

HOUSE No. 1142

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 14, 1927.

The committee on Water Supply, to whom was referred the petition (accompanied by bill, House, No. 1002) of J. Willis Andrews for the establishment of the South Dighton Fire and Water District with authority to purchase water from the town of Somerset, report the accompanying bill (House, No. 1142).

For the committee,

C. A. PIKE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Seven.

An Act to establish the South Dighton Fire and Water 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 inhabitants of that part of the town
2 of Dighton known as South Dighton, liable to taxation
3 in said town and residing within the territory com-
4 prised within the following boundary lines, to wit:—
5 Beginning at a point on Main Street where said street
6 crosses Palmer brook, so called; thence in a general
7 northeasterly direction to Brook street at a point where
8 said street crosses Segregansett brook, so-called; thence
9 by said last mentioned brook in a general southerly
10 and southeasterly direction to a point where said brook
11 empties into the Taunton river, so-called; thence by
12 said river in a general southwesterly direction to a
13 point in said river approximately five hundred feet
14 south of Hart street; thence in a general westerly di-
15 rection to the right of way of the New York, New
16 Haven and Hartford Railroad; thence by said right of
17 way of said railroad in a general northerly direction to
18 a point where said right of way crosses said Palmer
19 brook; thence by said last mentioned brook in a general
20 westerly direction to the point of beginning,—shall
21 constitute a fire and water district, and are hereby

22 made a body corporate by the name of the South
23 Dighton Fire and Water District, for the purpose of
24 supplying themselves with water for the extinguishment
25 of fires and for domestic and other purposes, for assess-
26 ing and raising taxes as provided herein for payment
27 for such services, and for defraying the necessary ex-
28 penses of carrying on the business of said district, sub-
29 ject to all general laws now or hereafter in force relating
30 to such districts, except as otherwise provided herein.

1 SECTION 2. Said district may contract with the
2 town of Somerset for the purchase of whatever water
3 may be required for the purposes herein specified, and
4 said town may contract with said district to furnish
5 whatever water may be required for the purposes named
6 herein, upon such terms and conditions as may be agreed
7 upon by the water commissioners of said town and the
8 water commissioners of said district hereinafter provided
9 for. In case that the said water commissioners fail to
10 agree upon the price to be paid for water furnished, the
11 same may be submitted to a board of arbitration, con-
12 sisting of three members, one of whom shall be chosen
13 by the water commissioners of said town, another by
14 the water commissioners of said district and a third by
15 the two so chosen, and the decision of the said board of
16 arbitration shall be final and binding upon said town
17 and said district.

1 SECTION 3. Said district may take by eminent domain
2 under chapter seventy-nine of the General Laws, or
3 acquire by purchase or otherwise, and hold, all lands,
4 rights of way and easements necessary for the establish-
5 ment and maintenance of its system of water supply,
6 or for the conveying of water to any part of the said

7 district, and may construct on the land so acquired any
8 standpipes, reservoirs, tanks, fixtures, buildings or other
9 structures, or do such other things as may be necessary
10 for the establishment of a complete and effective system
11 of water supply; and for that purpose may construct,
12 lay and maintain aqueducts, conduits, pipes and other
13 works under or over any land, water courses, railroads,
14 railways, and public or other ways, and along such ways
15 within the bounds of said district, in such manner as
16 not unnecessarily to obstruct the same; and for the pur-
17 pose of constructing, laying, maintaining, operating, and
18 repairing such conduits, pipes and other works, and for
19 all other proper purposes of this act, said district may
20 dig up or raise and embank any such land, highways,
21 or other ways in such manner as to cause the least
22 hindrance to public travel on such ways; and all things
23 done upon any such way, shall be subject to the direction
24 of the selectmen of the town of Dighton. Said district
25 shall not enter upon, construct or lay any conduit,
26 pipe or other works within the location of any railroad
27 corporation except at such time and in such manner as
28 it may agree upon with such corporation, or in case of
29 failure to so agree, as may be approved by the depart-
30 ment of public utilities.

1 SECTION 4. Any person sustaining damages in his
2 property by any taking under this act or any other thing
3 done under authority thereof may recover such damages
4 from said district under said chapter seventy-nine.

1 SECTION 5. For the purpose of paying the necessary
2 expenses and liabilities incurred under the provisions of
3 this act, the said district may borrow from time to time
4 such sums as may be necessary, not exceeding in the

5 aggregate forty thousand dollars, and may issue bonds
6 or notes therefor, which shall bear on their face the words
7 South Dighton Fire and Water District Loan, Act of
8 1927. Each authorized issue shall constitute a separate
9 loan, and such loans shall be payable in not more than
10 thirty years from their dates. Indebtedness incurred
11 under this act shall be subject to chapter forty-four of the
12 General Laws.

1 SECTION 6. The said district shall, at the time of
2 authorizing the said loan or loans, provide for the pay-
3 ment thereof in accordance with section five of this
4 act; and when a vote to that effect has been passed, a
5 sum which, with the income derived from water rates,
6 will be sufficient to pay the annual expense of operating
7 the water works and interest as it accrues on bonds or
8 notes issued as aforesaid, and to make such payments on
9 the principal as may be required under this act, shall,
10 without further vote, be assessed upon the said district
11 by the assessors of the town of Dighton annually there-
12 after until the debt incurred by said loan or loans is
13 extinguished.

