

By Mr. Fleming, petition (subject to Joint Rules 12 and 7B) of William D. Fleming, Charles A. Mullaly, Jr., and Charles E. Luke Driscoll (with the approval of the board of selectmen) for legislation to authorize the town of Millbury to construct and operate a system of sewerage and sewage disposal. Municipal Finance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

AN ACT AUTHORIZING THE TOWN OF MILLBURY TO CONSTRUCT AND OPERATE A SYSTEM OR SYSTEMS OF SEWERAGE AND SEWAGE DISPOSAL.

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 town of Millbury, hereinafter called the
2 town, may lay out, construct, maintain and operate a system
3 or systems of common sewers for a part or the whole of its
4 territory, with such connections and other works as may be
5 required for a system or systems of sewerage and sewage
6 treatment and disposal, and may construct such sewers in
7 said town as may be necessary.

1 SECTION 2. The town may make and maintain, in any way
2 therein where common sewers are constructed, such connect-
3 ing sewers within the limits of such way as may be necessary
4 to connect any estate which abuts upon the way.

1 SECTION 3. The town may, at the meeting when this act
2 is accepted, vote that the selectmen shall act as a board of
3 sewer commissioners. If the town does not so vote at said
4 meeting, the town shall elect by ballot, at any town meeting
5 not later than the second annual meeting after the commence-
6 ment of construction hereunder of a system or systems of
7 sewerage and sewage disposal, a board of three sewer com-
8 missioners, who shall be citizens of the town, to hold office,

9 if elected at an annual meeting, one until the expiration of one
10 year, one until the expiration of two years, and one until the
11 expiration of three years, from such annual town meeting, and
12 until their successors are qualified, or, if elected at a special
13 meeting, one until the expiration of one year, one until the
14 expiration of two years, and one until the expiration of three
15 years from the next succeeding annual town meeting, and
16 until their successors are qualified, and thereafter, at each
17 annual town meeting when the term of a member expires,
18 the town shall elect one member of the board to serve for three
19 years and until his successor is qualified. Any selectman shall
20 be eligible to election to said board. In either case, whether
21 the town votes that its selectmen shall act as a board of sewer
22 commissioners, or elects a board of sewer commissioners, the
23 town may at any time thereafter, by any or all the methods
24 permitted by general law, provide for the election of a board
25 of three sewer commissioners, or that the selectmen may act
26 as a board of sewer commissioners, as the case may be.

1 SECTION 4. Said board of sewer commissioners, acting for
2 and on behalf of said town, may take by eminent domain
3 under chapter seventy-nine of the General Laws, or acquire
4 by purchase or otherwise, any lands, water rights, rights of
5 way or easements, public or private, in said town, necessary
6 for accomplishing any purpose mentioned in this act, and
7 may construct such sewers under or over any bridge, railroad,
8 railway, boulevard or other public way, or within the location
9 of any railroad, and may enter upon and dig up any private
10 land, public way or railroad location, for the purpose of laying
11 such sewers and of maintaining and repairing the same, and
12 may do any other thing proper or necessary for the purposes
13 of this act; provided, that they shall not take in fee any land
14 of a railroad corporation, and that they shall not enter upon
15 or construct any sewer within the location of any railroad
16 corporation except at such time and in such manner as they
17 may agree upon with such corporation, or, in case of failure
18 to agree, as may be approved by the department of public
19 utilities.

1 SECTION 5. Until the board of sewer commissioners has
2 first been elected as provided in this act or the selectmen have
3 first been authorized by vote to act as such board, as the case
4 may be, but not in any event later than the second annual
5 meeting after the commencement of the work of construction
6 authorized hereby, the town may carry on such work by a
7 duly authorized committee of the town. The committee shall
8 serve without pay and shall have all the powers and authority
9 given to the board of sewer commissioners in this act or by
10 general law. Whenever the phrase "said board of sewer com-
11 missioners" or "said board" hereinafter occurs, it shall mean
12 and include the board of sewer commissioners, the selectmen
13 acting as such or the committee of the town provided for in
14 this section, as the case may be.

1 SECTION 6. Any person injured in his property by any
2 action of said board of sewer commissioners under this act
3 may recover damages from said town under said chapter
4 seventy-nine.

