are member municipalities of the district as provided in  
6 section 11, including principal and interest falling due on bonds or  
7 notes issued pursuant to section 9, for construction costs incurred  
8 by the district including, but not limited to, work and measures  
9 deemed by the district as necessary to mitigate environmental,  
10 social and economic impacts of any facilities to be improved or  
11 constructed, and sums so apportioned and assessed shall not be  
12 subject to the limitations contained in section 20B of chapter 59 of  
13 the General Laws, or in any other general or special law, and shall  
14 be paid to said district as required by section 11.



ACADEMIC RECORD OF [Name] [Year]

Year	Grade	Score	Remarks
1950	10	85	Good
1951	11	80	Good
1952	12	82	Good

