

HOUSE No. 657

By Mr. Shattuck of Boston (by request), petition of Eugene C. Hultman and others for legislation to provide for the optional abandonment by the cities of Cambridge and Newton and the town of Brookline of their local water supplies. Metropolitan Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE OPTIONAL ABANDONMENT BY THE CITIES OF CAMBRIDGE AND NEWTON AND THE TOWN OF BROOKLINE OF THEIR LOCAL WATER SUPPLIES.

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. As soon as the city of Cambridge, upon
2 application to the metropolitan district commission,
3 is admitted to membership in the metropolitan water
4 district, it shall abandon its local water supply sources
5 and take its entire supply from said district. The
6 metropolitan district commission shall then acquire
7 from said city its Payson park distributing reservoir
8 in the town of Belmont and the flowage rights, dams,
9 reservoirs and land owned by the city in the Stony
10 brook drainage area located in the city of Waltham
11 and the towns of Lincoln, Lexington and Weston.
12 In compensation therefor the city of Cambridge shall
13 receive credit annually for twenty-five years on its
14 district water assessment in the amount of 4.826 per

15 cent of the difference between the aggregate cost to
16 said city of the properties to be acquired by said com-
17 mission as above provided and a reasonable allowance
18 for the cost to the commission of connections with
19 meters to the district's supply mains hereinafter speci-
20 fied, such costs and allowances to be determined as
21 hereinafter provided. The city of Cambridge, upon
22 its admission to the metropolitan water district and
23 the acquisition by the commission of its Payson park
24 reservoir, shall maintain ample connections between
25 said reservoir and its distribution system. Upon the
26 admission of the city of Cambridge to the metropoli-
27 tan water district the commission shall provide the
28 necessary connections to the Cambridge distribution
29 system at Cambridge common, at Massachusetts
30 avenue near Beech street, at Cambridge and Norfolk
31 streets and at Green and Magazine streets. These
32 connections shall be installed by the commission and
33 paid for by the city as above provided, the meters
34 installed in connection therewith becoming the prop-
35 erty of the district.

1 SECTION 2. The city of Cambridge may at any
2 time use for other purposes than water supply, sell,
3 exchange or lease any property real or personal or
4 any easement or water rights in connection with its
5 Fresh pond water supply and the restriction as to
6 the use of this for water supply purposes is hereby
7 removed.

1 SECTION 3. As soon as the city of Newton, being
2 a member of the metropolitan water district, aban-
3 dons its local water supply sources and takes its

4 water supply entirely from said district, the metro-
5 politan district commission shall acquire from said
6 city its Waban hill distributing reservoir and a suffi-
7 cient portion or portions of its twenty-inch water
8 supply mains to serve as a force main between said
9 reservoir and a pumping station constructed or to be
10 constructed as a part of the necessary connection to
11 the district's pressure tunnel. In compensation there-
12 for the city of Newton shall receive credit annually
13 for twenty-five years on its district water assessment
14 in the amount of 4.826 per cent of the difference
15 between the aggregate cost to said city of the prop-
16 erties to be acquired by said commission as above
17 provided and a reasonable allowance for the cost to
18 the commission of the necessary connection with
19 meters to the district's pressure tunnel, such costs
20 and allowances to be determined as hereinafter pro-
21 vided. The necessary meters in the connection to
22 the district's pressure tunnel, paid for by the city of
23 Newton as above provided, shall become the property
24 of the district.

1 SECTION 4. As soon as the town of Brookline, being
2 a member of the metropolitan water district, aban-
3 dons its local water supply sources and takes its
4 water supply entirely from said district, the metro-
5 politan district commission shall acquire from said
6 town its Fisher hill and Single tree distributing reser-
7 voirs, its high-service steam pumping station on
8 Newton street, its auxiliary electric pumping station
9 at Boylston street and Reservoir road and appurte-
10 nant portions of its water supply mains. In compen-
11 sation therefor the town of Brookline shall receive