1 SECTION 7. The town shall, by vote, determine whether
2 it shall pay the whole or a portion of the cost of said system
3 or systems of sewerage and sewage disposal and if a portion,
4 what proportion. If the town votes to pay less than the whole
5 cost, in providing for the payment of the remaining portion
6 of the cost of said system or systems the town may avail itself
7 of any or all of the methods permitted by General Laws, and
8 the provisions of said General Laws relative to the assess-
9 ment, apportionment, division, reassessment, abatement and
10 collection of sewer assessments, to liens therefor and to in-
11 terest thereon, shall apply to assessments made under this
12 act, except that interest shall be at the rate of four per cent
13 per annum. At the same meeting at which it determines that
14 any portion of the cost is to be borne by the town, it may by
15 vote determine by which of such methods the remaining por-
16 tion of said cost shall be provided for. The collector of taxes
17 of said town shall certify the payment or payments of such
18 assessments, or apportionments thereof to the sewer commis-

19 sioners, or to the selectmen acting as such, who shall preserve
20 a record thereof.

1 SECTION 8. For the purpose of paying the necessary ex-
2 penses and liabilities incurred under this act, the town may
3 from time to time, within five years after the passage of this
4 act, borrow such sums as may be necessary, not exceeding,
5 in the aggregate one million five hundred thousand dollars
6 and may issue bonds or notes therefor, which shall bear on
7 their face the words Millbury Sewerage Loan, Act of 1963.
8 Each authorized issue shall constitute a separate loan and
9 such loans shall be payable in not more than thirty years
10 from their dates. Indebtedness incurred under this act shall
11 be in excess of the statutory limit, but shall, except as pro-
12 vided herein, be subject to chapter forty-four of the General
13 Laws.

1 SECTION 9. The receipts from sewer assessments and from
2 payments made in lieu thereof shall be applied to the pay-
3 ment of charges and expenses incident to the maintenance
4 and operation of said system or systems of sewerage and sew-
5 age disposal or to the extension thereof, to the payment of
6 interest upon bonds or notes issued for sewer purposes or to
7 the payment or redemption of such bonds or notes.

1 SECTION 10. Said board of sewer commissioners may an-
2 nually appoint a clerk and may appoint a superintendent of
3 sewers who shall not be a member of the board, and shall de-
4 fine their duties. It may remove the clerk or superintendent
5 at its pleasure. Said board may, in its discretion prescribe for
6 the users of said sewer system or systems such annual rentals
7 or charges based on the benefits derived therefrom as it may
8 deem proper, subject, however, to such rules and regulations
9 as may be fixed by vote of the town.

1 SECTION 11. All contracts made by the board of sewer
2 commissioners shall be made in the name of the town and
3 shall be signed by the board, but no contract shall be made

4 or obligations incurred by said board for any purpose in excess
5 of the amount of money appropriated by the town therefor.

1 SECTION 12. Said board may, from time to time, prescribe
2 rules and regulations for the connection of estates and build-
3 ings with sewers, and for inspection of the materials, the con-
4 struction, alteration and use of all connections entering into
5 such sewers, and may prescribe penalties, not exceeding
6 twenty dollars, for each violation of any such rule or regula-
7 tion. Such rules and regulations shall be published at least
8 once a week for three successive weeks in some newspaper
9 published in the town of Millbury, if there be any, and if not,
10 then in some newspaper published in the county of Worcester,
11 and shall not take effect until such publications have been
12 made.

1 SECTION 13. No act shall be done under authority of the
2 preceding sections except in the making of surveys and other
3 preliminary investigations, until the plan for said system or
4 systems of sewerage and sewage disposal has been approved
5 by the state department of public health.

1 SECTION 14. This act shall take full effect upon its ac-
2 ceptance by vote of a majority of the voters of said town
3 voting thereon at an annual town meeting or a town meeting
4 called for the purpose within four years after its passage, but
5 not otherwise. No expenditure shall be made and no liability
6 incurred hereunder until such acceptance.

The first part of the document is a letter from the Secretary of the Board of Education to the Board of Trustees of the University of the State of New York. The letter is dated January 10, 1870, and is addressed to the Board of Trustees. The letter discusses the progress of the Board of Education and the various reports that have been received from the different districts. It also mentions the various committees that have been appointed and the work that they are doing. The letter is signed by the Secretary of the Board of Education.

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