

*Chap. 373* AN ACT TO PROVIDE FOR THE DISPOSAL OF SEWAGE AND FOR A WATER SUPPLY FOR THE MIDDLESEX COUNTY TUBERCULOSIS HOSPITAL IN LEXINGTON AND WALTHAM.

Emergency preamble.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

*Be it enacted, etc., as follows:*

Certain area of town of Lexington to be admitted to south metropolitan sewerage district, etc.

SECTION 1. A certain area of the town of Lexington already acquired or to be acquired by the county of Middlesex for the Middlesex county tuberculosis hospital, as shown upon plans filed in the office of the city engineer of the city of Waltham, a copy of which is filed with the state department of public health, with the metropolitan district commission and with the commissioner of mental diseases, entitled "Plans of land in Lexington and Waltham for Middlesex County Tuberculosis Hospital", shall be admitted to the south metropolitan sewerage district upon connection of any sewer in the area so to be admitted with any sewer connected with the south metropolitan sewerage system, and thereafter the valuation and population of such area if and when admitted as aforesaid, including the inmates and hospital attendants, orderlies and employees of said Middlesex county tuberculosis hospital in residence thereat, shall be deemed a part of the valuation and population of the city of Waltham for the purposes of sections five to eight, inclusive, of chapter ninety-two of the General Laws.

To be deemed a part of valuation and population of city of Waltham for certain purposes.

Discharge of sewage from Middlesex county tuberculosis hospital into sewers of metropolitan state hospital at point to be agreed upon, etc.

SECTION 2. The county of Middlesex, with the approval of the department of mental diseases, is hereby authorized to discharge sewage from said Middlesex county tuberculosis hospital into the sewers of the metropolitan state hospital, which now or may in the future connect with the sewer constructed by the city of Waltham under the provisions of chapter three hundred and seventy-two of the acts of nineteen hundred and twenty-eight, at such point as may be agreed upon by the county commissioners of said county and the commissioner of mental diseases, or, in case of failure to agree, as may be determined by the governor and council, and the sewer of the metropolitan state hospital and of the city of Waltham provided under said chapter three hundred and seventy-two shall be adequate to receive in addition the sewage of the Middlesex county tuberculosis hospital.

1928, 372, § 4, amended.

SECTION 3. Chapter three hundred and seventy-two of the acts of nineteen hundred and twenty-eight is hereby amended by striking out section four and inserting in place thereof the following: — *Section 4.* The cost of the work authorized by sections two and three of this act shall be paid in the first instance by the city of Waltham, and the treas-

Cost of work to be paid in first instance by city of Waltham.

urer of said city, with the approval of the city council, is hereby authorized to borrow on the credit of the city from time to time outside the statutory limit of indebtedness, such sums of money as may be required therefor, including interest, and to issue the notes of the city therefor bearing interest or discounted as may be deemed advisable, and said city treasurer may sell said notes at public or private sale upon such terms and conditions as he may deem proper. The notes may be renewed from time to time for such periods as may be necessary, but not beyond the expiration of two years from the effective date of this act. All money so borrowed shall be deposited in the treasury of said city, and said city treasurer shall pay out the same as required for the construction of the said work and shall keep a separate and accurate account of all moneys borrowed and expended, including interest or discount, as the case may be. In the course of the progress of the work, as sections or portions of it are completed, the mayor of said city shall certify to the department of mental diseases, to the selectmen of the town of Watertown and to the county commissioners of Middlesex county, respectively, the cost of such section or portion and the amounts due from each of the following parties in the following proportions, viz.: the commonwealth shall pay forty-five and seven tenths per cent of the cost of the work as approved by the department of mental diseases, the town of Watertown, six and six tenths per cent, the county of Middlesex, thirteen and two tenths per cent, and the city of Waltham thirty-four and five tenths per cent. The amounts so certified by said city to said department of mental diseases shall be paid by the commonwealth from time to time as promptly as possible after such certifications are received, the said payments to be from the appropriation made for the metropolitan state hospital. The amounts so certified to the town of Watertown shall be paid by the town treasurer into the treasury of the said city on or before January first, nineteen hundred and thirty. The amounts so certified to the county commissioners of Middlesex county shall be paid by the county of Middlesex from time to time as promptly as possible after such certifications are received, such payments to be made out of funds provided by chapter three hundred and sixty-nine of the acts of nineteen hundred and twenty-eight.

City may borrow money, issue notes, etc.

Apportionment of cost to be borne by state, town of Watertown, Middlesex county, and city of Waltham.

When payments shall be made, etc.

SECTION 4. There shall be paid by the county of Middlesex to the city of Waltham as full compensation for the right to dispose of the sewage of said Middlesex county tuberculosis hospital through the sewerage system of said city and the sewerage system of the south metropolitan sewerage district in each year for five years, beginning with the year nineteen hundred and thirty, the sum of three hundred and seventy-five dollars per year toward the annual expenses of maintaining and operating the sewers of said city, including the amount paid annually by said city for the disposal of sewage through the south metropolitan sewerage system, and in

Amount to be paid by Middlesex county to city of Waltham for right to dispose of sewage of Middlesex county tuberculosis hospital for five years beginning with 1930.

