

HOUSE No. 2388

By Mr. Pickford of Clinton, petition of Henry W. Pickford for establishment of the Morningdale water district in the town of Boylston. Water Supply.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Nine.

AN ACT ESTABLISHING THE MORNINGDALE WATER DISTRICT IN THE TOWN OF BOYLSTON.

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. The inhabitants of the town of Boyls-
2 ton, liable to taxation in said town and residing within
3 the territory comprised within the following boundary
4 lines, to wit:—beginning at a point on the easterly
5 boundary of Sewall street opposite South road, thence
6 southerly following Sewall street to the Shrewsbury
7 line; thence westerly following Shrewsbury, Boylston
8 line to the West Boylston line; thence northerly
9 following West Boylston, Boylston line to a point
10 due west of South road; thence due east to Sewall
11 street following South road to the point of beginning;
12 — shall constitute a water district, and are hereby
13 made a body corporate by the name of the Morning-
14 dale water district of Boylston, hereinafter called
15 the district, for the purpose of supplying themselves

16 with water for the extinguishment of fires and for
17 domestic and other purposes, with power to establish
18 fountains and hydrants and to relocate and discon-
19 tinue the same, to regulate the use of such water
20 and to fix and collect rates to be paid therefor, for
21 assessing and raising taxes as provided herein for the
22 payment of such services, and for defraying the
23 necessary expenses of carrying on the business of said
24 district, subject to all general laws now or hereafter
25 in force relating to such districts, except as otherwise
26 provided herein. Said district shall have power to
27 prosecute and defend all actions relating to its property
28 and affairs.

1 SECTION 2. For the purposes aforesaid, said dis-
2 trict, acting by and through its board of water com-
3 missioners hereinafter provided for, may contract
4 with the city of Worcester, or any other town or city
5 or the Metropolitan district commission, acting
6 through its water department, or with any water
7 company, or with any other water district, for what-
8 ever water may be required, authority to furnish the
9 same being hereby granted, and/or may take under
10 chapter seventy-nine of the General Laws, or acquire
11 by purchase or otherwise, and hold, the waters, or
12 any portion thereof, of any pond or stream, or of any
13 ground sources of supply by means of driven, arte-
14 sian or other wells within the town of Boylston not
15 already appropriated for the purposes of a public
16 water supply, and the water rights connected with
17 any such water sources; and for such purposes may
18 take as aforesaid, or acquire by purchase or otherwise,
19 and hold, all lands, rights of way and other easements
20 necessary for collecting, storing, holding, purifying

21 and preserving the purity of the water and for con-
22 veying the same to any part of said district created
23 hereby; provided, that no source of water supply or
24 lands necessary for preserving the quality of the water
25 shall be so taken or used without first obtaining the
26 advice and approval of the state department of public
27 health, and that the location and arrangement of all
28 dams, reservoirs, wells, pumping and filtration plants
29 and such other works as may be necessary in carrying
30 out the provisions of this act shall be subject to the
31 approval of said department. Said district may con-
32 struct on the lands acquired and held under this act
33 proper dams, wells, reservoirs, standpipes, tanks,
34 pumping plants, buildings, fixtures and other struc-
35 tures, including also the establishment and mainte-
36 nance of filter beds and purification works or systems,
37 and may make excavations, procure and operate ma-
38 chinery and provide such other means and appliances
39 and do such other things as may be necessary for the
40 establishment and maintenance of complete and ef-
41 fective water works; and for that purpose may con-
42 struct pipe lines, wells and reservoirs and establish
43 pumping works, and may construct, lay and maintain
44 aqueducts, conduits, pipes and other works under or
45 over any land, water courses, railroads, railways and
46 public or other ways, and along such ways, in said
47 town, in such manner as not unnecessarily to obstruct
48 the same; and for the purposes of constructing, lay-
49 ing, maintaining, operating and repairing such con-
50 duits, pipes and other works, and for all proper pur-
51 poses of this act, said district may dig up or raise and
52 embank any such lands, highways or other ways in
53 such manner as to cause the least hindrance to public
54 travel on such ways; provided, that all things done

55 upon any such way shall be subject to the direction
56 of the selectmen of the town of Boylston. Said dis-
57 trict shall not enter upon, construct or lay any con-
58 duit, pipe or other works within the location of any
59 railroad corporation except at such time and in such
60 manner as it may agree upon with such corporation,
61 or in case of failure so to agree, as may be approved by
62 the department of public utilities. Said district may
63 enter upon any lands for the purpose of making sur-
64 veys, test pits and borings, and may take or otherwise
65 acquire the right to occupy temporarily any lands
66 necessary for the construction of any work or for any
67 other purpose authorized by this act.

