

Stephen Barrett

From: Nancy Tavernier
Sent: Wednesday, January 09, 2008 5:29 PM
To: Stephen Barrett
Subject: statute

Hi Steve,

Can you give me the statutory citation for gift funds such as New View? We need to accurately define the gift funds. This is what I think it is: Chapter 44, Section 53A . Thanks.

Nancy

not negotiable; and all coupons thereof, as they are paid, shall be cancelled. -

Historical and Statutory Notes

St.1875, c. 209, § 5.
P.S.1882, c. 29, § 11.
St.1894, c. 146.
R.L.1902, c. 27, § 15.
St.1915, c. 85, § 4.

§ 49. Issuance of new bonds

If, when bonds payable from the sinking fund become due, the sinking fund commissioners of a city hold any other bonds of the city not due and payable, which have been stamped as the property of said sinking fund and are not negotiable, they shall so certify to the mayor and request that new bonds be issued to them by the city in lieu of the bonds not due. If the mayor is satisfied that there is occasion therefor, he shall cause new bonds to be prepared, bearing the same rate of interest, and payable as to principal and interest on the same dates as the bonds to be surrendered, and identical in terms therewith; and when executed by him and the city treasurer and approved by the committee on finance of the city council, they shall be issued to such commissioners on the surrender by them to the city treasurer and the cancellation of such former bonds. Such cancellation and new issue shall be entered in full on the books of the city treasurer.

Historical and Statutory Notes

St.1895, c. 243.
R.L.1902, c. 27, § 16.

§ 50. Repealed, 1921, 486, Sec. 12

§ 51. Repealed, 1938, 458

§ 52. Issuance of bonds in exchange for bearer instruments

A county, city, town or district, or any domestic corporation, which shall have issued any bond, note or certificate of indebtedness payable to bearer, held by the sinking fund commissioners of any city, town or district, shall, at the request of such commissioners, issue in exchange therefor a bond, note or certificate of the same effect, payable to such commissioners by name; provided, that the city, town or district desiring such exchange shall, if requested, furnish the blank form for the bond, note or certificate therefor in the same general form as that furnished by the commonwealth under section thirty-nine of chapter twenty-nine.

Historical and Statutory Notes

St.1912, c. 377, § 1.
St.1915, c. 85, § 4.
St.1916, c. 152.
St.1917, c. 116, §§ 1, 2.

MISCELLANEOUS PROVISIONS

§ 53. City, town or district funds; use and disposition

All moneys received by any city, town or district officer or department, except as otherwise provided by special acts and except fees provided for by statute, shall be paid by such officers or department upon their receipt into the city, town or district treasury. Any sums so paid into the city, town or district treasury shall not later be used by such officer or department without specific appropriation thereof; provided, however, that (1) sums allotted by the commonwealth or a county to cities or towns for highway purposes and sums allotted by the commonwealth to cities, towns or districts for water pollution control purposes shall be available therefor without specific appropriation, but shall be used only for the purposes for which the allotment is made or to meet temporary loans issued in anticipation of such allotment as provided in section six or six A, (2) sums not in excess of twenty thousand dollars recovered under the terms of fire or physical damage insurance policy and sums not in excess of twenty thousand dollars received in restitution for damage done to such city, town or district property may be used by the officer or department having control of the city, town or district property for the restoration or replacement of such property without specific appropriation and (3) sums recovered from pupils in the public schools for loss of school books or paid by pupils for materials used in the industrial arts projects may be used by the school committee for the replacement of such books or materials without specific appropriation.

Amended by St.1960, c. 592, § 3; St.1962, c. 246; St.1967, c. 46, § 7; St.1968, c. 598, § 2; St.1970, c. 525; St.1972, c. 88; St.1972, c. 766, § 4; St.1978, c. 367, § 70A; St.1980, c. 169; St.1984, c. 181; St.1992, c. 62.

Historical and Statutory Notes

St.1920, c. 591, § 7.
St.1926, c. 205.

§ 53A. Grants and gifts; acceptance and expenditure

An officer or department of any city or town, or of any regional school or other district, may accept grants or gifts of funds from the federal govern-

ment and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof, and in the case of any grant or gift given for educational purposes may expend said funds for the purposes of such grant or gift with the approval of the school committee, and in the case of any other grant or gift may expend such funds for the purposes of such grant or gift in cities having a Plan D or Plan E form of government with the approval of the city manager and city council, in all other cities with the approval of the mayor and city council, in towns with the approval of the board of selectmen, and in districts with the approval of the prudential committee, if any, otherwise the commissioners. Notwithstanding the provisions of section fifty-three, any amounts so received by an officer or department of a city, town or district shall be deposited with the treasurer of such city, town or district and held as a separate account and may be expended as aforesaid by such officer or department receiving the grant or gift without further appropriation. If the express written terms or conditions of the grant agreement so stipulate, interest on the grant funds may remain with and become a part of the grant account and may be expended as part of the grant by such officer or department receiving the grant or gift without further appropriation. Any grant, subvention or subsidy for educational purposes received by an officer or department of a city, town or school district from the federal government may be expended by the school committee of such city, town or district without including the purpose of such expenditure in, or applying such amount to, the annual or any supplemental budget or appropriation request of such committee; provided, however, that this sentence shall not apply to amounts so received to which section twenty-six C of chapter seventy-one of the General Laws, and chapter six hundred and twenty-one of the acts of nineteen hundred and fifty-three, as amended, and chapter six hundred and sixty-four of the acts of nineteen hundred and fifty-eight, as amended, apply; and, provided further, that notwithstanding the foregoing provision, this sentence shall apply to amounts so received as grants under the Elementary and Secondary Education Act of 1965, (Public Law 89-10).¹ After receipt of a written commitment from the federal government approving a grant for educational purposes and in anticipation of receipt of such funds from the federal government, the treasurer, upon the request of the school committee, shall pay from the General Fund of

such municipality compensation for services rendered and goods supplied to such federal grant programs, such payments to be made no later than ten days after the rendition of such services or the supplying of such goods; provided, however, that the provisions of such federal grant would allow the treasurer to reimburse the General Fund for the amounts so advanced.

Added by St.1964, c. 99. Amended by St.1967, c. 46, § 8; St.1967, c. 388, § 1; St.1983, c. 331; St.1984, c. 74; St.1986, c. 203; St.1986, c. 651, § 3.

¹ 20 U.S.C.A. § 236 et seq.; see, also, 20 U.S.C.A. § 2701 et seq.

§ 53A½. Gifts of tangible personal property; acceptance

A city council, with the mayor's approval if the charter so provides, or a board of selectmen or town council may, in its sole discretion and authority, accept gifts of tangible personal property on behalf of the city or town from the federal government, a charitable foundation, private corporation, individual, or from the commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, use said gifts, without specific appropriation thereof, for the purpose of such a gift or, if no restrictions are attached to the gift, for such other purposes as it deems advisable.

Added by St.2000, c. 274.

§ 53B. Contributions by commonwealth; application to indebtedness

Any sums allotted and paid by the commonwealth to a city, town or district as a contribution towards the cost of a useful public works project, the state's share of the cost of which project was financed from the proceeds of a loan issued by such city, town or district, shall be applied towards the payment of such indebtedness.

Added by St.1968, c. 598, § 3.

§ 53C. Deposit and expenditure of compensation for off-duty or special detail work; appropriation for special fund; fee

All money received by a city, town or district as compensation for work performed by one of its employees on an off-duty work detail which is related to such employee's regular employment or for special detail work performed by persons where such detail is not related to regular employment shall be deposited in the treasury and shall be kept in a fund separate from all other monies of such city, town or district and, notwithstanding the pro-

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Planning Department

INTERDEPARTMENTAL COMMUNICATION

To: Don P. Johnson, Town Manager **Date:** August 26, 1996
From: Roland Bartl, AICP, Town Planner
Subject: New View Affordable Housing Contribution

New View Development Corporation has donated \$100,000 to the Town. This donation is in fulfillment of condition 3.7.c) of the Special Permit issued by the Planning Board on August 22, 1994. Condition 3.7.c) reads:

"The Applicant shall donate to the Town of Acton the sum of \$100,000 to be dedicated solely towards the development of affordable housing in the Town of Acton."

You have asked about the dedication of the gift. The special permit was granted in accordance with Section 9 (PCRC) and 4.4 (Affordable Housing Overlay District) of the Zoning Bylaw. Under Section 4.4 New View was allowed a density increase in return for providing affordable housing. New View provided one affordable dwelling unit on site as per Section 4.4.3.1 - Option 3. In addition, New View had to donate \$100,000 to the Town under Section 4.4.3.1 - Option 4, which the Town has now received. The relevant sentences of Section 4.4.3.1 - Option 4 read:

"Cash payment to the Town of Acton or its designee in lieu of providing AFFORDABLE DWELLING UNITS. . . . Such cash payment shall be reserved solely for the purpose of the purchase, rehabilitation and/or construction of LOW-INCOME and MODERATE-INCOME housing."

I hope this will help you and the Board of Selectmen in determining how to dedicate the gift.

cc: Planning Board
Betty McManus

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