

Chapter 143

MASSACHUSETTS BROWNFIELDS ACT - TAX AGREEMENTS

The Town of Hull is authorized, pursuant to Massachusetts General Laws, Chapter 59, Section 59A, as amended, to enter into agreements regarding payment or abatements of real estate taxes, and/or interest and/or penalties relative to sites or portions of sites within the Town of Hull, from or at which there has been a release of oil or hazardous materials. The following are necessary conditions and components of any such agreement:

- (a) the site or a portion thereof must be one from, or at which, there has been a contaminated release of oil or hazardous material;
- (b) the site or a portion thereof is zoned for commercial or industrial uses;
- (c) the agreement must be for the purpose of continuing environmental cleanup and redevelopment of such site, and may require submission of plans, environmental reports and such other documents as may be requested by the town;
- (d) the agreement must provide:
 - (i) the principal amount due of outstanding taxes, interest and penalties, before abatement of any amount thereof;
 - (ii) the amount of taxes, interest and penalties to be abated, if any;
 - (iii) the net amount of taxes, interest and penalties due after abatement;
 - (iv) the percent of interest to accrue, if determined applicable;
 - (v) the inception date and amount of payments;
 - (vi) the date of final payment; and
 - (vii) late penalties and other contractual obligations, terms of repayment as agreed between the parties.
- (e) agreements can only be made with an eligible owner as defined in M.G.L. Chapter 21E, section 2. Eligible owners are new, "innocent" purchasers who did not own the site at the time the oil or hazardous material was released and did not cause or contribute to its release;
- (f) agreements shall be negotiated by the Town Manager with the assistance of the Town Treasurer, Town Counsel and Chairman of the Board of Assessors or the board's designated representative;
- (g) agreements shall be subject to a vote of approval by the Board of Selectmen and shall be effective when approved and signed by the Chairman of the Board of Selectmen;

- (h) when approved, agreements as required by M.G.L. Chapter 59, section 59A, shall be signed by the eligible property owner and the Chair of the Board of Selectmen and shall be notarized by the property owner and Chair of the Board of Selectmen and recorded with the Plymouth County Registry of Deeds or Land Court, as appropriate;
- (i) agreements shall be notarized and attested to by the Town Clerk;
- (j) agreements shall contain any other provisions as may be required by law, ordinance or regulation of the Department of Revenue;
- (k) in the event any agreement reduces the tax to be paid, abatements must be processed and charged to the overlays for the fiscal years of the taxes abated;
- (l) copies of executed agreements shall be provided to the property owner, the Board of Selectmen and the following state and federal agencies; Massachusetts Department of Revenue (Property Tax Bureau), Massachusetts Department of Environmental Protection and United States Environmental Protection Agency and such other agencies and boards as may be determined by the Town Manager.