

**HOUSE . . . . . No. 04319**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*John J. Binienda and Michael O. Moore*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act authorizing the Cedar Meadow Lake Watershed District to prolong betterment payments.

\_\_\_\_\_  
PETITION OF:

NAME:

DISTRICT/ADDRESS:

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*John J. Binienda*

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*17th Worcester*

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*Michael O. Moore*

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*Second Worcester*

# HOUSE . . . . . No. 04319

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By Representative Binienda of Worcester and Senator Moore, a joint petition (subject to Joint Rule 12) of John J. Binienda and Michael O. Moore that the Cedar Meadow Lake Watershed District within the town of Leicester be authorized to assess betterments and acquire dams within said town. Revenue.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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An Act authorizing the Cedar Meadow Lake Watershed District to prolong betterment payments.

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

1 Chapter 40N of the General Laws, as appearing in the 2010 official edition, is hereby  
2 amendment by adding after Section 27, the following new section:

3 Section 28: SECTION 1. The Cedar Meadow Lake Watershed District (District) in the Town of  
4 Leicester, duly organized pursuant to Chapter 268, Section 3 of the Acts and Resolves of 1993,  
5 may acquire by gift, purchase, eminent domain or otherwise, a dam located within the Town,  
6 including any real property appurtenant thereto, if such dam and any appurtenant real property is  
7 not at the time of such acquisition owned or held in trust by the Commonwealth. The acquisition  
8 by the District of any dam or real property appurtenant thereto prior to the date of this act is  
9 hereby ratified for purposes of this act and any other lawful purpose. In connection with such  
10 acquisitions the District may, subject to appropriation, repair, reconstruct and make  
11 improvements to a District-owned dam as may be necessary in the judgment of the Management

12 Committee, to maintain, repair or improve such dam, and to seek, accept and expend grants or  
13 gifts for such purposes in accordance with Section 53A of Chapter 44 of the General Laws upon  
14 approval of the Management Committee without further appropriation.

15 SECTION 2. Pursuant to the vote of the members present and voting at a meeting duly called on  
16 May 16, 2012, the District may borrow funds for the purposes authorized in Section 1. Any such  
17 borrowing shall be repaid within 40 years of its date of issue. Except as provided in this act, any  
18 borrowing pursuant hereto shall be subject to the requirements of said Chapter 44, constitute  
19 public improvement for purposes of Chapter 80 of the General Laws and, subject to the approval  
20 of the District pursuant to the vote of the members at a meeting duly called on May 16, 2012, the  
21 Management Committee may assess betterments to pay any and all costs, of or relating to,  
22 acquiring, owning, maintaining or improving such dam and any appurtenant real property in such  
23 amounts as the Management Committee shall determine. Except as otherwise provided by this  
24 act, any betterments so assessed shall be subject to said Chapter 80. Any betterments assessed  
25 pursuant to this act may be apportioned for a maximum term of 40 years.

26 SECTION 3. Notwithstanding any general or special law to the contrary, with respect to  
27 betterment assessments authorized in this act, the District may assess interest on such betterment  
28 assessments at the rate of interest set by the Management Committee provided, however, that no  
29 such rate shall exceed the rates authorized in Section 13 of Chapter 80 of the General Laws, and  
30 provided further that if the Management Committee does not elect to set lower rates as  
31 authorized in this act, the rate shall be established as authorized in said Section 13 of Chapter 80.

32 SECTION 4. Notwithstanding any general or special law to the contrary, the District, its  
33 members, officers or employees shall have no liability for or related to the presence, release or

34 threat of release of oil or any hazardous material with respect to any dam or appurtenant real  
35 property acquired by the District that occurred prior to the date any such dam or appurtenant real  
36 property was acquired by the District.

37 SECTION 5. This act shall take effect upon passage.