

Chap. 76. AN ACT AUTHORIZING THE ESTABLISHMENT OF
THE GERIATRIC AUTHORITY OF MILFORD AND PROVIDING FOR THE FINANCING THEREOF.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared that the establishment of a Geriatric Authority in the town of Milford to shelter and protect and provide service to the aging and infirm who can continue to reside in the community but may be in need of activities and services provided for at or by the Public Medical Home of Milford and such social welfare and health programs in the community relating to the care of the aging is a public purpose. It is further declared that the lack of properly constructed dwelling units designed specifically to meet the needs of elderly and infirm persons aggravates those diseases peculiar to the elderly.

SECTION 2. There is hereby established a public body corporate and politic to be known as the Geriatric Authority of Milford, hereinafter referred to as the authority, which shall own, maintain and operate the Municipal Public Medical Home of Milford and any other facilities which may be established by the authority in accordance with the powers conferred by this act. The exercise by the authority of the powers conferred by this act shall be deemed and held to be the performance of essential governmental functions.

SECTION 3. Said authority shall consist of seven members to be appointed by the board of selectmen and who shall serve for a term of three years. Of the members first appointed by the board of selectmen, two shall serve for a term of one year, two for a term of two years, and three for a term of three years. Any member may be removed from office by vote of the board of selectmen for cause. The authority shall hold at least twelve

meetings in every calendar year, and a majority of the members shall constitute a quorum for each meeting.

SECTION 4. The authority shall have the general management and control of the Milford Public Medical Home and any branches thereof which have been or which may hereafter be established, and of the expenditure of the money appropriated for the operation thereof. The authority may appoint an administrator with such assistant and subordinate officers and other employees as it may deem necessary or expedient. The authority shall have jurisdiction of its affairs and the property under its control. The authority shall establish and enforce all necessary rules and regulations for the administration, admission, government, and removal of residents in the Milford Public Medical Home and any other such facility which it may control. The authority shall have charge and control of all its financial receipts and expenditures. The authority shall reimburse said town annually the amount of principal and interest paid by said town after the effective date of this act, on bonds and notes issued by said town pursuant to section ten A or earlier issued by said town for the construction of the existing medical home facilities.

SECTION 4A. All persons holding a position of employment appointed by, or holding by, through or under the Milford Public Medical Home are hereby transferred to, and made employees of the authority without reduction in their rank or compensation, or impairment of their retirement, vacation, holiday, or sick leave rights and other rights in the position held by them on July first, nineteen hundred and eighty-two. All positions of employment appointed by, or holding by, through or under the authority, shall be exempt from the provisions of chapter thirty-one of the General Laws; provided, however, that the provisions of this act shall not impair the civil service status of any person holding a position with said status on the effective date of this act.

SECTION 5. The members of the authority shall elect a chairman, a vice-chairman, secretary and treasurer who shall serve for a term of one year, or until their successors are elected. Said election shall be held annually during the month of July.

SECTION 6. The following standing committees shall be appointed by the chairman with the approval of the members: budget and finance, medical, personnel, social and volunteer service. The chairman shall be a member ex-officio of all committees.

SECTION 7. The chairman shall preside at all meetings of the authority. He shall appoint the chairman of all standing and special committees and shall maintain general supervision over all the affairs of the authority. He shall, together with the treasurer, execute and deliver for, on behalf and in the name of the authority, all instruments which may be required for the proper prosecution of its

business. In the absence or inability of the chairman to perform his duties, his duties shall be performed by the vice-chairman. The secretary shall attend all meetings of the authority and shall record the proceedings thereof in a book provided for such purpose. The treasurer shall attend all meetings of the authority. He shall have custody of the funds of the authority and shall keep and maintain complete records of all financial transactions and shall carry a complete record of all accounts. The treasurer shall cause books to be kept containing a detailed account of all funds received and expended, and shall make quarterly reports to the town accountant of funds received and expended.

SECTION 8. The authority shall have the following powers and duties:

(a) To adopt a seal, and the engraved or printed facsimile of such seal appearing on any bond, note, or other instrument of the authority shall have the same effect as though such seal were impressed thereon.

(b) To sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued.

(c) With its own funds, or with the appropriation of necessary funds by the town of Milford at a town meeting, to acquire within said town, by purchase or gift, or eminent domain under chapter seventy-nine, chapter seventy-nine A, or chapter eighty A of the General Laws, or by lease or otherwise, any land or buildings or interests in land, air or water for the purposes of the authority, and to plan, design, acquire, construct, reconstruct, improve, extend, equip, repair, maintain, and operate geriatric facilities, which may include, but not be limited to, hospital, nursing home and sheltered living facilities, as such terms are defined in section one of chapter one hundred and twenty-one B of the General Laws, and community facilities designed to meet the need of the elderly, to acquire personal property necessary in connection with the foregoing, and to lease geriatric facilities, either as lessee or lessor, provided: that any lease agreements shall be subject to approval by vote of the board of selectmen of the town, that any major construction, reconstruction, or extension, totaling one hundred thousand dollars or more, not requiring the issuance of bonds or notes

shall be subject to approval by two-thirds vote of said town meeting, and that any acquisition of real property shall be subject to approval of two-thirds vote of the town meeting.

(d) To dispose of any real or personal property of the authority which is no longer needed for its purposes by sale or otherwise provided that no real property shall be disposed of by the authority without approval of two-thirds vote of said town meeting.

(e) To maintain an office at such place or places within said town as it may determine.

(f) To receive and disburse funds for any of its purposes and to maintain financial reserves.

(g) To receive and apply any grants or gifts for its purposes.

(h) To make and enforce such rules and regulations as may, in the judgment of the authority, be necessary or desirable for the efficient operation of any geriatric facility or geriatric system within its jurisdiction, control, and supervision, and for accomplishing the purposes of this act.

(i) To issue temporary notes, from time to time, in the name and upon the full faith and credit of the authority in anticipation of revenue to be received from any source in an amount not to exceed two hundred thousand dollars outstanding at any time and in such greater amount as may be approved from time to time by a two-thirds vote of a town meeting of said town, provided that the aggregate amount of notes outstanding at any time under this section shall not exceed one-half of the authority's ordinary operating revenues of the previous fiscal year. The proceeds of such notes shall be used to pay current operating expenses only but no purchaser of such notes shall be in any way responsible for the proper application of such proceeds. Each such loan shall be payable no later than one year from its date. Temporary notes issued under this clause for shorter periods than permitted hereby may be refunded from time to time by the issue of other temporary notes maturing within the required period. Temporary notes may be issued pursuant to this clause by the chairman and the treasurer whenever they are so authorized by the authority, and said chairman and treasurer shall determine the form, interest rate and other details of such notes and shall sign such notes.

(j) To employ and fix the compensation of such consulting and other engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees

and agents as it may deem necessary or incidental to the performance of its duties and the execution of its powers under this act.

(j<) When authorized by a vote of the board of selectmen of said town, in its own name or in the name of the town, to enter into agreement with the federal government relative to the acceptance of grants or borrowing of funds for any project which the authority is authorized to undertake, and containing such covenants, terms and conditions as the authority, with like approval, may deem desirable, and, pursuant to any such agreement, to borrow funds from the federal government or from any qualified lender under a federally funded, guaranteed or insured lending program, upon the security of its bonds, notes or other evidences of indebtedness, and to secure the same by mortgages upon property held or to be held by it, or by pledge of its revenues.

(0 To call upon the various departments, authorities, boards, and commissions of said town for the purposes of assisting in making investigations and in effecting the design, construction, and operation of geriatric facilities, and the authority shall arrange for payment for such services and expenses of said agencies in connection therewith.

(m) To organize and control the activities of such nonprofit corporations as may be necessary and appropriate to receive loans and grants from the federal or state government or from any nonprofit agency for the purposes of this act, provided that the trustees of any such nonprofit corporation shall be the same persons who hold office as members of the authority. The organization of any such nonprofit corporation shall require approval by two-thirds vote of the board of selectmen of said town and any action of such nonprofit corporation which if taken by the authority would require approval under this act shall require like approval.

(r0 To do all acts and things necessary or convenient to carry out the provisions of this act.

SECTION 9. Any bonds, notes, or certificates of indebtedness of the authority, in the absence of an express recital to the contrary of the face thereof, shall constitute negotiable instruments for all purposes. They may be payable from the income of the authority or constitute a general obligation thereof, may be sold at not less than par, at public or private sale, may mature at such time or times, may be secured in such manner, may provide for such rights and remedies upon their default, may contain such other covenants, terms and conditions not inconsistent with law, may be executed by such officers, and may be issued with or without the corporate seal, all as may be authorized either by vote of the authority or by the officers to whom the power to determine any or all the matters set forth in this

sentence may be expressly delegated by vote of the authority. The engraved or printed facsimile of the seal of the authority on its bonds, notes, or certificates of indebtedness shall have the same validity and effect as if such seal were impressed thereon. Whenever a bond, note or certificate of indebtedness is required to bear the signatures of two or more officers, it shall be sufficient if the signature on any one of such officers upon such instrument is a written signature and the remaining signature or signatures are engraved, printed, or stamped facsimile signatures; provided, that each officer whose facsimile signature appears on such instrument has, by a writing bearing his written signature and filed in the office of the secretary of the authority, authorized the officer whose written signature appears on such instrument to cause such facsimile to be placed thereon. The facsimile signature of any officer so engraved, printed or stamped thereon shall have the same validity and effect as his written signature. In case any officer whose signature or a facsimile thereof appears on any notes, bonds, or coupons shall cease to be such officer before the delivery of such notes or bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

The bonds, notes, and certificates of indebtedness of the authority issued under this act including temporary notes issued under clause (p of section eight their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the commonwealth. The bonds of the authority issued under this act shall be legal investments for the deposits and the income derived therefrom of savings banks, for the trust funds of trust companies, for the capital and other funds of insurance companies, and for funds over which the commonwealth has exclusive control.

SECTION 10. The employment of any employees of the authority shall be included in the term "employment" as used in sections one to eleven, inclusive, of chapter one hundred and fifty-one A of the General Laws, and the authority is authorized to become liable for payments instead of contributions and otherwise to comply with the provisions of subsection (o) of section fourteen of said chapter. Employees of the authority are hereby made eligible to participate in the contributory

retirement system under chapter thirty-two of the General Laws, and the group insurance plan under chapter thirty-two B of the General Laws, if authorized by the authority, to the same extent as if they are employees, as defined in section one of said chapter thirty-two and section two of said chapter thirty-two B of the town of

Milford. Notwithstanding any general or special law or rule or regulation to the contrary, the authority shall be required to pay to the Milford retirement system by June first of each fiscal year, an amount of money equal to the total amount paid by said retirement system to retired employees of the Milford Medical Home or the authority. Such payment shall be in lieu of any other payment, charge or assessment required of the authority pursuant to chapter thirty-two of the General Laws. Employee contributions shall be withheld from the wages of eligible employees and paid to the Milford retirement system, as required by law.

SECTION 10A. For the purposes of this act, the town may from time to time issue bonds or notes to an amount not exceeding, in the aggregate, ten million dollars. Such bonds or notes shall bear on their face the words, Milford Public Medical Home Authority of Milford Loan, Act of 1982. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred from time to time under this act shall be outside the statutory limit of indebtedness described in section ten of chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof. The proceeds of such bonds or notes shall be paid over to the treasurer of the authority, to be used for the purposes of this act, upon such terms and conditions as said town and the authority shall mutually agree.

SECTION 10B. The town shall not assess any tax upon the geriatric facility or geriatric system or part thereof, or upon the income therefrom but payment shall be made to the town of Milford in lieu of taxes. Such payment shall be made on April first of each year and shall be that amount arrived at by applying the then current tax rate of said town for commercial real estate to sixty-five per cent of the assessed valuation of the real estate of the authority assessed as commercial property. By January first of each year, the board of assessors shall certify in writing to the authority the assessed valuation of all real property of the authority to be utilized in calculating the next payment due under this section. If aggrieved by any such valuation, the authority may appeal therefrom in accordance with the procedures set forth in chapter fifty-nine of the General Laws. Nothing contained in this act shall exempt any lessee or person in possession of a geriatric facility or part thereof, or the property leased or possessed from taxes or assessments payable under the General Laws.

