

# HOUSE . . . . No. 2160

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By Mr. Brown of Brimfield, petition of George McConchie and others (selectmen) and others that the town of Monson be authorized to construct and operate a system of sewers. Municipal Finance.

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## The Commonwealth of Massachusetts

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

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### AN ACT AUTHORIZING THE TOWN OF MONSON TO CONSTRUCT AND OPERATE A SYSTEM OF SEWERS.

*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 Monson, hereinafter  
2 called the town, may lay out, construct, maintain  
3 and operate a system or systems of sewers for a part  
4 or the whole of its territory, with such connections  
5 and other works as may be required for a system of  
6 sewage disposal, and may construct such sewers in  
7 said town as may be necessary, and, may make, lay  
8 and maintain such sewers as it deems best; and, for  
9 the purposes aforesaid, the town may, within its  
10 limits, make and maintain subdrains.

1 SECTION 2. The town may make and maintain, in  
2 any way therein where sewers are constructed, such  
3 connecting drains, subdrains and sewers within the

4 limits of such way as may be necessary to connect any  
5 estate which abuts upon the way.

1 SECTION 3. The town may, at the meeting when  
2 this act is accepted, vote that the selectmen shall act  
3 as a board of sewer commissioners. If the town does  
4 not so vote at said meeting, the town shall elect by  
5 ballot, at any town meeting not later than the second  
6 annual meeting after the commencement of construc-  
7 tion hereunder of a system of sewerage and sewage dis-  
8 posal, a board of three sewer commissioners who shall  
9 be citizens of the town, to hold office, if elected at an  
10 annual meeting, one until the expiration of one year,  
11 one until the expiration of two years, and one until the  
12 expiration of three years, from such annual town  
13 meeting, and until their successors are qualified, or,  
14 if elected at a special meeting, one until the expiration  
15 of one year, one until the expiration of two years, and  
16 one until the expiration of three years, from the next  
17 succeeding annual town meeting, and until their suc-  
18 cessors are qualified, and thereafter, at each annual  
19 town meeting when the term of a member expires, the  
20 town shall elect one member of the board to serve for  
21 three years and until his successor is qualified. Any  
22 selectman shall be eligible to election to said board.  
23 In either case, whether the town votes that its select-  
24 men shall act as a board of sewer commissioners or  
25 elects a board of sewer commissioners, the town may  
26 at any time thereafter, by any or all the methods per-  
27 mitted by general law, provide for the election of a  
28 board of three sewer commissioners, or that the select-  
29 men may act as a board of sewer commissioners, as  
30 the case may be.

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

1 SECTION 5. Until the board of sewer commissioners  
2 has first been elected as provided in this act or the  
3 selectmen have first been authorized by vote to act as  
4 such board, as the case may be, but not in any event  
5 later than the second annual meeting after the com-  
6 mencement of the work of construction authorized  
7 hereby, the town may carry on such work by a duly  
8 authorized committee of the town. The committee  
9 shall serve without pay and shall have all the powers  
10 and authority given to the board of sewer commis-  
11 sioners in this act or by general law. Whenever the

12 phrase "said board of sewer commissioners" or "said  
13 board" hereinafter occurs, it shall mean and include  
14 the board of sewer commissioners, the selectmen acting  
15 as such or the committee of the town provided for in  
16 this section, as the case may be.

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

1 SECTION 7. The town shall, by vote, determine  
2 what proportion of the cost of said system or systems  
3 of sewerage and sewage disposal the town shall pay;  
4 provided, that it shall pay not less than one fourth  
5 nor more than two thirds of the whole cost. In pro-  
6 viding for the payment of the remaining portion of  
7 the cost of said system or systems or for the use of  
8 said system or systems, the town may avail itself of  
9 any or all of the methods permitted by general laws,  
10 and the provisions of said general laws relative to the  
11 assessment, apportionment, division, reassessment,  
12 abatement and collection of sewer assessments, to  
13 liens therefor and to interest thereon shall apply to  
14 assessments made under this act, except that interest  
15 shall be at the rate of four per cent per annum. At  
16 the same meeting at which it determines the propor-  
17 tion of the cost which is to be borne by the town, it  
18 may by vote determine by which of such methods the  
19 remaining portion of said cost shall be provided for.  
20 The collector of taxes of said town shall certify the  
21 payment or payments of such assessments or appor-  
22 tionments thereof to the sewer commissioners, or to

23 the selectmen acting as such, who shall preserve a  
24 record thereof.

1 SECTION 8. For the purpose of paying the neces-  
2 sary expenses and liabilities incurred under this act,  
3 the town may from time to time, within five years  
4 after the passage of this act, borrow such sums as  
5 may be necessary, not exceeding, in the aggregate,  
6 four hundred and fifty thousand dollars, and may  
7 issue bonds or notes therefor, which shall bear on their  
8 face the words, Monson Sewerage Loan, Act of 1948.  
9 Each authorized issue shall constitute a separate loan  
10 and such loans shall be payable in not more than  
11 thirty years from their dates. Indebtedness incurred  
12 under this act shall be in excess of the statutory limit,  
13 but shall, except as provided herein, be subject to  
14 chapter forty-four of the General Laws.

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

1 SECTION 10. Said board of sewer commissioners  
2 may annually appoint a clerk and may appoint a  
3 superintendent of sewers who shall not be a member  
4 of the board, and shall define their duties. It may  
5 remove the clerk or superintendent at its pleasure.  
6 Said board may, in its discretion, prescribe for the  
7 users of said sewer systems such annual rentals or

8 charges based on the benefits derived therefrom as it  
9 may deem proper, subject, however, to such rules and  
10 regulations as may be fixed by vote of the town.

1 SECTION 11. All contracts made by the board of  
2 sewer commissioners shall be made in the name of the  
3 town and shall be signed by the board, but no con-  
4 tract shall be made or obligation incurred by said  
5 board for any purpose in excess of the amount of  
6 money appropriated by the town therefor.

1 SECTION 12. Said board may, from time to time,  
2 prescribe rules and regulations for the connection of  
3 estates and buildings with main sewers, and for in-  
4 spection of the materials, the construction, alteration  
5 and use of all connections entering into such main  
6 sewers, and may prescribe penalties, not exceeding  
7 twenty dollars, for each violation of any such rule or  
8 regulation. Such rules and regulations shall be pub-  
9 lished at least once a week for three successive weeks  
10 in some newspaper published in the county of Hamp-  
11 den, and shall not take effect until such publications  
12 have been made.

1 SECTION 13. No act shall be done under authority  
2 of the preceding sections except in the making of sur-  
3 veys and other preliminary investigations, until the  
4 plans for said system of sewerage and sewage disposal  
5 have been approved by the state department of public  
6 health. Upon application to said department for its  
7 approval, it shall give a hearing, after due notice to  
8 the public. At such hearing, plans showing in detail  
9 all the work to be done in constructing said system of  
10 sewerage and sewage disposal shall be submitted for  
11 approval by said department.

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

1 SECTION 15. Chapter three hundred and sixty-six  
2 of the acts of nineteen hundred and twelve, entitled  
3 an act to authorize the town of Monson to construct  
4 a system of sewerage, is hereby repealed.

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