Amount to be paid for five years beginning with 1935, unless, etc.

Amount to be paid annually at end of year 1939.

Determination by three commissioners upon failure to agree, etc.

Certification to county commissioners of determination of amount of annual payment, etc.

Certification by commissioner of mental diseases to Middlesex county commissioners of cost of portion of metropolitan state hospital sewer to be used by Middlesex county tuberculosis hospital, etc.

each of the following five years, beginning with the year nineteen hundred and thirty-five, the sum of four hundred and fifty dollars per year, unless in any year during said last mentioned five year period the average population of said tuberculosis hospital, including inmates, attendants and other employees in residence thereat throughout said year shall exceed seven hundred, in which case there shall be an added payment to said city of one dollar per year for each person by which said average population exceeds seven hundred. After the end of the year nineteen hundred and thirty-nine, there shall be paid by the county to the city of Waltham annually for the maintenance of its sewers and the disposal of sewage through the south metropolitan sewerage system such sum as may be agreed upon between said city, acting through its duly authorized representatives, and the county commissioners and the commissioner of public health, acting for the commonwealth; and if said city and said commissioners shall be unable to agree then the amount to be paid annually shall be determined by three commissioners to be appointed by the supreme judicial court upon the application of either party in interest and after notice to the other. The award of said commissioners appointed as aforesaid when accepted by said court shall be binding upon said city and said county. When the amount of any annual payment after the end of the year nineteen hundred and thirty-nine is determined as aforesaid, it shall be certified to the county commissioners by a certificate signed by the representatives of said city and by said commissioners in case of an agreement, or by a certificate of the clerk of said court in case of an award, and such amount shall continue to be paid annually by the county as aforesaid until changed by a new agreement or a new award made upon application of either said city or said county commissioners and duly certified in the manner above provided, but no such change shall be made oftener than once in five years. All amounts payable by the county hereunder shall be paid annually out of the appropriation for maintenance of said tuberculosis hospital.

SECTION 5. The commissioner of mental diseases shall certify to the county commissioners of Middlesex county the cost of the portion of the metropolitan state hospital sewer within the lands of said state hospital to be used by the Middlesex county tuberculosis hospital, and, in addition to the payments to the city of Waltham provided for in section three of this act, the county of Middlesex shall pay into the treasury of the commonwealth for the use of such portion of said sewer within the lands of the said state hospital twenty per cent of the cost of said sewer. The amounts so certified by said commissioner of mental diseases to said county commissioners shall be due at such time as the sewer of said tuberculosis hospital is connected with said sewer of the metropolitan state hospital and shall be paid as promptly thereafter as may be.

SECTION 6. The town of Lexington may furnish water derived from the metropolitan water system to that portion of the Middlesex county tuberculosis hospital located in the city of Waltham, for domestic and other purposes, in the same manner and upon the same terms and conditions as if located in said town.

Town of Lexington may furnish water to that portion of Middlesex county tuberculosis hospital located in Waltham, etc.

SECTION 7. The city of Waltham may furnish water derived from its water system to that portion of the Middlesex county tuberculosis hospital located in the town of Lexington, for domestic and other purposes, in the same manner and upon the same terms and conditions as if located in said city.

City of Waltham may furnish water to that portion of Middlesex county tuberculosis hospital located in Lexington, etc.

SECTION 8. The state treasurer, in making the apportionment to the cities and towns in the metropolitan water district under section twenty-six of chapter ninety-two of the General Laws, shall add to the amount apportioned to the town of Lexington, if said town furnishes water as provided in section six of this act, an amount determined by the metropolitan district commission and certified to the state treasurer to be necessary to make a full apportionment to said town for the water supplied to that portion of the Middlesex county tuberculosis hospital situated in the city of Waltham.

State treasurer to add to amount apportioned to town of Lexington under G. L. 92, § 26, an amount for water if furnished by said town as provided in § 6.

SECTION 9. The county commissioners of the county of Middlesex may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such easements or rights in land as may be necessary to connect with the metropolitan state hospital sewerage system and to connect with the water system of the town of Lexington or of the city of Waltham; provided, that no such easement or right in land shall be so taken within the limits of the land of the metropolitan state hospital except with the approval of the governor and council, upon the recommendation of the department of mental diseases. Said county commissioners are hereby authorized to convey to the commonwealth, by sale or in exchange for such easements or rights in land, lands of said county lying east of Walnut and Woburn streets, in the town of Lexington and the city of Waltham.

Middlesex county commissioners may take necessary easements or rights in land, etc.

Proviso.

Conveyance to commonwealth of certain lands, etc.

*Approved June 7, 1929.*

AN ACT CONSOLIDATING THE NORTH CHRISTIAN CHURCH OF NEW BEDFORD, MASS. AND THE TRINITARIAN CHURCH IN NEW BEDFORD.

*Chap. 374*

*Be it enacted, etc., as follows:*

SECTION 1. The North Christian Church of New Bedford, Mass. and the Trinitarian Church in New Bedford, corporations established under the laws of the commonwealth, are hereby merged and consolidated into one corporation, with all the privileges, powers and immunities to which other religious societies in this commonwealth are by law entitled, under the name of The United Church of New Bedford, (Christian and Congregational) which shall in all

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