

HOUSE No. 3360

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 15, 1965.

The committee on Towns, to whom was referred the petition (accompanied by bill, House, No. 306) of William H. Mork for legislation to authorize the establishment of the Baldwinville-Otter River Sewer District within the limits of the town of Templeton, report the accompanying bill (House, No. 3360).

For the committee,

DAVID C. AHEARN.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE ESTABLISHMENT OF THE BALDWINVILLE-
OTTER RIVER SEWER DISTRICT WITHIN THE LIMITS OF THE TOWN
OF TEMPLETON.

*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 the villages of Baldwinville
2 and Otter River in the town of Templeton liable to taxation in
3 said town and residing within the territory comprised within the
4 following lines to wit: the village of Baldwinville — Beginning
5 at a point at the junction of Old Winchendon road and the
6 town line, south 48 degrees 45 minutes west — 3550 feet; thence
7 south 8 degrees 30 minutes east — 5100 feet; thence south 66
8 degrees 05 minutes west — 1475 feet; thence south 55 degrees
9 30 minutes west — 200 feet; thence north 79 degrees 30 minutes
10 west — 5950 feet; thence north 86 degrees 45 minutes west —
11 2400 feet; thence south 51 degrees west — 2725 feet; thence
12 north 55 degrees 30 minutes west — 725 feet; thence south 35
13 degrees 45 minutes west — 800 feet; thence north 84 degrees
14 30 minutes west — 1750 feet; thence north 30 degrees east —
15 18,750 feet; thence south 84 degrees 10 minutes east — 4400
16 feet along the Town Line; thence south 41 degrees east — 8000
17 feet along the Town Line to the point of beginning; and the
18 village of Otter River — Beginning at the junction of Old Win-
19 chendon Road and the Town Line and extending south 48
20 degrees 45 minutes west — 3550 feet; thence south 8 degrees
21 30 minutes east — 5100 feet; thence south 39 degrees east 2700
22 feet; thence north 71 degrees 40 minutes east — 2850 feet;
23 thence north 86 degrees east — 1375 feet to the thread of the
24 Otter River; thence along the Otter River in a northwesterly
25 direction — 2875 feet to the Town Line; thence north 66 degrees
26 10 minutes east along the Town Line; thence north 41 degrees
27 west along the Town Line to the place of beginning, shall con-
28 stitute a sewer district and are hereby made a body corporate
29 by the name of the Baldwinville-Otter River Sewer District,

30 hereinafter called the district, for the purpose of laying out,
31 constructing, maintaining and operating a system or systems of
32 common sewers for a part or the whole of the territory herein
33 described with such connections and other works as may be re-
34 quired for a system of sewage disposal and may construct such
35 sewers in said district as may be necessary, and for the purpose of
36 assessing and raising taxes as provided herein for the payment
37 of such services, and for defraying the necessary expenses of
38 carrying on the business of said district, subject to all general
39 laws now or hereafter in force relating to such districts, except
40 as otherwise provided herein. The district shall have power to
41 prosecute and defend all actions relating to its property and
42 affairs.

1 SECTION 2. Any meeting of the voters of the territory in-
2 cluded within the boundaries set forth in section one to be held
3 prior to the acceptance of this act, and any meeting of the voters
4 of the district to be held prior to the qualification of a majority
5 of the sewer commissioners shall be called on petition of ten or
6 more legal voters therein, by a warrant from the selectmen of
7 said town, or from a justice of the peace, directed to one of the
8 petitioners, requiring him to give notice of the meeting by post-
9 ing copies of the warrant in two or more public places in the dis-
10 trict seven days at least before the time of the meeting. Such
11 justice of the peace, or one of the selectmen, shall preside at such
12 meeting until a clerk is chosen and sworn, and the clerk shall
13 preside until a moderator is chosen. At any meeting held here-
14 under prior to the acceptance of this act, after the choice of a
15 moderator for the meeting the question of the acceptance of this
16 act shall be submitted to the voters, and if it is accepted by a
17 majority of the voters present and voting thereon it shall there-
18 upon take effect, and the meeting may then proceed to act on
19 the other articles in the warrant. After the qualification of a
20 majority of the sewer commissioners, meetings of the district
21 shall be called by warrant under their hands, unless some other
22 method be provided by by-law or vote of the district.