12 credit annually for twenty-five years on its district
13 water assessment in the amount of 4.826 per cent of
14 the difference between the aggregate cost to said town
15 of the properties to be acquired by said commission
16 as above provided and a reasonable allowance for the
17 cost to the commission of the necessary connections
18 with meters to the district's supply mains, such costs
19 and allowances to be determined as hereinafter pro-
20 vided. The necessary meters in the connections to the
21 district's system, paid for by the town of Brookline
22 as above provided, shall become the property of the
23 district. Instead of turning over to said commission
24 its two reservoirs and its two pumping stations as
25 above provided, the town of Brookline may postpone
26 the transfer of either or both of its distributing reser-
27 voirs for such a period of time as it may determine,
28 following which the commission shall acquire them as
29 above provided, and in such case, the credit to the
30 town of Brookline on its annual assessments shall be
31 adjusted to allow for such postponement. If and
32 when said commission abandons any pumping station
33 acquired from the town of Brookline, it shall raze
34 the building, fill and regrade the site with suitable
35 material and leave the entire area in a neat condition.

1 SECTION 5. The metropolitan district commission
2 may at any time sell at public or private sale, exchange
3 or lease any property, real or personal, or any ease-
4 ment or water right acquired under the provisions of
5 section one which in its opinion is no longer needed for
6 water supply purposes, but the commission shall give
7 to the municipality from which the property was
8 acquired an opportunity to purchase the same. Any

9 sums of money received from such sale or lease shall
10 be applied by the state treasurer to meet the cost of
11 maintenance and operation of the metropolitan water
12 works.

1 SECTION 6. Any employee of a city or town the
2 facilities of which are abandoned to or for the uses
3 and purposes of this act, now on duty at a reservoir,
4 filter plant, pumping station or other works which
5 will be abandoned when no longer needed after the
6 metropolitan district commission commences to sup-
7 ply such municipality, shall have the following special
8 rights with respect to his employment status: First,
9 if he so requests his services shall be retained in his
10 civil service grade and at the same or higher agreed
11 rate of compensation, subject to the same provisions
12 of retirement, leave of absence, sickness leave, vaca-
13 tion, etc., as accrued to his benefit under the employ-
14 ment terms prevailing at the time of such abandon-
15 ment of the works at which he was serving; second,
16 if within one month after such abandonment he peti-
17 tions for retirement, expressing his unwillingness to
18 be similarly employed by the metropolitan district
19 commission, he shall be retired by the retirement
20 board or retiring authority of the municipality con-
21 cerned upon the same terms and conditions and sub-
22 ject to the same allowances as though he had attained
23 the statutory age of retirement. If he does not so
24 request retention of his services or so petition for
25 retirement, he shall be deemed to have voluntarily
26 terminated his services as of the date of such abandon-
27 ment, and thereupon all his rights hereunder shall
28 cease and determine.

1 SECTION 7. The costs and allowances specified in
2 sections one, three and four shall be determined by
3 four commissioners, hereinafter referred to as the ap-
4 praisal commissioners, which shall be appointed by
5 the supreme judicial court upon notification by one
6 or more of the three municipalities involved that it
7 wishes a determination to be made of such costs and
8 allowances. Each municipality, in such notification,
9 shall nominate one or more candidates for appraisal
10 commissioner, and if nominations satisfactory to the
11 court are not received from all three municipalities
12 the court shall request nominations that are lacking
13 from any municipality or additional nominations in
14 lieu of any that are unsatisfactory. It shall then
15 appoint the appraisal commissioners, one as nomi-
16 nated by each of the three municipalities and a fourth
17 who shall be a resident of one of the municipalities
18 in the metropolitan water district and who shall act
19 as chairman. Such appraisal commissioners shall,
20 after due notice and hearing, report to each of the
21 three municipalities its preliminary determination of
22 said costs and allowances, and shall, within the next
23 thirty days thereafter, hear any appeals therefrom.
24 They shall then, in such manner as they shall deem
25 just and equitable, determine said costs and allow-
26 ances and report the results of their determination to
27 said court on or before March first next following the
28 passage of this act, or as soon thereafter as may be.
29 When said report shall have been accepted by the
30 court, it shall be conclusive and binding in deter-
31 mining the annual assessments against each of the
32 three municipalities involved during the twenty-five-
33 year period following its abandonment of its local
34 supply under the provisions hereof. The court shall

35 fix and determine the compensation of the appraisal
36 commissioners and shall allow such expenses incurred
37 by them in carrying out the provisions of this section
38 as it shall approve, one half of the same to be borne
39 by the metropolitan water district and included in
40 its next annual assessment and the other half to be
41 borne by the three municipalities in such proportion
42 as the appraisal commissioners shall determine.

