

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James H. Fagan

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 relative to the city of Taunton municipal light plant commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James H. Fagan	3rd Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3984 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO THE CITY OF TAUNTON MUNICIPAL LIGHT PLANT COMMISSION.

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. Notwithstanding the provisions of sections three and fifteen of chapter forty of the General Laws or
2 any other general or special law to the contrary, and in addition to any other power conferred by law, the city of
3 Taunton, acting through its municipal light commission, is hereby authorized to lease certain land as described
4 below for the purposes of constructing, operating and maintaining the electric power plant and related facilities as
5 provided in this act to the joint owners as herein described, for a term not to exceed fifty years. Said land may be
6 used for the aforementioned purposes notwithstanding any restrictions or limitations on said land existing by deed or
7 otherwise and shall be subject to exemption from the operation of the applicable zoning ordinances or by-laws
8 pursuant to the provisions of section three of chapter forty-A applicable to public service corporations.
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10 Said land consists of the following parcels located in the city of Taunton.

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12 The property conveyed to the Taunton Municipal Lighting Plant by deed of Daniel W. Cody, Trustee of
13 Railroad Realty Trust, dated September 19, 1988, and recorded with the Bristol county north district registry of
14 deeds in book 3922, page 294;

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16 The property conveyed to the Taunton Municipal Lighting Plant by deed of Jose DaRosa and Louisa
17 DaRosa, dated October 23, 1989, and recorded with the Bristol county north district registry of deeds in book 4272,
18 page 121.

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20 The property conveyed to the city of Taunton and the Taunton Municipal Lighting Plant by deed of Ralph
21 M. Strange, dated April 16, 1964, and recorded with the Bristol county north district registry of deeds in book 1440,
22 page 509.

23
24 The property conveyed to the Taunton Municipal Lighting Plant by deed of Carols DaRosa and Maria J.
25 DaRosa, dated October 24, 1978, and recorded with the Bristol county north district registry of deeds in book 1860,
26 page 23.
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28 The property conveyed to the city of Taunton, for and on behalf of the Taunton Municipal Lighting Plant,
29 by deeds of Antone L. Rose and Mary P. Rose, dated March 1, 1965 and recorded with the Bristol county north
30 district registry of deeds in book 1458, page 33 and by deed dated May 8, 1965, and recorded with the Bristol
31 county north district registry of deeds in book 1461, page 863.

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33 The property conveyed to the Taunton Municipal Lighting Plant, by deed of Richard St. Germain, Lynn
34 St. Germain and Matthew St. Germain, dated March 10, 1989, and recorded with the Bristol county north district
35 registry of deeds in book 4069, page 259.

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37 The property conveyed to the Taunton Municipal Lighting Plant by deed of Princess House, Inc., dated
38 June 5, 1978, and recorded with the Bristol county north district registry of deeds in book 1820, page 263.

39
40 SECTION 2. The provisions of sections thirty-eight A ½ to thirty-eight O, inclusive, of chapter seven of the
41 General Laws, the provisions of section twenty A of chapter nine of the General Laws, the provisions of sections
42 thirty-nine F to thirty-nine R, inclusive, of chapter thirty of the General Laws, the provisions of sections forty-four A
43 to forty-four J, inclusive, of chapter one hundred and forty-nine of the General Laws, and the regulations
44 promulgated under any of such portions of the General Laws or any other provisions of the General Laws governing
45 the procurement by municipal light plants or municipal lighting plant cooperatives of construction and design
46 services, other than the provisions of section twenty-seven and sections twenty-seven A to twenty-seven F,
47 inclusive, of chapter one hundred and forty-nine, if and to the extent otherwise applicable, shall not apply to the
48 design, construction, operation or maintenance of the electric power plant and facilities related or necessary thereto,
49 provided for in this act. Provided however, the provisions of section twenty-seven and sections twenty-seven A to
50 twenty-seven F, inclusive, of chapter one hundred and forty-nine and section fifteen, section seventeen, paragraphs
51 two through four of section eighteen, section nineteen, and section twenty of chapter one hundred and forty-nine A
52 applicable to the design-build method for public works construction projects shall apply to the design and
53 construction of the electric power plant and facilities related or necessary thereto. Notwithstanding the foregoing, as
54 the awarding authority under section fifteen of chapter one hundred forty-nine A, the Taunton Municipal Lighting
55 Plant shall have the right to waive minor informalities and reject any and all bids if it is in the public interest to do
56 so.

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58 SECTION 3. The Taunton Municipal Lighting Plant is hereby authorized to issue revenue bonds for the financing
59 of the costs of the electric power plant and facilities related or necessary thereto, provided for in this act. Such costs
60 includes all costs of the electric power plant and facilities, whether incurred prior to or after the issue of bonds or
61 noted hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction,
62 alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including
63 the cost of acquiring any lands to which said buildings or structures may be moved, financing charges, interest prior
64 to and during the carrying out of the electric power plant services, administrative expenses, reserves for debt service
65 or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds,
66 and all other expenses incidental to the determination of the feasibility of the electric power plant project or to
67 carrying out the electric power plant project or the placing the project in operation. Said revenue bonds shall be
68 governed by, and issued in accordance with the procedures set forth in sections 11 (b) through 11 (e), and sections
69 12 through 22 of chapter one hundred and sixty four A of the General Laws, except as follows:

- 70
71 a) no approval of the department of telecommunications and energy as specified in the foregoing
72 sections of chapter 164A of the General Law shall be necessary in connection with any aspect of the
73 issuance of revenue bonds by the Taunton Municipal Lighting Plant; and
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75 b) wherever the terms “board” and “municipal light board” shall appear in the foregoing sections of
76 chapter 164A of the General Laws, they shall be construed to mean the municipal light commission of
77 the Taunton Municipal Lighting Plant; and
78
79 c) wherever the terms “city or town” shall appear in the foregoing sections of chapter 164A of the General
80 Laws, they shall be construed to mean the city of Taunton.

81
82 SECTION 4. The city of Taunton shall be authorized to finance the costs of the electric power plant and facilities
83 related or necessary thereto as provided for in this act in accordance with the provisions of section 8 of chapter 44;

84 however, the outstanding indebtedness so incurred shall not be subject to the limitation expressed therein of 2.5 per
85 cent of the equalized valuation of the city; and further, no approval of the members of the municipal finance
86 oversight board will be required in connection with the amount of indebtedness to be incurred.

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88 SECTION 5. This act shall take effect upon its passage.