2009 -- H 6144 AS AMENDED

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO THE BURRILLVILLE SEWER COMMISSION

Introduced By: Representatives Pacheco, and Newberry

Date Introduced: April 28, 2009

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

SECTION 1. Sections 2 and 8 of Chapter 25 of the 1974 Public Laws entitled "An Act Authorizing the Town of Burrillville to Plan, Construct, Operate and Maintain a Sewage Disposal System and Authorizing the Financing thereof, including the issue of not more than $7,000,000 bonds therefor" are hereby amended to read as follows:

SECTION 2. There is hereby established a board of sewer commissioners for the town of Burrillville consisting of ~~three~~ five (5) qualified electors of the town. Except as otherwise provided herein, said board of sewer commissioners shall have the power and authority to supervise the planning, construction, operation, maintenance, extension and improvement of the sewage disposal system and to make contracts therefor on behalf of the town, notwithstanding section 2 of the public laws of 1972.

~~Forthwith after the passage of this act, the town council shall appoint three sewer commissioners, one to serve until June 30, 1977, one until June 30, 1978, and one until June 30, 1079, and thereafter until their successors are appointed and take office. Not more than sixty days prior to the expiration of each term, the town council shall appoint a successor for a term of three years from June 30 of the year in which he is appointed and thereafter until his successor is appointed and takes office.~~

Forthwith upon the passage of this act, the town council shall appoint two (2) additional sewer commissioners, one to serve until June 30, 2010, and one until June 30, 2011, and thereafter until their successors are appointed and take office. Not more than sixty (60) days prior

to the end of the term of each member of the commission the town council shall appoint a successor for a term of three (3) years from June 30 of the year in which he/she is appointed. Sewer commission members appointed prior to the effective date of this act shall continue to serve until the end of the term of their appointment.

The board of sewer commissioners may act despite a vacancy on the board but, in the event of any vacancy, the town council shall appoint a commissioner to serve for the unexpired term and thereafter until his successor is appointed and takes office.

Any member of the board may be removed for cause by the town council. Each appointment or removal by the town council shall be by vote of a majority of the whole number thereof, including vacancies therein.

No employee of the town or holder of any other office of the town shall be eligible to serve as a member of the board of sewer commissioners.

The town council may require the members of the board of sewer commissioners to furnish bond for the faithful performance of their duties, in such amounts and with such sureties as the town council may deem desirable. Premiums on surety bonds shall be paid from funds of the board of sewer commissioners.

No contract shall be made by the board of sewer commissioners with any member of the board or with the superintendent of the sewer system (except his contract of employment) or with any member of their immediate families or with any firm or corporation in which the superintendent or any member of the board, together in either case with the members of his immediate family, owns more than one percent of the total proprietary interest, unless such direct or indirect interest of the member or superintendent is set forth in the minutes of a meeting of the board prior to the making of such contract and the member of superintendent abstains, respectively, from voting or acting for the town in making such contract. A violation of this paragraph shall be grounds for avoiding, rescinding or cancelling the contract on such terms as the interests of the town and innocent third parties may require or for the recovery of damages from any party acting in violation of this paragraph.

SECTION 8. ~~The board of sewer commissioners may from time to time prescribe rules and regulations for the connection of estates and buildings with sewers, and for inspection of the materials, the construction, alteration and use of all connections entering into such sewers, and may prescribe penalties not exceeding fifty dollars, for violation of each such rule or regulation. Such rules and regulations shall not be effective prior to their publication in a newspaper of general circulation in the town.~~ Penalties: (A) The board of sewer commissioners may from time to time prescribe rules and regulations for the connection of estates and buildings with sewers,

and for the inspection of materials, the construction, alteration and use of connections entering into such sewers any may prescribe penalties not exceeding five hundred ($500) dollars, or imprisonment for thirty (30) days. Each day of violation shall constitute a separate offense for purposes of a fine.

(B) For a violation of the rules and regulations that is the proximate course of an event that causes a violation of the commission's wastewater discharge permit, the commission may impose a penalty and the cost of collection equal to any fine imposed upon the commission by the Rhode Island department of environmental management or the environmental protection agency.

SECTION 2. This act shall take effect upon passage.

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