

HOUSE No. 2083

By Mr. Crockett of Upton, petition of C. Victor Pepper and others (selectmen) that the town of Hopedale be authorized to acquire certain property of the Milford Water Company and to issue water bonds. Municipal Finance.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE THE TOWN OF HOPEDALE TO ACQUIRE CERTAIN PROPERTY OF THE MILFORD WATER COMPANY AND TO ISSUE WATER BONDS.

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 Hopedale shall have the
2 right, at any time during the continuance of the
3 charter granted by chapter seventy-seven of the acts
4 of the year eighteen hundred and eighty-one to the
5 Milford Water Company and prior to the exercise of
6 the right to purchase its property given to the town
7 of Milford by section nine thereof, to purchase such
8 part of the corporate property and of the rights and
9 privileges of said company as may be situated within
10 the boundaries of said town at a price which may be
11 mutually agreed upon between said corporation and
12 the said town of Hopedale; and the said corporation
13 is authorized, and upon passage of the vote of the

14 town hereinafter referred to, shall be required, to make
15 sale of the same to said town. In case said corpora-
16 tion and said town are unable to agree, then either
17 party may apply to the supreme judicial court for a
18 determination of the compensation to be paid, which
19 court shall refer the application to the department of
20 public utilities, which department, after notice to
21 both parties, shall receive all proper evidence sub-
22 mitted by either party and determine such compen-
23 sation and report to said court, and such award, when
24 accepted by said court, shall be binding upon both
25 parties. Said town may exercise its right to make such
26 purchase by a two-thirds vote of its voters present and
27 voting thereon at a town meeting called for the pur-
28 pose and at which the voting list shall be used. There-
29 upon said town shall be deemed to have established
30 a water supply and water distributing system under
31 authority of section thirty-nine A of chapter forty
32 of the General Laws, and may maintain and operate
33 the same accordingly, and all rights of the town of
34 Milford to purchase such property in the town of
35 Hopedale shall cease. In the absence of an agreement
36 to the contrary between the parties or of an order to
37 the contrary made by the supreme judicial court in
38 the proceeding hereinbefore provided for, the com-
39 pensation to be paid shall be the value of the property
40 being purchased as of the date of passage of the vote
41 of the town hereinbefore referred to, and title shall
42 pass upon the delivery of proper instruments of con-
43 veyance, and said corporation in the meantime shall
44 retain possession of such property and shall operate
45 the business connected therewith for its own account,
46 but subject to all the obligations of a vendor in pos-
47 session pending conveyance. Upon completion of such

48 sale, all rights of the Milford Water Company to own
49 property or do business in the town of Hopedale shall
50 cease.

1 SECTION 2. For the purpose of paying the neces-
2 sary expenses and liabilities incurred or to be incurred
3 under this act and any additional costs of supplying
4 the town and its inhabitants with water, other than
5 expenses of maintenance and operation, the town of
6 Hopedale may issue from time to time bonds or notes
7 to an amount not exceeding, in the aggregate, three
8 hundred thousand dollars, which shall bear on their
9 face the words, Town of Hopedale Water Loan, Act
10 of 1948. Each authorized issue shall constitute a
11 separate loan, and such loans shall be payable in not
12 more than thirty years from their dates. Indebted-
13 ness incurred under the provisions of this act shall be
14 outside the limit for water debt as fixed by chapter
15 forty-four of the General Laws, but otherwise shall
16 be subject to the applicable provisions of said chapter.

The first part of the report is devoted to a general survey of the progress of the work during the year. It is followed by a detailed account of the various projects which have been carried out, and a summary of the results obtained. The report concludes with a list of the names of the persons who have assisted in the work, and a statement of the amount of money which has been expended.

The work has been carried out in accordance with the programme of work which was laid down at the beginning of the year. It has been found that the progress made during the year has been very satisfactory, and that the results obtained are of great value. It is hoped that the work which is being carried out at present will lead to still more important discoveries.

The names of the persons who have assisted in the work are as follows:

The amount of money which has been expended is as follows: