

**2013 -- H 5887**

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LC02109  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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A N A C T

RELATING TO AUTHORIZING THE TOWN OF NEW SHOREHAM TO PLAN,  
CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE DISPOSAL SYSTEM AND  
AUTHORIZING THE FINANCING THEREOF INCLUDING THE ISSUE OF NOT MORE  
THAN \$1,750,000 THEREFOR

Introduced By: Representative Donna M. Walsh

Date Introduced: March 19, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. The town of New Shoreham is hereby authorized to plan, Sewage disposal  
2           construct, operate, maintain, extend and improve a sewage disposal system for the town or any  
3           part or parts thereof. Such system may include facilities for collecting, treating and disposal of  
4           sewage and commercial and industrial wastes. The town of New Shoreham, acting by its town  
5           council, may enter into agreements for periods with the state or any other municipal or quasi-  
6           municipal corporation or any private party for the treatment or disposition by one party of sewage  
7           and wastes collected by the other and the state, such other municipal or quasi-municipal  
8           corporations and private parties are authorized to enter into such agreements with the town. Such  
9           agreements may be for a period of years or of permanent duration and may provide for the  
10          arbitration of disputes arising thereunder.

11          SECTION 2. There is hereby established a board of sewer commissioners for the town of  
12          New Shoreham consisting of five qualified electors of the town. Except as otherwise provided  
13          herein, said board of sewer commissioners shall have power and authority to supervise the  
14          planning, construction, operation, maintenance, extension and improvement of the sewage  
15          disposal system and to make contracts therefor on behalf of the town.

16          Forthwith after the effective date of this section, the town council, shall appoint five  
17          sewer commissioners, one to serve until May 1, 1973, one until May 1, 1974, one to serve until

1 May 1, 1975, one to serve until May 1, 1976, and one until May 1, 1977, and thereafter until  
2 their successors are appointed and take office. Not more than sixty days prior to the expiration of  
3 each term the town council shall appoint a successor for a term of five years from such expiration  
4 and thereafter until his successor is appointed and takes office.

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

8 Any member of the board may be removed for cause by the town council.

9 Each appointment or removal by the town council shall be by vote of a majority of the  
10 whole number thereof, including vacancies therein.

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

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

26 SECTION 3. Forthwith after the appointment of the original board of sewer  
27 commissioners and after the appointment and taking office of a member upon the expiration of a  
28 term, the board shall appoint a chairman from among the members of the board and shall appoint  
29 a secretary, who need not be a member of the board, or designate the town clerk as a secretary.  
30 The chairperson shall preside at meetings of the board and the secretary shall keep the records of  
31 the meetings of the board. The board may designate other officers and assistant officers with such  
32 powers and for such terms as the board may determine but the board may at any time remove any  
33 such other officers and assistant officers with or without cause, subject to any damages which  
34 may be payable for cancellation of a contract with the superintendent as authorized below.

1 The board may adopt by-laws or rules for the transaction of its affairs.

2 SECTION 4. The board of sewer commissioners may employ and fix the compensation  
3 of attorneys, engineers, surveyors, draftsmen, clerks and other employees and agents. The board  
4 may appoint a superintendent of the sewage disposal system and contract for his services but no  
5 such contract shall be for a term of more than five years. The board may require a surety bond of  
6 any of its agents and employees. The premiums shall be paid from funds of the board.

7 Each of the commissioners may be compensated for his services at the rate to be  
8 determined by the town council. The secretary, if not a member of the board or the town clerk  
9 acting by designation, may be compensated at a rate determined by the board.

10 SECTION 5. ~~Section 5. Any contract of the board involving more than \$1,000 for~~  
11 ~~construction or for the purchase of materials or equipment shall be publicly advertised.~~

12 Section 5. Any contract of the board involving more than ten thousand dollars  
13 (\$10,000,000) for construction or five thousand dollars (\$5,000) for the purchase of materials or  
14 equipment shall be publicly advertised pursuant to 45-55-9.

15 All funds of the board shall be held in the custody of the town treasurer and shall be  
16 expended by or under the direction of the board.

17 In addition to the funds hereinafter provided, the board is authorized to expend for the  
18 purposes of this act such sums as may be appropriated therefor by the town.

19 In carrying out the purposes of this act, the board of sewer commissioners may lease  
20 property or acquire the same by purchase or gift or by eminent domain as hereinafter provided,  
21 may make contracts and shall have such further powers as shall be necessary or incidental to the  
22 purposes and powers set forth in this act. Any lease, purchase or taking of real property shall be  
23 subject to authorization or approval of the town council.

24 SECTION 6. The initial cost of any project or projects for the construction, completion,  
25 extension, enlargement or improvement of the sewage disposal system may be shared between  
26 the abutting property owners and all the taxpayers of the town of New Shoreham in the following  
27 manner. The board of sewer commissioners shall, to the extent described below assess the cost of  
28 any project or projects for the construction, completion, extension, enlargement or improvement  
29 of the sewage disposal system upon the owners of the estates which abut that portion of any street  
30 or highway in or along which any sewer constituting any portion of such project or projects may  
31 be located or which otherwise specially benefit from such project or projects. Such assessment  
32 may be made separately for each project or for several projects taken together as the board of  
33 sewer commissioners may deem equitable.

1 SECTION 1. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO AUTHORIZING THE TOWN OF NEW SHOREHAM TO PLAN,  
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1           This act would mandate the board of sewer commissioners for the town of New  
2 Shoreham to publically advertise any contract involving more than ten thousand dollars (\$10,000)  
3 for construction or five thousand dollars (\$5,000) for the purchase of materials.

4           This act would take effect upon passage.

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