

HOUSE No. 2164

By Mr. McCulloch of Adams, petition of Brainerd Mears and another for legislation relative to the fire district in the town of Williamstown. Water Supply.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE FIRE DISTRICT IN THE TOWN OF WILLIAMSTOWN.

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. Section 3 of chapter 69 of the acts of
2 1912 is hereby amended by striking out, in lines 14
3 and 15, the words "sidewalks, common sewers,
4 main drains, lamps, street sprinkling and police
5 protection" and inserting in place thereof the words:
6 — and street lamps, — so as to read as follows:—
7 *Section 3.* The legal voters of the fire district shall
8 within one year after the organizing of the district,
9 at a meeting called for the purpose, choose by ballot
10 a board of three commissioners, all of whom shall be
11 legal inhabitants of and voters in the district, to
12 hold office, one for one year, one for two years and one
13 for three years from the next succeeding annual
14 district meeting; and thereafter at each annual
15 meeting the legal voters of said district shall elect one
16 commissioner to serve for three years. The com-

17 missioners shall annually within fourteen days after
18 the annual election of the fire district choose one
19 of their number to act as president of the district
20 for the ensuing year. Said commissioners shall be a
21 board of commissioners of hydrants, water tanks for
22 fire purposes, and street lamps. The commissioners
23 shall serve until the expiration of their respective
24 terms of office, as hereinbefore set forth and until
25 others are chosen and qualified in their stead, but
26 the district shall have authority to fill any vacancy
27 in said board at any district meeting regularly called
28 for that purpose. The commissioners shall be sworn
29 to the faithful performance of their duty and shall
30 receive such compensation as may be determined by
31 the voters of the district at its annual meetings.

1 SECTION 2. Said chapter 69 is hereby further
2 amended by striking out section 4, as amended by
3 section 1 of chapter 598 of the acts of 1912, and in-
4 serting in place thereof the following:—

5 *Section 4.* The said district may, at meetings
6 called for that purpose, raise money for the purchase
7 of engines and other articles necessary for the pre-
8 vention and extinguishment of fires, for hydrants and
9 water service, for the purchase of land, for the erec-
10 tion, maintenance and repairs of necessary buildings,
11 for the erection and maintenance of street lamps
12 within the limits of the district, for the payment of a
13 proper charge of an insurance company for acting as
14 surety on official bond which may be given to the
15 district by any of its officers, and for other incidental
16 expenses of the fire department. The board or
17 prudential committee of the district may accept an
18 insurance company as sufficient surety upon such
19 bond. Every member of the board shall be accounta-

20 ble to the district for any money received by him,
21 and the district may maintain a suit therefor in the
22 name of the inhabitants of the district. The said
23 board shall not expend any money which has not
24 been duly appropriated by the district, and shall
25 have no authority to bind the district to the payment
26 of money in excess of its appropriation, or for any
27 purpose not specified by the vote of the district
28 appropriating the same; but the district shall not
29 during any year raise by taxation any amount of
30 money exceeding one per cent of the taxable property
31 in the district.

1 SECTION 3. Said chapter 69 is hereby further
2 amended by striking out section 6 and inserting in
3 place thereof the following: —

4 *Section 6.* It shall be the duty of the board, under
5 the supervision and direction of the district, to con-
6 struct, reconstruct, erect, repair, maintain and have
7 charge of all lamp posts, street lamps, and street
8 hydrants in the fire district, and to have charge of all
9 matters pertaining thereto as herein provided.

1 SECTION 4. Sections seven to thirteen, inclusive,
2 and section twenty of said chapter sixty-nine are
3 hereby repealed.

1 SECTION 5. Said chapter 69 is hereby further
2 amended by striking out section 17 and inserting in
3 place thereof the following: —

4 *Section 17.* The prudential committee or board is
5 hereby empowered to make a taking of land for the
6 furtherance of the provisions of this chapter and when-
7 ever land is so taken, said committee or board shall,
8 within sixty days after any such taking, file in the
9 registry of deeds of the county of Berkshire a descrip-

10 tion of the land so taken, sufficiently accurate for
11 identification, and a statement of the purpose for
12 which it is taken; and the right to use all land so
13 taken for the purposes mentioned in said statement
14 shall vest in said fire district and its successors.
15 Damages for land so taken shall be paid by the fire
16 district; and any person aggrieved by the taking of
17 his land under this act, who fails to agree with the
18 board as to the amount of damages, may, upon a
19 petition filed with the county commissioners of the
20 county of Berkshire within one year after the filing of
21 the description thereof in the registry of deeds, have
22 his damages assessed and determined in the manner
23 provided when land is taken for the laying out of
24 highways; and if either party is not satisfied with the
25 award of damages by the county commissioners, and
26 shall apply for a jury to revise the same, the fire dis-
27 trict shall pay the damages awarded by the jury, and
28 shall pay costs if the damages are increased by the
29 jury, and shall recover costs if the damages are de-
30 creased; but if the jury shall award the same dam-
31 ages as were awarded by the county commissioners,
32 the party who applied for the jury shall pay costs to
33 the other party.

1 SECTION 6. Said chapter 69 is hereby further
2 amended by striking out section 19 and inserting in
3 place thereof the following:—

4 *Section 19.* The provisions of all general laws of
5 the commonwealth, applicable to fire districts and
6 not inconsistent with this act, shall apply to the fire
7 district organized hereunder.

1 SECTION 7. This act shall take effect upon its
2 passage.