

Chap. 1163. AN ACT RELATING TO THE IMPROVEMENT OF THE WATER SUPPLY FOR THE TOWN OF COHASSET.

Be it enacted, etc., as follows:

SECTION 1. The commissioner of natural resources, hereinafter in this act called the commissioner, in the name and on behalf of the commonwealth, is authorized to apply for and accept from the Secretary of the Interior of the United States, or his lawful successor or delegate, an amendment or waiver of the covenants and conditions contained in the deed from the United States to the commonwealth dated May sixteenth, nineteen hundred and sixty-seven, as may be necessary to enable the commissioner to grant for nominal consideration, an easement or easements, execute a lease or other use contract, or enter other contracts, or any combination thereof, to or with the town of Cohasset, hereinafter in this act called the town, for the land hereinafter described for water supply, water storage, public park and other public recreation uses. Upon receipt of such amendment or waiver, the commissioner is hereby authorized and empowered to grant an easement or easements, execute a lease or other use contract, or enter into any other contracts, or any combination of the foregoing, by which the town may use the land for water supply, water storage, public park, and public recreation uses; and the town, by and through its board of water commissioners, is hereby authorized and empowered to accept any grant of easement or easements, execute a lease or other use contract, enter other contracts, or any combination of the foregoing, by which the town may use the below-described land for water supply, water storage, public park, and public recreation uses.

Any such easement, lease, other use contract, other contract, or combination thereof, may be granted or executed with respect to the land, hereinafter called the property, situated in the town of Cohasset, Norfolk County, and in the towns of Scituate and Hingham, Plymouth County shown on a plan on file in the office of the board of water commissioners of the town of Cohasset, entitled "Proposed Reservoir" dated January, 1971 by Ernest W. Branch, Inc., Civil Engineer, bounded and described as follows:

Starting at a point at the northeast corner thereof, thence running S 36-55-36 E 87.61 feet; thence S 05-14-12 W 627.76 feet; thence S 26-56-54 W 190 feet; thence S 16-31-02 E 190 feet; thence S 03-47-13 W 2794 feet more or less; thence S 52-26 W 2353.38 feet more or less; thence N 32-40-44 W 337.53 feet; thence N 03-51-09 E 827.20 feet; thence N 45-12-46 E 1071.85 feet; thence N 38-18-44 W 884.94 feet; thence S 51-41-16 W 630 feet; thence N 41-26-51 W 1462.93 feet; thence N 51-41-16 E 710 feet; thence N 35-24-43 E 898.32 feet; thence N 63-03-25 E 566.72 feet; thence N 43-14-09 E 1066.25 feet; thence S 46-45-51 E 865 feet; thence N 53-04-24 E 651.10 feet; thence to the point of beginning containing 231.73 acres more or less according to said plan. Being a portion of the land purchased from the United States of America for public park

and recreational purposes under the provisions of section three of chapter one hundred thirty-two A of the General Laws and chapter six hundred forty-eight of the acts of nineteen hundred and sixty-six.

The easement, lease, other use contract, other contract, or combination thereof may contain any covenants and conditions required by the United States and may be amended, modified or extended from time to time; provided, that any amendment, modification or extension shall not be contrary to or inconsistent with the limitations set forth in the next paragraph.

Any amendment, modification or extension shall be agreed to in writing by all parties thereto. The commissioner and the town, acting by and through its board of water commissioners, may enter into cooperative management agreements from time to time concerning the management and joint control of the property and other property of the town contiguous to the property and their uses for conservation and recreation purposes subject to the rules and regulations of the department of public health.

Any easement, lease, other use contract, other contract, or combination thereof, may be of any duration agreed to by the parties, including perpetuity, notwithstanding any other provisions of law; however, in no event shall the original term be for less than fifty years. This limitation shall not prevent extensions or renewals, from time to time, of any easement, lease, other use contract, other contract, or any combination thereof for any additional period allowed by law.

SECTION 2. In addition to any other authority heretofore conferred, the town, acting through its board of water commissioners, hereinafter in this act called the commissioners, is hereby authorized to construct, operate and maintain a dam and reservoir located in whole or in part on the property, and may lay and maintain pipes, and may construct, equip, operate and maintain such other water collection, storage, purification and transmission facilities, located in whole or in part on the property or elsewhere in the town, as may be necessary or desirable to include the reservoir in the town's water system, and to use the property for water supply, water storage, public park, and public recreational uses; and is also hereby authorized to acquire by purchase, eminent domain, or otherwise, any land, easements or other interests therein, as may be necessary in addition to the property, in connection with the foregoing dam, reservoir, pipes and facilities. Any land so acquired which is adjacent to the property may also be used for conservation or outdoor recreation purposes. The commissioners, with the approval of the selectmen, are also authorized to expend funds to assist in any relocation of electric power transmission facilities which may be made necessary by the construction of the dam, reservoir, pipes and facilities, and for this purpose, the commissioners may contract with utility companies owning, leasing or operating the transmission facilities which are to be relocated and make payments to them. The amount of any relocation

assistance payments shall be included as a cost of constructing the reservoir.

