

HOUSE No. 2602

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 14, 1949.

The committee on Metropolitan Affairs, to whom was referred the special report of the joint board (Department of Public Health and the Metropolitan District Commission) authorized (under Chapter 41 of the Resolves of 1948) to investigate relative to the disposal of sewage in the south metropolitan sewerage district and to the extension of said district (House, No. 2151, App. II), report the accompanying bill (House, No. 2602).

For the committee,

JOHN F. COLLINS.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE ADMISSION OF THE TOWN OF FRAMINGHAM TO THE SOUTH METROPOLITAN SEWERAGE DISTRICT.

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 territory comprising the town of
2 Framingham, hereinafter called the town, is hereby
3 admitted to the south metropolitan sewerage dis-
4 trict, as defined in section one of chapter ninety-two
5 of the General Laws and as enlarged by such acts as
6 are in addition to or in amendment thereof. In
7 becoming a part of said district, the town shall con-
8 form to the requirements of the provisions of said
9 chapter ninety-two, relative to the south metropolitan
10 sewerage system, and shall be subject to said provi-
11 sions, except as otherwise provided herein. Any
12 general authority granted to other municipalities
13 by said chapter ninety-two shall also be vested in
14 the town in common with such other municipalities.

1 SECTION 2. The metropolitan district commission,
2 hereinafter called the commission, may abandon the
3 use of its Cochituate aqueduct as a part of its domestic
4 water supply system upon the making of an agree-
5 ment with the town of Framingham involving the

6 use of said aqueduct for conveying the sewage of the
7 town; and upon such abandonment and filing of a
8 notice to that effect by the commission with the
9 department of public health, the restrictions as to the
10 use of all or any portion of such aqueduct or any
11 easement or right acquired or held in connection
12 therewith for water supply purposes shall become
13 null and void and of no effect; and the commission
14 shall continue such use and the exercise of such rights
15 for sewerage purposes and water supply purposes
16 other than domestic. The commission shall provide
17 an outlet for the sewage of the town through its
18 Cochituate aqueduct and, acting on behalf of the
19 commonwealth, shall perform whatever reconstruc-
20 tion of this aqueduct the commission may determine
21 to be necessary to provide adequate carrying capacity
22 for the sewage of the towns of Framingham, Ashland
23 and Natick, and such additional construction as the
24 commission may determine to be necessary to convey
25 said sewage to the Charles River valley sewer of the
26 south metropolitan sewerage district. The plans of
27 such works as are to be constructed under the au-
28 thority of this act shall be subject to the approval of
29 the department of public health.

1 SECTION 3. For the purpose of constructing,
2 maintaining and operating such additional sewerage
3 works as are necessary in carrying out the purposes
4 of this act, the commission, acting on behalf of the
5 commonwealth, shall have and exercise all the au-
6 thority conferred upon it by said chapter ninety-two,
7 and all provisions of said chapter are made applicable
8 to the additional construction, maintenance and
9 operation hereby authorized, except as is otherwise
10 provided herein.

1 SECTION 4. In carrying out the provision of this
2 act the commission may expend in addition to the
3 funds provided by chapter seven hundred and five
4 of the acts of nineteen hundred and forty-five and
5 amendments thereof such amounts not exceeding
6 in the aggregate _____ dollars as may be
7 from time to time approved by the governor and
8 council, said aggregate amount of _____
9 dollars being an addition to loans authorized by said
10 chapter seven hundred and five and amendments
11 thereof, including chapter _____ of the
12 acts of the current year.

1 SECTION 5. The town shall, in addition to the
2 yearly payment of assessments as provided for in
3 sections five to eight of chapter ninety-two of the
4 General Laws, pay into the treasury of the common-
5 wealth, for the sinking fund of the south metropolitan
6 sewerage system, such proportion of the total amount
7 of said sinking fund as existing on the first day of
8 April in the year of its acceptance of this act, and of
9 all sinking fund bonds and serial bonds paid prior
10 to said date, as the valuation of the town for the said
11 year shall bear to the total amount of the valuation
12 of the cities and towns in said system, as determined
13 for the apportionment of assessments. Such propor-
14 tion shall be determined by the commission and
15 shall be certified by said commission to the state
16 treasurer. The state treasurer shall determine the
17 total amount so to be paid by the town on account
18 of its admission to the said system, and for the pay-
19 ment thereof shall add one tenth of said total amount
20 to the yearly sum payable by the town on account
21 of its share of the interest, sinking fund and serial

22 bond requirements of said system in each of the ten
23 years next succeeding. No assessment on account of
24 the cost of maintenance and operation of the aforesaid
25 system shall be made upon the town until the com-
26 mission shall have certified to the town that the work
27 herein provided for has been so far completed as to
28 furnish an outlet to receive sewage from the town.

1 SECTION 6. The town, upon its admission into
2 the south metropolitan sewerage district and abandon-
3 ment of its sewage disposal works, may at any time
4 use for other purposes than in sewage disposal, sell,
5 exchange or lease any property, real or personal,
6 comprising all or any portion of such abandoned
7 sewage disposal works, or any easement or right
8 acquired or held in connection with such abandoned
9 sewage disposal works, and upon such abandonment
10 of such sewage disposal works and filing of a notice
11 to that effect by the town with the department of
12 public health, the restriction as to the use of such
13 property or right therein for sewerage purposes shall
14 become null and void and of no effect.

1 SECTION 7. This act shall take effect, subsequent
2 to the making of an agreement between the com-
3 mission and the town covering the disposal of the
4 sewage of the town through the south metropolitan
5 sewerage system, upon its acceptance by a majority
6 of the voters of the town of Framingham present and
7 voting thereon at a meeting legally called for the
8 purpose.

22 bond requirements of said system in each of the ten
 23 years next succeeding. No assessment on account of
 24 the cost of maintenance and operation of the above-
 25 system shall be made upon the town until the year
 26 herein shall have expired in the town that the work
 27 herein provided for has been so far completed as to
 28 furnish an outlet to receive sewage from the town.

1. The town, upon its adoption of this
 2. resolution, shall petition the county health and sanitation
 3. board of the county for a sewer disposal system, and
 4. the said board shall be empowered to acquire, lease or purchase
 5. or otherwise obtain any portion of such disposal
 6. system, disposal works, or appurtenances, or shall
 7. acquire or hold in connection with such disposal
 8. works, and upon such acquisition
 9. of such disposal works and filling of the same
 10. to that effect by the town with the department of
 11. public health, the right to use for the use of said
 12. property or right to use for sewerage purposes shall
 13. become null and void and of no effect.

14. The town shall be authorized to acquire, lease or purchase
 15. or otherwise obtain any portion of such disposal
 16. system, disposal works, or appurtenances, or shall
 17. acquire or hold in connection with such disposal
 18. works, and upon such acquisition
 19. of such disposal works and filling of the same
 20. to that effect by the town with the department of
 21. public health, the right to use for the use of said
 22. property or right to use for sewerage purposes shall
 23. become null and void and of no effect.

24. The town shall be authorized to acquire, lease or purchase
 25. or otherwise obtain any portion of such disposal
 26. system, disposal works, or appurtenances, or shall
 27. acquire or hold in connection with such disposal
 28. works, and upon such acquisition
 29. of such disposal works and filling of the same
 30. to that effect by the town with the department of
 31. public health, the right to use for the use of said
 32. property or right to use for sewerage purposes shall
 33. become null and void and of no effect.