SECTION IOC. This act shall be construed in all respects to meet constitutional requirements. If any provision is held invalid in any circumstances, such invalidity shall not affect any other provision or circumstance. In carrying out this act, all things shall be done which are necessary to meet constitutional requirements, whether or not such things are otherwise required by statute.

SECTION 100. For purposes, of chapter two hundred and sixty-eight A of the General Laws, the authority shall be a municipal agency, and without limiting the power of the board of selectmen of said town to classify additional special municipal employees pursuant to said chapter, each member of the authority, and any person who performs professional services for the authority in a part-time intermittent or consultant basis, shall be considered a special municipal employee.

SECTION 11. This act shall take effect upon its passage.

Approved May 20, 1982.

Acts (2004)

Chapter 23

AN ACT RELATIVE TO THE GERIATRIC AUTHORITY OF THE TOWN OF MILFORD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the Geriatric Authority of Milford, established by chapter 76 of the acts of 1982, may participate with the town of Milford in the town's liability claims and insurance fund and municipal buildings and Property Insurance Fund, authorized by chapter 307 of the acts of 1986, upon such terms and conditions as may be agreed upon by the authority and the board of selectmen of the town of Milford.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 2004.

Acts (2004)

Chapter 489

AN ACT INCREASING THE BORROWING LIMIT OF THE TOWN OF MILFORD FOR THE FUNDING OF THE GERIATRIC AUTHORITY OF MILFORD.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for increased borrowing authority for the town of Milford for the purpose of funding the Geriatric Authority of Milford, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 10A of chapter 76 of the acts of 1982 is hereby amended by striking out, in line 3, the words "ten million dollars" and inserting in place thereof the following figure:- \$25,000,000.

Approved January 6, 2005.

Acts (2010)

Chapter 416

AN ACT RELATIVE TO THE GERIATRIC AUTHORITY OF THE TOWN OF MILFORD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 2 of chapter 76 of the acts of 1982 is hereby amended by adding the following sentence:- The authority may do business under the name of Countryside Health Care of Milford, if considered appropriate by the authority, upon the filing of a certificate with the town clerk of the town of Milford pursuant to section 5 of chapter 110 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

Approved, January 5, 2011.

BILL H.3996

191st (2019 - 2020)

AN ACT ELIMINATING THE REQUIREMENT FOR THE GERIATRIC AUTHORITY TO MAKE PAYMENT TO THE TOWN OF MILFORD IN LIEU OF TAXES

By Mr. Murray of Milford, a petition (accompanied by bill, House, No. 3996) of Brian W. Murray (by vote of the town) that the town of Milford be authorized to eliminate the requirement for the Milford Geriatric

Bill Information

Presenter:

Brian W. Murray

City/Town:

Milford (Local Approval Received)

Displaying 4 actions for Bill H.3996

Date	Branch	Action
7/24/2019	House	Referred to the committee on Revenue
7/29/2019	Senate	Senate concurred
9/18/2019	Joint	Hearing scheduled for 09/24/2019 from 01:00 PM-04:00 PM in B-2
2/27/2020	House	Bill reported favorably by committee and referred to the committee on House Steering, Policy and S

SECTION 1. Chapter 76 of the acts of 1982 is hereby amended by striking out section 10B and inserting in place thereof the following section:

10B. The town shall not assess any tax upon the geriatric authority or geriatric system or part thereof, or upon the income therefrom.

SECTION 2. The town of Milford shall forgive any payments in lieu of tax due and payable by the geriatric authority or geriatric system pursuant to chapter 76 of the acts of 1982, which have not been paid as of the effective date of this act.

SECTION 3. This act shall take effect upon its passage.