

By Mr. Dolan of Westfield, petition of Richard T. Dolan for the co-operation by the Commonwealth with the federal government in its project for improvements in the Westfield River and relative to the protection of property against floods in the city of Westfield. Harbors and Public Lands.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR CO-OPERATION WITH THE FEDERAL GOVERNMENT IN ITS PROJECT FOR CERTAIN IMPROVEMENTS IN THE WESTFIELD RIVER, FOR PROTECTION OF PROPERTY AGAINST FLOODS IN THE CITY OF WESTFIELD.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose which is to provide for work to be performed
3 for protection against floods, therefore it is hereby declared to
4 be an emergency law, necessary for the immediate preservation
5 of the public health, safety and convenience.

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 federal flood control project for the protec-
2 tion of property against flood in the Westfield river in the city
3 of Westfield, as authorized by the Congress under section III
4 of the River and Harbor act, June thirteenth, nineteen hundred
5 and two, and as further enacted September fourteenth, nineteen
6 hundred and fifty-five, resolutioned by the commission on public
7 works of the United States Senate and resolutioned by the
8 committee of the House of Representatives, June thirteenth,
9 nineteen hundred and fifty-six, published as House Document
10 455, 75th Congress, and as is reported by the office of the divi-
11 sion engineer, United States Army Engineer Division, New
12 England, entitled Interim Report on Review of Survey for Flood
13 Control, Connecticut River Basin, Westfield River, Massachu-
14 setts, is hereby accepted and assurances are hereby given to the
15 secretary of the army that the conditions imposed on location
16 interests by law be met.

1 SECTION 2. The department of public works, hereinafter
2 called the department, is hereby authorized and directed to
3 convey to the secretary of the army, hereinafter called the
4 secretary, the assurances of the commonwealth, in form satis-
5 factory to the secretary, that the department will perform all
6 acts required to be performed by local interests in connection
7 with the construction of the works by the United States, and
8 that the city of Westfield and the town of Westfield will main-
9 tain and operate, in accordance with the regulations prescribed
10 by said secretary, such flood control works when completed as
11 are within said city and said town, respectively.

1 SECTION 3. Said department is hereby authorized to take
2 under the provisions of chapter seventy-nine of the General Laws
3 such lands or rights therein as may from time to time be required
4 by the secretary; to relocate and reconstruct highways, roads
5 and streets, including bridges and approaches and other struc-
6 tures, and including water pipes, gas pipes, sewers and power
7 lines, railroad tracks, and other structures, tailraces, raceway
8 conduits and extensions and connections incidental thereto,
9 and construct or reconstruct dams and pumping stations, both
10 publicly and privately owned, and do all other work required
11 by the secretary to be performed by local interests as provided
12 in said statutes and to enter on private lands for said purposes.

1 SECTION 4. For the purpose of carrying out the work herein
2 authorized, said department may enter into contracts therefor,
3 and the department may make agreements with said secretary or
4 his agents, or with the city of Westfield or with the town of
5 Westfield, or with railroads and the public service corporations
6 or owners of dams to carry out and perform any of the work
7 herein authorized, the cost hereof to be paid by said department
8 from the funds authorized herein.

1 SECTION 5. After completion thereof the city of Westfield
2 and the town of Westfield shall maintain and operate all the
3 flood control works, including pumping stations built hereunder
4 within the municipal limits of said city or said town, and all
5 sewers, water pipes, highways and bridges and other structures
6 owned by said municipalities.

1 SECTION 6. Said city and said town within its limits shall
2 prescribe and enforce regulations designed to prevent encroach-
3 ments on the improved channels, and will take such means as
4 may be necessary to prevent any encroachments upon the flood
5 channel capacities to be provided by the proposed improvements.

1 SECTION 7. The commissioner of public works may employ
2 temporarily such engineering, clerical and other assistance as
3 he deems necessary for the purpose of carrying out the work
4 authorized by this act. Such persons shall be subject to the
5 provisions of chapter thirty-one of the General Laws, except
6 that their employment may continue until the completion of
7 said work, any provision of said chapter thirty-one to the con-
8 trary notwithstanding.

1 SECTION 7A. In the event that the commonwealth, Hampden
2 county or the city of Westfield is required to make any payment
3 for the work provided by this act at any time, the amount so
4 paid shall be reimbursed to the commonwealth, county, or city
5 making such payment.

1 SECTION 7B. Any moneys paid to the commonwealth as
2 provided herein shall be placed in the respective fund from
3 which it was paid, instead of in the Highway Fund.

1 SECTION 8. To meet the expenditures necessary in carrying
2 out the provisions of this act, the state treasurer shall, upon
3 request of the governor and council, issue and sell at public
4 or private sale bonds of the commonwealth, registered or with
5 interest coupons attached, as he may deem best, to an amount
6 to be specified by the governor and council from time to time,
7 but not exceeding, in the aggregate, the sum of five hundred
8 thousand dollars. All bonds issued by the commonwealth,
9 as aforesaid, shall be designated on their face, Westfield River
10 Loan Act of 1959, and shall be on the serial payment plan for
11 such maximum term of years, not exceeding five years, as the
12 governor may recommend to the general court pursuant to
13 section three of Article LXII of the Amendments to the Consti-
14 tution of the commonwealth, the maturities thereof to be so
15 arranged that the amounts payable in the several years other

16 than the final year shall be as nearly equal as in the opinion of
17 the state treasurer it is practicable to make them. Said bonds
18 shall bear interest semiannually at such rate as the state
19 treasurer, with the approval of the governor, shall fix, but such
20 bonds shall be payable not later than June thirtieth, nineteen
21 hundred and sixty-five.