

HOUSE No. 3816

The Commonwealth of Massachusetts

PRESENTED BY:

Steven George Xiarhos

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 adoption of the accompanying bill:

An Act relative to wastewater treatment and disposal in the town of Sandwich.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>1/26/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>1/26/2023</i>

HOUSE No. 3816

By Representative Xiarhos of Barnstable, a petition (accompanied by bill, House, No. 3816) of Steven George Xiarhos and Susan L. Moran (by vote of the town) relative to wastewater treatment and disposal in the town of Sandwich. Environment and Natural Resources. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to wastewater treatment and disposal in the town of Sandwich.

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 any general or special law to the contrary, the town of
2 Sandwich may enter into a contract for wastewater treatment and disposal services for a term not
3 to exceed 99 years with the private operator of the wastewater treatment and disposal facilities
4 located at Joint Base Cape Cod. The contract shall not be subject to the public bidding
5 requirements of chapter 30B of the General Laws. The treatment and disposal facilities are
6 located in the towns of Sandwich and Bourne on land owned in part by the federal government
7 and in part by the commonwealth and subject to a lease between the commonwealth and the
8 federal government acting through the secretary of the United States Air Force. A private
9 operator has entered into an exchange agreement with the United States Air Force in which, the
10 ownership of the wastewater treatment and disposal facilities has been transferred to the private
11 operator.

12 SECTION 2. The town of Sandwich may acquire and the commonwealth may grant to
13 the town of Sandwich, an easement or other interest in the land or wastewater treatment and
14 disposal facilities located on Joint Base Cape Cod for the purpose of securing access and a
15 property interest in all or a portion of such facilities utilized to provide wastewater treatment and
16 disposal facilities on behalf of the town.

17 The town of Sandwich may acquire an access easement for sewer transmission lines from
18 the town of Mashpee. Any such easement or other interest in land granted to the town of
19 Sandwich pursuant to this act shall cause the town of Sandwich to have an ownership interest in
20 any wastewater treatment and disposal facilities constructed within the area of such easement or
21 other interest in land, for purposes of chapter 29C of the General Laws.

22 SECTION 3. Notwithstanding any general or special law or regulation to the contrary,
23 any capital contribution made by the town of Sandwich for improvements to the Joint Base Cape
24 Cod wastewater treatment and disposal facilities that are constructed for the purpose of obtaining
25 treatment and disposal capacity to serve the needs of the town of Sandwich shall be eligible for
26 funding under chapter 29C of the General Laws and the town may incur debt for a term of not
27 more than 30 years for the purposes of this act. Any such debt shall be excluded from the
28 limitation on indebtedness set forth in section 10 of chapter 44 of the General Laws. Except as
29 otherwise provided herein, any debt issued by the town of Sandwich for the purposes of this act
30 shall be subject to the provisions of chapter 44 of the General Laws.

31 SECTION 4. The town of Sandwich may enter into 1 or more inter-municipal agreements
32 pursuant to section 4A of chapter 40 of the General Laws or joint powers agreements pursuant to
33 section 4A½ of chapter 40 of the General Laws with the towns of Barnstable, Bourne, Falmouth,

34 and Mashpee or any other governmental unit for wastewater treatment and disposal services at
35 the facility.

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