

# HOUSE . . . . No. 413

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By Mr. Rafter of Salem, petition of the South Essex Sewerage Board for a postponement of the time for allocating and apportioning the cost of construction, maintenance and operation of the sewers and other works within the South Essex Sewerage District. Municipal Finance.

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## The Commonwealth of Massachusetts

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

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An Act postponing the Time for Allocating and Apportioning the Cost of Construction, Maintenance and Operation of the South Essex Sewerage District and otherwise amending the Act establishing Said District.

1 *Whereas*, The deferred operation of this act will  
2 tend to defeat its purpose, therefore it is hereby  
3 declared to be an emergency law necessary for the  
4 immediate preservation of the public 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. Section eighteen of chapter three  
2 hundred and thirty-nine of the acts of nineteen  
3 hundred and twenty-five, as previously amended by  
4 chapter thirty-six of the acts of nineteen hundred  
5 and twenty-seven and by chapter two hundred and  
6 ninety-four of the acts of nineteen hundred and  
7 twenty-eight, is hereby further amended by striking  
8 out the eleventh, twelfth and thirteenth paragraphs

9 of said section eighteen as so amended and inserting  
10 in place thereof the following:—

11 Beginning in the year nineteen hundred and  
12 thirty, said board shall determine annually on or  
13 before February fifteenth, what part of the retire-  
14 ment and interest payments falling due that year  
15 on bonds or notes issued under section fifteen, in-  
16 cluding notes issued to pay annual interest on bonds  
17 or notes previously issued and any and all other  
18 sums, shall be allocated to each account described  
19 in subdivisions (a) to (h), inclusive, as its share for  
20 that year of the cost of construction. Each share  
21 so determined in the case of subdivisions (a), (b),  
22 (c), (e), (f) and (g) shall be apportioned to the in-  
23 stitutions, town and/or cities participating in that  
24 share, one third in proportion to their respective  
25 valuations as determined as hereinafter provided for  
26 the year nineteen hundred and thirty by the com-  
27 missioner of corporations and taxation, and two  
28 thirds in proportion to their respective normal  
29 average flow of sewage as determined by said board  
30 for the period covered by the years nineteen hundred  
31 and twenty-eight and nineteen hundred and twenty-  
32 nine; it being hereby provided that, until the  
33 construction of the sewers and other works herein  
34 provided for and until the sewerage system thus  
35 made is in operation, said board in determining, for  
36 purposes of apportionment, the flow of sewage, shall  
37 make use of the flow of sewage of the existing sys-  
38 tems from said institutions and cities, and as said  
39 town of Danvers has at present no sewerage system  
40 and will not have one for some years adequate to  
41 dispose of the sewage from said town, the flow of  
42 sewage from said town of Danvers shall for said

43 purposes be determined at one million two hundred  
44 and fifty thousand gallons per day. The cost of  
45 maintenance and operation of said sewers and other  
46 works for each account described in subdivisions  
47 (a) to (g), inclusive, shall be estimated by said board  
48 for each year on or before February fifteenth and  
49 shall be apportioned by said board to the institu-  
50 tions, town and/or cities participating in that ac-  
51 count, one third in proportion to their respective  
52 valuations as last determined as hereinafter pro-  
53 vided by the commissioner of corporations and tax-  
54 ation and two thirds in proportion to their respective  
55 flow of sewage as determined by said board for the  
56 previous year, except that the cost of maintenance  
57 and operation for the year nineteen hundred and  
58 twenty-nine, or any part thereof, and for the year  
59 nineteen hundred and thirty shall first be estimated  
60 and apportioned as aforesaid in the year nineteen  
61 hundred and thirty on or before February fifteenth  
62 and that the two thirds of the cost of maintenance  
63 and operation for the year nineteen hundred and  
64 twenty-nine, or any part thereof, and for the year  
65 nineteen hundred and thirty, shall be apportioned  
66 in proportion to the flow of sewage as determined by  
67 said board for the period covered by the years nine-  
68 teen hundred and twenty-eight and nineteen hundred  
69 and twenty-nine. Any balance remaining at the end  
70 of any year on account of assessments herein pro-  
71 vided for shall be credited to the institution, town or  
72 cities as the case may be in the same proportion as  
73 assessed, and any deficit on account of any year shall  
74 be assessed the following year in the same propor-  
75 tion as for the year in which the deficit occurred.  
76 For the purposes of apportioning the annual cost of

77 maintenance and operation, the flow of sewage from  
78 the town of Danvers shall in no year prior to the  
79 year nineteen hundred and thirty-five be determined  
80 at less than one million two hundred and fifty thou-  
81 sand gallons per day.