1 SECTION 3. The district shall elect by ballot at any district
2 meeting not later than the second annual meeting after the com-
3 mencement of construction hereunder of a system of sewerage

4 and sewage disposal, a board of three sewer commissioners who
5 shall be citizens of the town, to hold office, if elected at an an-
6 nual meeting, one until the expiration of one year, one until the
7 expiration of two years, and one until the expiration of three
8 years, from such annual district meeting, and until their suc-
9 cessors are qualified, or, if elected at a special meeting, one un-
10 til the expiration of one year, one until the expiration of two years,
11 and one until the expiration of three years, from the next suc-
12 ceeding annual district meeting, and until their successors are
13 qualified, and thereafter, at each annual district meeting when
14 the term of a member expires, the district shall elect one mem-
15 ber of the board to serve for three years and until his successor
16 is qualified.

1 SECTION 4. Said board of sewer commissioners, acting for and
2 on behalf of said district, may take by eminent domain under
3 chapter seventy-nine of the General Laws, or acquire by pur-
4 chase or otherwise, any lands, water rights, rights of way or
5 easements, public or private, in said district, necessary for ac-
6 complishing any purpose mentioned in this act, and may con-
7 struct such main drains and sewers under or over any bridge,
8 railroad, railway, boulevard or other public way, or within the
9 location of any railroad, and may enter upon and dig up any
10 private land, public way or railroad location, for the purpose of
11 laying such drains and sewers and of maintaining and repairing
12 the same, and may do any other thing proper or necessary for
13 the purposes of this act; provided, that they shall not take in
14 fee any land of a railroad corporation, and that they shall not
15 enter upon or construct any drain or sewer within the location
16 of any railroad corporation except at such time and in such
17 manner as they may agree upon with such corporation, or, in
18 case of failure to agree, as may be approved by the department
19 of public utilities.

1 SECTION 5. Until the board of sewer commissioners has first
2 been elected as provided in this act but not in any event later
3 than the second annual meeting after the commencement of the
4 work of construction authorized hereby, the district may carry
5 on such work by a duly authorized committee of the district.
6 The committee shall serve without pay and shall have all the
7 powers and authority given to the board of sewer commissioners

8 in this act or by general law. Whenever the phrase "said board
9 of sewer commissioners" or "said board" hereinafter occurs, it
10 shall mean and include the board of sewer commissioners, or the
11 committee of the district provided for in this section, as the case
12 may be.

1 SECTION 6. Any person injured in his property by any action
2 of said board of sewer commissioners under this act may recover
3 damages from said district under said chapter seventy-nine.

1 SECTION 7. The district by vote shall determine whether it
2 shall pay the whole or a portion of the cost of laying out a system
3 or systems of sewerage and sewage disposal, and if a portion,
4 what portion. If the district votes to pay less than the whole
5 cost, in providing for the payment of the remaining portion of the
6 cost of said system or systems the district may avail itself of
7 any or all of the methods of payment authorized by law to a
8 town or city, and the provisions of chapter eighty relative to the
9 assessment, apportionment, division, reassessment, abatement
10 and collection of assessments, to liens therefor and to interest
11 thereon, shall apply to assessments made under this chapter.
12 At the same meeting at which it determines that any portion of
13 the cost is to be borne by the district, it may by vote determine
14 by which of such methods the remaining portion of said cost
15 shall be provided. The collector of taxes of said town shall
16 certify the payment or payments of such assessments for ap-
17 portionments thereof to the sewer commissioners, who shall pre-
18 serve a record thereof. Whenever a tax is duly voted by the
19 district for the purposes of this act, the clerk shall send a certified
20 copy of the vote to the assessors of said town, who shall assess
21 the same on property within the district in the same manner in
22 all respects in which town taxes are required by law to be as-
23 sessed; provided, that no estate shall be subject to any tax
24 assessed on account of the system of sewerage under this act, if,
25 in the judgment of the board of sewer commissioners herein pro-
26 vided for, after a hearing, due notice whereof shall have been
27 given, such estate is so situated that it will receive no aid from
28 the said sewerage system, or if such estate is so situated that the
29 buildings thereon, or the buildings that might be constructed
30 thereon, could not be connected with the said system in any

31 ordinary or reasonable manner; but all other estates in the dis-
32 trict shall be deemed to be benefited and shall be subject to such
33 tax. A certified list of the estates exempt from taxation under
34 the provisions of this section shall annually be sent by said
35 board of sewer commissioners to said assessors, at the same time
36 at which the clerk shall send a certified copy of the vote as afore-
37 said. The assessment shall be committed to the town collector,
38 who shall collect said tax in the manner provided by law for the
39 collection of town taxes, and shall deposit the proceeds thereof
40 with the district treasurer for the use and benefit of the district.
41 The district may collect interest on overdue taxes in the manner
42 in which interest is authorized to be collected on town taxes.