1 SECTION 3. Any person sustaining damages in his
2 property by any taking under this act or any other
3 thing done under a authority thereof may recover such
4 damages from said district under said chapter seventy-
5 nine; but the right to damages for the taking of any
6 water, water right or water source, or for any injury
7 thereto, shall not vest until water is actually with-
8 drawn or diverted under authority of this act.

1 SECTION 4. For the purpose of paying the neces-
2 sary expenses and liabilities incurred for the system
3 of water supply under the provisions of this act,
4 other than expenses of maintenance and operation,
5 the said district may borrow from time to time such
6 sums as may be necessary, not exceeding, in the
7 aggregate, fifty thousand dollars, and may issue bonds
8 or notes therefor, which shall bear on their face the
9 words Morningdale Water District Loan, Act of
10 1949. Each authorized issue shall constitute a sepa-
11 rate loan, and such loans shall be payable in not more

12 than thirty years from their dates. Indebtedness
13 incurred under this act shall be subject to chapter
14 forty-four of the General Laws.

1 SECTION 5. Said district shall, at the time of
2 authorizing said loan or loans, provide for the pay-
3 ment thereof in accordance with section four of this
4 act; and when a vote to that effect has been passed,
5 a sum which, with the income derived from water
6 rates, will be sufficient to pay the annual expense of
7 operating its water works and the interest as it accrues
8 on the bonds or notes issued as aforesaid by the dis-
9 trict, and to make such payments on the principal
10 as may be required under the provisions of this act,
11 shall without further vote be assessed upon said dis-
12 trict by the assessors of said town of Boylston an-
13 nually thereafter until the debt incurred by said loan
14 or loans is extinguished.

1 SECTION 6. Any land taken or acquired under this
2 act shall be managed, improved and controlled by
3 the commissioners hereinafter provided for, in such
4 manner as they shall deem for the best interest of the
5 district.

1 SECTION 7. Whenever a tax is duly voted by said
2 district for the purposes of this act, the clerk shall
3 send a certified copy of the vote to the assessors of
4 said town, who shall assess the same in the same man-
5 ner in all respects in which town taxes are required
6 by law to be assessed; provided, that no estate
7 shall be subject to any tax assessed on account of
8 the system of water supply under this act if, in the
9 judgment of the board of water commissioners here-

10 inafter provided for, after a hearing, such estate is so
11 situated that it can receive no aid in the extinguish-
12 ment of fire from the said system of water supply,
13 and/or receive no benefit in fire insurance grading
14 therefrom, or if such estate is so situated that the
15 buildings thereon, or the buildings that might be
16 constructed thereon, in any ordinary or reasonable
17 manner could not be supplied with water from the
18 said system; but all other estates in said district
19 shall be deemed to be benefited and shall be subject
20 to the tax. A certified list of the estates exempt
21 from taxation under the provisions of this section
22 shall annually be sent by the board of water com-
23 missioners to the assessors, at the same time at which
24 the clerk shall send a certified copy of the vote as
25 aforesaid. The assessment shall be committed to
26 the town collector, who shall collect said tax in the
27 manner provided by law for the collection of town
28 taxes, and shall deposit the proceeds thereof with the
29 district treasurer for the use and benefit of said dis-
30 trict. Said district may collect interest on overdue
31 taxes in the manner in which interest is authorized
32 to be collected on town taxes.

1 SECTION 8. The first meeting of the voters of the
2 territory included within the boundaries set forth in
3 section one shall be called, on petition of ten or more
4 legal voters therein, by a warrant from the selectmen
5 of said town, or from a justice of the peace, directed to
6 one of the petitioners, requiring him to give notice of
7 the meeting by posting copies of the warrant in two
8 or more public places in the district seven days at
9 least before the time of the meeting. Such justice of
10 the peace, or one of the selectmen, shall preside at

11 such meeting until a clerk is chosen and sworn, and
12 the clerk shall preside until a moderator is chosen.
13 After the choice of a moderator for the meeting the
14 question of the acceptance of this act shall be sub-
15 mitted to the voters, and if it is accepted by a majority
16 of the voters present and voting thereon it shall take
17 effect, and the meeting may then proceed to act on the
18 other articles in the warrant.

