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CHAPTER 167
S.B. No. 1989
SEWERS AND SEWER SYSTEMS—WASTEWATER TREATMENT

AN ACT relative to the upper Blackstone water pollution abatement district.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to allow the immediate commencement of certain improvements to the Upper Blackstone Water Pollution Abatement District regional wastewater treatment facilities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 752 of the acts of 1968 is hereby amended by striking out section 1 and inserting in place thereof the following section:—

Section 1. The city of Worcester, by vote of its city council, and the towns of Auburn, Boylston, Holden, Leicester, Millbury, Oxford, Paxton, Rutland, Shrewsbury and West Boylston, by vote of a town meeting, may, subject to conditions enumerated in this act, create a water pollution abatement district which shall be a body corporate known as the Upper Blackstone Water Pollution Abatement District, in this act referred to as the district. There shall be no time limit on the date of acceptance of this act. The department of conservation and recreation may act as a sewer district under this act, accept its provisions and become a participating member of the district.

All of the sewer districts, not now members of the district, representing a portion of any of the above towns may become associate members of the district without representation on the board and without voting status, if a sewer district has, or has contracted for, sewerage facilities to transport its sewage to the district for treatment and has paid the membership fee in accordance with section 10.

SECTION 2. Section 2 of said chapter 752 is hereby amended by striking out the second paragraph, as most recently amended by chapter 99 of the acts of 1977, and inserting in place thereof the following paragraph:—

The board shall consist of residents or employees of the district member city, towns or districts. In order to ensure that Worcester, as the majority member of the board, retains a majority vote on the board, the board shall consist of 1

member representing each member of the district, except the city of Worcester, which shall appoint not less than 3 nor more than 5 board members. The total number of votes of the board shall equal 2 times the number of board members not from Worcester plus 1. The votes shall be distributed so that each board member not from Worcester shall be entitled to 1 vote with the remaining votes to be distributed evenly among the Worcester board members.

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

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

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

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

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

Upon acceptance of this act by an eligible town or sewer district not previously a member, the district shall determine the fair market value at that time of the assets of the district, including capital assets. The district shall determine the value of the assets of the district including, but not limited to land, structures, equipment, other improvements, inventories and restricted and unrestricted reserve funds, but excluding any debt service costs associated with bonded indebtedness for which payments are yet due. In establishing the value of the land, structures, equipment and other improvements, the district shall, not less frequently than once every 10 years, use the services of an independent appraiser to estimate the value of such land structures, equipment and other improvements, taking into account the replacement costs of such land, structures, equipment and other improvements and the actual physical and functional depreciation thereof. The district shall use a cost index that it considers appropriate to adjust the most recent estimated replacement costs to the year in which an eligible town or sewer district proposes to become a member of the district. The district shall also adjust the physical and functional depreciation by the same index and shall include additional depreciation reflecting the amount of time from the date of the last appraisal to the year in which an eligible town or sewer district proposes to become a member of the district. If the district has made additional investments in structures, equipment or other improvements since the time of the most recent appraisal, the value of the additional investments shall be computed as the cost of such investments, adjusted according to a cost index the district deems appropriate to adjust the additional investments to the year in which an eligible town or sewer district proposes to become a member of the district and deducting therefrom depreciation of the investment as determined by the district. The appraised value, indexed as appropriate, together with the value of additional investments and the original costs of land acquired by the district, net of depreciated contributions in aid of construction and net of principal of debt out-

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standing, shall be used to establish the buy-in costs paid by such eligible town or sewer district. The cost of membership in the district shall be computed as the proportion of the population of the new member community or sewer district to the revised total population of the district, new plus previous members, times the fair market value. Buy-in costs shall be apportioned and paid to previous members on the basis of population, according to the most recent federal census.

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

SECTION 7. Said chapter 75 2 is hereby further amended by inserting after section 14A the following section:—
Section 14B. Sums apportioned by the district and assessed to the members of the district as provided in section 11, including principal and interest falling due on bonds or notes issued pursuant to section 9, for costs incurred by the district for plant improvements defined in the Upper Blackstone Water Pollution Abatement District Regional Wastewater Treatment Facilities Plan of October 2001, including, but not limited to, work and measures found by the district to be necessary to assure security of the facilities, or to mitigate environmental, social and economic impacts of facilities to be improved or constructed, and the cost of maintenance and operation of the facilities as limited by this section, shall not be subject to the limitations contained in section 20B of chapter 59 of the General Laws, or in any other general or special law, and shall be paid to the district as required by section 11; but these maintenance and operation costs shall become subject to section 20B of chapter 59 of the General Laws after such facilities have been substantially completed and operated for a period of 3 years.

Approved December 31, 2003.

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