1 SECTION 8. For the purpose of paying the necessary expenses
2 and liabilities incurred under this act, the district may, from
3 time to time within five years after the passage of this act, bor-
4 row such sums as may be necessary, not exceeding, in the ag-
5 gregate, five hundred thousand dollars, and may issue bonds or
6 notes therefor, which shall bear on their face the words, Baldwin-
7 ville-Otter River Sewer District Loan, Act of 1965. Each au-
8 thorized issue shall constitute a separate loan and such loans
9 shall be payable in not more than thirty years from their dates.
10 Indebtedness incurred under this act shall be in excess of the
11 statutory limit, but shall, except as provided herein, be subject
12 to chapter forty-four of the General Laws.

1 SECTION 9. The receipts from sewer assessments and from
2 payments made in lieu thereof shall be applied to the payment
3 of charges and expenses incident to the maintenance and opera-
4 tion of said system of sewerage and sewage disposal or to the
5 extension thereof, to the payment of interest upon bonds or
6 notes issued for sewer purposes or to the payment or redemption
7 of such bonds or notes.

1 SECTION 10. Said board of sewer commissioners shall an-
2 nually appoint a clerk and a treasurer and may appoint a super-
3 intendent of sewers who shall not be a member of the board, and
4 shall define their duties. It may remove the clerk, treasurer or
5 superintendent at its pleasure. The treasurer shall not be a
6 sewer commissioner, and shall give bond to the district in such

7 amount as may be approved by said sewer commissioners and
8 with a surety company authorized to transact business in the
9 commonwealth as surety. Said board may, in its discretion, pre-
10 scribe for the users of said sewer system such annual rentals or
11 charges based on the benefits derived therefrom as it may deem
12 proper, subject, however, to such rules and regulations as may
13 be fixed by vote of the district.

1 SECTION 11. All contracts made by the board of sewer com-
2 missioners shall be made in the name of the district and shall be
3 signed by the board, and the district may enter into agreements
4 and contracts with other districts, sewer departments, munici-
5 palities or individuals for the purpose of making connections for
6 the collection, purification and disposal of sewage, but no con-
7 tract shall be made or obligation incurred by said board for any
8 purpose in excess of the amount of money appropriated by the
9 district therefor.

1 SECTION 12. Said board of sewer commissioners may, from
2 time to time, prescribe rules and regulations for the connection
3 of estates and buildings with main drains and sewers, and for
4 inspection of the materials, the construction, alteration and use
5 of all connections and drains entering into such main drains or
6 sewers, and may prescribe penalties, not exceeding twenty dol-
7 lars, for each violation of any such rule or regulation. Such rules
8 and regulations shall be published at least once a week for three
9 successive weeks in some newspaper published in the town of
10 Templeton, if there be any, and if not, then in some newspaper
11 published in the county of Worcester and shall not take effect
12 until such publications have been made.

1 SECTION 13. No act shall be done under authority of the pre-
2 ceding sections except in the making of surveys and other prelim-
3 inary investigations, until the plans for said system of sewerage
4 and sewage disposal have been approved by the state depart-
5 ment of public health.

1 SECTION 14. Upon a petition in writing addressed to said
2 board of sewer commissioners requesting that certain real estate,
3 accurately described therein, located in said town and abutting

4 on said district and not otherwise served by a suitable means of
5 sewage disposal be included within the limits thereof, and signed
6 by the owners of such real estate, or a majority thereof, said
7 sewer commissioners shall cause a duly warned meeting of the
8 district to be called, at which meeting the voters may vote on
9 the question of including said real estate within the district. If
10 a majority of the voters present and voting thereon vote in the
11 affirmative the district clerk shall within ten days file with the
12 town clerk of said town and with the state secretary an attested
13 copy of said petition and vote; and thereupon said real estate
14 shall become and be part of the district and shall be holden un-
15 der this act in the same manner and to the same extent as the
16 real estate described in section one.

1 SECTION 14A. The provisions of chapters forty-one and forty-
2 four of the General Laws relating to fire, water, light and im-
3 provement districts shall, so far as apt, apply to the district.

1 SECTION 15. This act shall take full effect upon its acceptance
2 by a majority of the voters of said territory voting thereon at a
3 meeting held pursuant to section two of this act within five years
4 of its passage.