

HOUSE No. 4712

The Commonwealth of Massachusetts



CHARLES D. BAKER
GOVERNOR

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COMMONWEALTH OF MASSACHUSETTS
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KARYN POLITO
LIEUTENANT GOVERNOR

July 5, 2018

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3, of the Amendments to the Constitution, I am returning to you for amendment House Bill No. 1101, “An Act Relative to the Membership of the Millbury Redevelopment Authority.”

This bill provides that all five members of the Town of Millbury Redevelopment Authority shall be elected by vote of the Town, which would make an exception to the requirement set by section 5 of chapter 121B of the General Laws and applicable to every other municipality, that the Department of Housing and Community Development (DHCD) may appoint one member of any municipal redevelopment authority.

DHCD has an important role to play in supporting the work of municipalities in pursuing renewal projects under chapter 121B, and making appointments to municipal redevelopment authorities is one way DHCD can fulfill that role. I think it is unwise to approve a law that permanently eliminates DHCD’s ability to make appointments to a municipal redevelopment authority.

The 2016 Municipal Modernization Act recently amended section 5 to address situations where DHCD has not promptly exercised its authority to make an appointment: the amended statute permits a Town Select Board to act on its own to fill such a vacancy if DHCD has not acted within 120 days. In fact, the Millbury Select Board has acted under that provision and has appointed a member to fill the DHCD seat for a term that runs through 2023.

This action by the Select Board has addressed the Town's immediate need to provide for a fully-constituted redevelopment authority, but the Town has expressed concern over the authority's ability to continue to function at full strength during the 120-day period. Accordingly, in order to address this concern, I recommend that the bill be amended by striking out section 1 in its entirety and inserting in place thereof the following section:

SECTION 1. The redevelopment authority of the town of Millbury shall consist of 5 members, and 1 member shall be appointed by the department of housing and community development, as provided by section 5 of chapter 121B of the General Laws. Notwithstanding said section 5 or any other general law to the contrary, if the department of housing and community development should fail to fill a vacancy in the position of that member within 120 days from the date that the vacancy is created, the board of selectmen shall appoint, in writing, a person by a majority vote to fill such vacancy for the unexpired term, provided, however, that the prior appointed member may continue to serve until such time as a successor is appointed.

Respectfully submitted,

Charles D. Baker,
Governor

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In the One Hundred and Ninetieth General Court
(2017-2018)
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An Act relative to the membership of the Millbury Redevelopment Authority.

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

1 see message