1 SECTION 9. Said district shall, after the acceptance
2 of this act as aforesaid, elect by ballot, either at the
3 same meeting at which this act is accepted or at a
4 special meeting thereafter called for the purpose, three
5 persons, resident taxpayers of said district, to hold
6 office, one until the expiration of three years, one until
7 the expiration of two years, and one until the expira-
8 tion of one year, from the day of the next succeeding
9 annual district meeting, to constitute a board of
10 water commissioners; and at every annual meeting
11 following such next succeeding annual district meet-
12 ing one such commissioner shall be elected by ballot
13 for the term of three years. All the authority granted
14 to said district by this act, except sections four and
15 five, and not otherwise specifically provided for, shall
16 be vested in said board of water commissioners, who
17 shall be subject, however, to such instructions, rules
18 and regulations as the district may by vote impose.
19 At the meeting at which said commissioners are first
20 elected and at each annual district meeting said district
21 shall elect by ballot a treasurer of said district, who
22 shall be other than a commissioner and who shall give
23 bond to said district in such an amount as may be ap-
24 proved by the commissioners. A majority of the com-
25 missioners shall constitute a quorum for the trans-

26 action of business. Any vacancy occurring in said
27 board from any cause may be filled for the remainder
28 of the unexpired term by said district at any legal
29 meeting called for the purpose. No money shall be
30 drawn from the treasury of said district on account
31 of the water works except upon a written order of said
32 commissioners or a majority of them.

1 SECTION 10. Said commissioners shall fix just and
2 equitable prices and rates for the use of water, and
3 shall prescribe the time and manner of payment. The
4 income of the water works shall be appropriated to
5 defray all operating expenses, interest charges and
6 payments on the principal as they shall accrue upon
7 any bonds or notes issued under authority of this act.
8 If there should be a net surplus remaining after pro-
9 viding for the aforesaid charges, it may be appro-
10 priated for such new construction as said commis-
11 sioners may recommend, and in case a surplus should
12 remain after payment for such new construction the
13 water rates shall be reduced proportionately. Said
14 commissioners shall annually, and as often as said
15 district may require, render a report upon the condi-
16 tion of the works under their charge, and an account
17 of their doings, including an account of receipts and
18 expenditures.

1 SECTION 11. Said district may adopt by-laws pre-
2 scribing by whom and how meetings may be called,
3 notified and conducted; and, upon the application of
4 ten or more legal voters in said district meetings may
5 also be called by warrant as provided in section eight.
6 Said district may also establish rules and regulations

7 for the management of its water works, not incon-
8 sistent with this act or with law, and may choose such
9 other officers not provided for in this act as it may
10 deem necessary or proper.

1 SECTION 12. Whoever wilfully or wantonly cor-
2 rupts, pollutes or diverts any water obtained or sup-
3 plied under this act, or wilfully or wantonly injures
4 any reservoir, standpipe, aqueduct, pipe or other
5 property owned or used by said district for any of
6 the purposes of this act shall forfeit and pay to said
7 district three times the amount of damages assessed
8 therefor, to be recovered in an action of tort, and upon
9 conviction of any of the above acts shall be punished
10 by a fine of not more than one hundred dollars or by
11 imprisonment in jail for not more than twelve months.

1 SECTION 13. Upon a petition in writing addressed
2 to said commissioners requesting that certain real
3 estate, accurately described therein, located in said
4 town and abutting on said district and not otherwise
5 served by a public water supply be included within
6 the limits thereof, and signed by the owners of such
7 real estate, or a major portion thereof, said commis-
8 sioners shall cause a duly warned meeting of the dis-
9 trict to be called, at which meeting the voters may
10 vote on the question of including said real estate
11 within the district. If a majority of the voters pres-
12 ent and voting thereon vote in the affirmative the
13 district clerk shall within ten days file with the town
14 clerk of said town and with the state secretary an
15 attested copy of said petition and vote; and thereupon
16 said real estate shall become and be part of the dis-

17 trict and shall be holden under this act in the same
18 manner and to the same extent as the real estate
19 described in section one.

1 SECTION 14. This act shall take full effect upon
2 its acceptance by a majority vote of the voters of the
3 district present and voting thereon at a district meet-
4 ing called, in accordance with the provisions of sec-
5 tion eight, within three years after its passage; but
6 the number of meetings so called in any one year
7 shall not exceed three.

HOUSE No. 2380

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The first part of the report deals with the general situation of the country and the progress of the war. It is a very interesting and valuable document.

The second part of the report deals with the military operations of the army. It is a very detailed and accurate account of the various campaigns and battles. The author's knowledge of the subject is evident throughout the work.

The third part of the report deals with the political and administrative aspects of the war. It is a very comprehensive and well-written account of the various measures taken by the government to support the war effort.

The fourth part of the report deals with the economic and social conditions of the country during the war. It is a very thorough and well-documented account of the various problems and challenges faced by the population.

The fifth part of the report deals with the foreign relations of the country during the war. It is a very detailed and well-written account of the various diplomatic and military actions taken by the government.