SECTION 3. In respect to land acquired under the provisions of section two which is contiguous to the property, the commissioners, with the approval of the conservation commission of the town, may from time to time authorize the use of all or part thereof of such land for conservation or outdoor recreation purposes in addition to, and consistent with, its use for water supply and storage purposes. Each authorization by the commissioners shall be in writing, shall accurately identify the parcel of land to which it relates, and shall be filed with the town clerk. The custody and control of such land shall remain in the commissioners who may permit the conservation commission to operate conservation and outdoor recreation programs and facilities on such land.

SECTION 4. If the commissioners authorize the use of any land for conservation or outdoor recreation purposes as authorized under section three, the town may apply for a state reimbursement under section eleven of chapter one hundred and thirty-two A of the General Laws, and the commissioner of natural resources may reimburse the town pursuant to the provisions of said section, notwithstanding that said property may be acquired by the town before any project application is filed or approved. Any reimbursement received under said section eleven and this section shall be applied to the payment of the bonds or notes, including notes issued under section six and seven of this act, which are issued by the town to finance the acquisition of land, and which the commissioners may authorize to be used for conservation or outdoor recreation purposes in addition to its use for water supply and storage purposes.

SECTION 5. Notwithstanding any other provisions of the law to the contrary, no person serving in the capacity of a water commissioner of the town, on or after the time of the passage of this act, shall have any personal liability as a result of the construction and operation of the reservoir and dam as provided for in this act.

SECTION 6. For the purpose of meeting costs to be incurred under sections one and two, other than costs of operation and maintenance, the treasurer of the town, with the approval of the board of selectmen, is hereby authorized to borrow on behalf of the town from time to time such sums as may be necessary, not exceeding in the aggregate, two million five hundred thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Cohasset Water Loan, Act of 1973. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than thirty-five years from their dates. Indebtedness incurred under this act shall be in excess of any statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 7. The treasurer of the town, with the approval of the board of selectmen, may also make temporary loans under the provisions of section seventeen of chapter forty-four of the General

Laws in anticipation of the proceeds of the bonds or notes authorized by section six.

SECTION 8. Sections six, ten, and eleven of chapter one hundred and twenty-eight of the acts of eighteen hundred and eighty-six, as amended, are hereby repealed.

Approved December 7, 1973.

Chap. 1164. AN ACT TO EXPEDITE PAYMENT TO GENERAL CONTRACTORS AND TO SUBCONTRACTORS AND TO IMPROVE THE FLOW OF FUNDS IN THE CONSTRUCTION INDUSTRY.

Be it enacted, etc., as follows:

Chapter 30 of the General Laws is hereby amended by inserting after section 39N, inserted by section 4 of chapter 774 of the acts of 1972, the following two sections: —

Section 39 O. Every contract subject to the provisions of section thirty-nine M of this chapter or subject to section forty-four A of chapter one hundred forty-nine shall contain the following provisions (a) and (b) in their entirety and, in the event a suspension, delay, interruption or failure to act of the awarding authority increases the cost of performance to any subcontractor, that subcontractor shall have the same rights against the general contractor for payment for an increase in the cost of his performance as provisions (a) and (b) give the general contractor against the awarding authority, but nothing in provisions (a) and (b) shall in any way change, modify or alter any other rights which the general contractor or the subcontractor may have against each other.

(a) The awarding authority may order the general contractor in writing to suspend, delay, or interrupt all or any part of the work for such period of time as it may determine to be appropriate for the convenience of the awarding authority; provided however, that if there is a suspension, delay or interruption for fifteen days or more or due to a failure of the awarding authority to act within the time specified in this contract, the awarding authority shall make an adjustment in the contract price for any increase in the cost of performance of this contract but shall not include any profit to the general contractor on such increase; and provided further, that the awarding authority shall not make any adjustment in the contract price under this provision for any suspension, delay, interruption or failure to act to the extent that such is due to any cause for which this contract provides for an equitable adjustment of the contract price under any other contract provisions.

(b) The general contractor must submit the amount of a claim under provision (a) to the awarding authority in writing as soon as practicable after the end of the suspension, delay, interruption or failure to act and, in any event, not later than the date of final payment under this contract and, except for costs due to a suspension order, the awarding authority shall not approve any costs in the claim incurred more than twenty days before the general