82 The annual apportionments so determined, includ-  
83 ing the annual allocations under subdivisions (*d*)  
84 and (*h*), both for cost of construction and for mainte-  
85 nance and operation, shall in the case of each of said  
86 cities, town and institutions be added together, and  
87 on or before the fifteenth day of February in each  
88 year, beginning in nineteen hundred and thirty as  
89 aforesaid, the treasurer of said South Essex sewerage  
90 district shall notify each of the amount to be paid  
91 by it, and shall in writing demand that such amount  
92 be paid on or before the first day of November in  
93 that year, and said amount shall be so paid; and in  
94 case of failure to pay after a written demand therefor,  
95 said district may recover such amount in contract  
96 from those liable to pay the same.

97 The commissioner of corporations and taxation  
98 shall annually, beginning in the year nineteen hun-  
99 dred and thirty, determine and report to said board  
100 prior to February first the respective taxable valu-  
101 ations of said cities of Salem, Beverly and Peabody  
102 and of said town of Danvers, as of the first day of  
103 April next preceding, and the valuations, as of said  
104 day, as determined by said commissioner, of the  
105 institutions served by the sewerage system herein  
106 provided for; provided, that no part of the valuations  
107 of the Essex county sanatorium, Danvers state  
108 hospital, Essex county agricultural school and the  
109 industrial camp shall for purposes of apportionment  
110 be included in the valuation of the town of Danvers.

1 SECTION 2. Section two of said chapter three  
2 hundred and thirty-nine as amended by chapter  
3 thirty-six of the acts of nineteen hundred and  
4 twenty-seven is hereby further amended by striking  
5 out the same and inserting in place thereof the  
6 following:—

7 On March thirty-first, nineteen hundred and  
8 thirty, the engineer acting as county engineer for the  
9 county of Essex and the chief engineer of the depart-  
10 ment of public health shall cease to be members of  
11 said board, and the sewers and other works shall  
12 thereafter be managed, controlled and operated by  
13 the remaining five members.

1 SECTION 3. Section fifteen of said chapter three  
2 hundred and thirty-nine as amended by chapter  
3 thirty-six of the acts of nineteen hundred and  
4 twenty-seven is hereby further amended by striking  
5 out the second paragraph of said section fifteen as so  
6 amended and inserting in place thereof the following:

7 To meet the expenses of maintenance and opera-  
8 tion of said sewers and other works, so far as the same  
9 cannot be met from other sources, the treasurer of  
10 the South Essex sewerage district shall, upon vote  
11 of said board, borrow from time to time and issue  
12 notes of the district therefor; said notes to be pay-  
13 able in not more than one year from their dates of  
14 issue, except as hereinafter provided, from receipts  
15 from and assessments levied for the maintenance and  
16 operation of said system and other works; provided  
17 that notes issued for a shorter period than one year  
18 may be refunded by the issue of other notes maturing  
19 within the required time, if the period from the date  
20 of issue of the original loan to the date of maturity

21 of the last refunding loan does not exceed one year;  
22 except that notes so issued during the year nineteen  
23 hundred and twenty-nine may be payable in not  
24 more than two years from their dates of issue; pro-  
25 vided, that notes so issued during said year nineteen  
26 hundred and twenty-nine for a shorter period than  
27 two years may be refunded as hereinbefore pro-  
28 vided, so that the period from the date of issue of  
29 the original loan to the date of maturity of the last  
30 refunding loan shall not exceed two years.

1 SECTION 4. This act shall take effect upon its  
2 passage.