1 SECTION 7. Any land taken or acquired under this
2 act shall be managed, improved and controlled by the
3 board of water commissioners hereinafter provided for,
4 in such manner as they shall deem for the best interest
5 of the district. All authority vested in said board by
6 this section shall be subject to the provision of section
7 ten.

1 SECTION 8. Whenever a tax is duly voted by said
2 district for the purposes of this act, the clerk shall send
3 a certified copy of the vote to the assessors of the town

4 of Dighton, who shall assess the same on said district
5 in the same manner in all respects in which town taxes
6 are required by law to be assessed. The assessment
7 shall be committed to the town collector who shall
8 collect the tax in the manner provided for the collection
9 of town taxes, and shall deposit the proceeds with the
10 district treasurer for the use and benefit of the district.
11 The district may collect interest on overdue taxes in
12 the same manner in which interest is authorized to be
13 collected on town taxes.

1 SECTION 9. A meeting of the voters of the territory
2 included within the boundaries set forth in section one
3 shall be called, on petition of ten or more legal voters
4 therein, by a warrant from the selectmen of the town of
5 Dighton, or from a justice of the peace, directed to one
6 of the petitioners, requiring him to give notice of the
7 meeting by posting copies of the warrant in two or
8 more public places in the district seven days at least
9 before the time of the meeting. One of the petitioners
10 shall preside at the meeting until a clerk is chosen and
11 sworn, and the clerk shall preside until a moderator is
12 chosen. After the choice of a moderator, the question
13 of the acceptance of this act shall be submitted to the
14 voters, and if it shall be accepted by a majority of the
15 voters present and voting thereon it shall take full
16 effect, and the meeting may then proceed to act upon
17 the other articles contained in the warrant.

1 SECTION 10. Said district shall, at the same meeting
2 at which this act is accepted and after such acceptance,
3 elect by ballot a district clerk and a district treasurer,
4 who may be the same person, to hold office until one
5 year from the next succeeding annual meeting, and at
6 each annual meeting after the first, their successors shall

7 be elected by ballot for one year; and there shall also be
8 elected by ballot three persons to hold office, one until
9 three years, one until two years, and one until one year,
10 from the next succeeding annual meeting, to constitute
11 a board of water commissioners. At each annual meeting
12 after the first, one such commissioner shall be elected
13 by ballot for three years. All officers of the district shall
14 hold office until their successors are elected and qualified.
15 All the authority granted to said district by this act, ex-
16 cept sections five and six and except as otherwise specially
17 provided, shall be vested in the said board of water
18 commissioners, who shall be subject, however, to such
19 instructions, rules and regulations as the district may
20 impose by its vote. Any vacancy occurring in said
21 board from any cause may be filled for the remainder
22 of the unexpired term by the district at any legal meet-
23 ing called for the purpose. No money shall be drawn
24 from the district treasury except upon the written order
25 of a majority of the said board.

1 SECTION 11. Said board of water commissioners shall
2 fix just and equitable prices and rates for the use of
3 water, and shall prescribe the time and manner of pay-
4 ment, except that they shall require all water services
5 to be metered. The income of the water system shall
6 be used to pay the town of Somerset for water furnished,
7 to defray operating expenses, interest charges, and the
8 payments of the principal as they accrue upon any
9 bonds or notes issued under authority of this act, but
10 this provision shall not be construed as a limitation of
11 the contractual or other obligation of the said district.
12 No money shall be expended in new construction by said
13 board of water commissioners, except from surplus
14 revenues, unless the district votes for the same and
15 appropriates money therefor. Said board shall annually,

16 and as often as the district may require, render a report
17 upon the condition of the system under their charge and
18 an account of their doings, including an account of their
19 receipts and expenditures.

1 SECTION 12. Said district may adopt by-laws pre-
2 scribing by whom and how meetings may be called and
3 notified, and upon the application of ten or more legal
4 voters of said district, meetings may also be called by
5 warrant from a justice of the peace as provided in sec-
6 tion nine; said district may also choose such other
7 officers, not provided for in this act, as it may deem
8 proper or necessary. Said district shall have all the
9 rights and privileges conferred by law upon water dis-
10 tricts and fire districts, so far as applicable.

1 SECTION 13. Whoever wilfully or wantonly corrupts,
2 pollutes or diverts any water obtained or supplied under
3 this act, or wilfully or wantonly injures any reservoir,
4 standpipe, aqueduct, pipe or other property, owned or
5 used by said district for the purposes of this act, shall
6 forfeit and pay to the district three times the amount
7 of damages assessed therefor, to be recovered in an action
8 of tort; and upon conviction of any of the above wilful
9 or wanton acts shall be punished by a fine of not more
10 than one hundred dollars or by imprisonment for not
11 more than six months.

1 SECTION 14. This act shall take effect upon its accept-
2 ance by a majority of the voters of the district described
3 in section one, present and voting thereon at a meeting
4 called for the purpose within three years after its passage;
5 but the number of meetings so called in any one year
6 shall not exceed three; and for the purpose of being
7 submitted to the voters as aforesaid, this act shall take
8 effect upon its passage.