

HOUSE No. 1332

Bill accompanying the petition of William N. Howard and others for the establishment of the South Easton and Eastondale Fire and Water District.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

AN ACT

To establish the South Easton and Eastondale 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 the town of Easton
2 liable to taxation in said town and residing within the
3 territory enclosed by the following boundary lines, to
4 wit:— Beginning at a point in the southerly line of the
5 town of Easton and in the line of location of the New
6 York, New Haven and Hartford railroad and running
7 thence northerly in the line of location of said railroad
8 about thirteen thousand three hundred and twenty-three
9 feet to the center of Prospect street; thence northeas erly
10 following the center of Prospect street about eighteen
11 hundred and seven and five tenths feet to the center of
12 Purchase street; thence northerly, following the center of
13 Purchase street twenty-seven hundred and seven feet to

14 the center of Church street; thence north five degrees
15 twenty-five minutes east about twenty hundred and twelve
16 feet to the center of Depot street and Central street;
17 thence north nineteen degrees eleven minutes east by
18 the center of Central street five hundred and sixty-two
19 hundredths feet to the center of Short street; thence
20 north eight degrees forty minutes west about thirty-one
21 hundred and sixty feet to the center of Queset river;
22 thence northerly by the center of Queset river to the
23 North Easton village district line; thence in an easterly
24 direction to Washington street at a point immediately
25 north of the greenhouse of F. Lothrop Ames; thence in
26 a northeasterly direction via a straight line running
27 immediately north of the residence and outbuildings
28 of F. Lothrop Ames, to the line between the town of
29 Easton and the county of Plymouth; thence southerly
30 by the line between the town of Easton and Plymouth
31 county to the southeast corner of the town of Easton;
32 thence northwesterly by the line between the town of
33 Easton and the town of Raynham to the said point of
34 beginning, shall hereby constitute a fire and water dis-
35 trict, and are hereby made a body incorporate, by the
36 name of the South Easton and Eastondale fire and
37 water district for the purpose of supplying themselves
38 with water for the extinguishment of fires and for domes-
39 tic and other purposes, with power to establish fountains
40 and hydrants and relocate and discontinue the same; to
41 regulate the use of such water and to fix and collect
42 rates to be paid therefor, and to take or acquire by lease,
43 purchase or otherwise, and to hold property, lands,
44 rights of way and easements for the purposes mentioned
45 in this act, and to prosecute and defend in all actions
46 relating to the property and affairs of the district.

1 SECTION 2. Said fire and water district, for the pur-
2 poses aforesaid, may take, acquire by purchase or other-
3 wise, and hold the waters of any pond or stream or of
4 any ground sources of supply by means of driven, artesian,
5 or other wells within the limits of said district, and the
6 water rights connected with any such sources, or may con-
7 tract with the North Easton village district or the water
8 commissioners of the city of Brockton for whatever water
9 may be required in pursuance of the purposes herein
10 named, on such terms and conditions as may be agreed
11 upon by the said North Easton village district or the
12 water commissioners of the city of Brockton, and the said
13 North Easton village district or the city of Brockton may
14 furnish such water, but nothing contained herein shall be
15 construed to compel them to do so. The said South
16 Easton and Eastondale fire and water district may also
17 take or acquire by purchase or otherwise, and hold all
18 lands, rights of way and easements necessary for collect-
19 ing, storing, holding, purifying and preserving the purity
20 of the water and for conveying the same to any part of
21 the said district: *provided, however,* that no source of
22 water supply and no lands necessary for preserving the
23 quality of such water, shall be taken or used without first
24 obtaining the advice and approval of the state board of
25 health, and that the location of all dams, reservoirs and
26 wells to be used as sources of water supply under this act
27 shall be subject to the approval of said board. Said dis-
28 trict may construct on the lands acquired and held under
29 the provisions of this act, proper dams, reservoirs, stand-
30 pipes, tanks, buildings, fixtures and other structures, and
31 may make excavations, procure and operate machinery
32 and provide such other means and appliances, and do such
33 other things as may be necessary for the establishment

34 and maintenance of complete and effective water works;
35 and for that purpose may construct wells and reservoirs
36 and establish pumping works, and may construct, lay
37 and maintain aqueducts, conduits, pipes and other works
38 under or over any land, water courses, railroads, railways
39 and public or other ways, and along such ways in the
40 South Easton and Eastondale fire and water district, in
41 such manner as not unnecessarily to obstruct the same;
42 and for the purpose of constructing, laying, maintaining,
43 operating and repairing such conduits, pipes and other
44 works, and for all proper purposes of this act, said dis-
45 trict may dig up or raise and embank any such lands,
46 highways or other ways in such manner as to cause the
47 least hindrance to public travel on such ways; and all
48 things done upon any such way shall be subject to the
49 direction of the selectmen of the town of Easton.

1 SECTION 3. Said fire and water district shall, within
2 ninety days after the taking of any lands, rights of way,
3 water rights, water sources or easements under the pro-
4 visions of this act, file and cause to be recorded in the
5 registry of deeds for the county of Bristol a description
6 thereof sufficiently accurate for identification, with a
7 statement of the purpose for which the same were taken,
8 signed by the water commissioners hereinafter provided
9 for. The title to all land taken, purchased or acquired
10 in any way under the provisions of this act shall vest in
11 said South Easton and Eastondale fire and water dis-
12 trict, and the land so taken may be managed, improved
13 and controlled by the board of water commissioners
14 hereinafter provided for, in such manner as they shall
15 deem for the best interest of said district.

1 SECTION 4. Said district shall pay all damages to

2 property sustained by any person or corporation by the
3 taking of any land, right of way, water, water source,
4 water right or easement, or by anything done by said
5 district under authority of this act. Any person or cor-
6 poration sustaining damages as aforesaid and failing to
7 agree with said district as to the amount thereof may
8 have the same determined in the manner provided by law
9 in the case of land taken for the laying out of highways
10 on application at any time within the period of two years
11 after the taking of such land or other property or the
12 doing of other injury under authority of this act; but
13 no such application shall be made after the expiration of
14 the said two years. No assessment of damages shall be
15 made for the taking of any water, water right, or for any
16 injury thereto, and the said period of two years shall
17 not begin to run until the water is actually withdrawn
18 or diverted by said district under authority of this act.
19 Said district may, by vote, from time to time, determine
20 what amount or quantity of water it proposes to take,
21 and appropriate under this act; in which case any dam-
22 ages caused by such taking shall be based upon such
23 amount or quantity until the same shall be increased by
24 vote or otherwise, and in such event said district shall
25 be further liable only for the additional damages caused
26 by such additional taking.

1 SECTION 5. Said district, for the purpose of paying
2 the necessary expenses and liabilities incurred under the
3 provisions of this act, may issue, from time to time, bonds
4 or notes to an amount not exceeding seventy-five thou-
5 sand dollars. Such bonds or notes shall bear on their
6 face the words South Easton and Eastondale Fire and
7 Water District Loan, Act of 1915; shall be payable by
8 such annual payments after nineteen hundred and

9 twenty, as will extinguish each loan within thirty years
10 from its date; shall bear interest, payable semi-annually,
11 at a rate not exceeding five per cent per anum, and shall
12 be signed by the treasurer of the district and counter-
13 signed by the chairman of the water commissioners here-
14 inafter provided for. Each authorized issue of bonds
15 or notes shall constitute a separate loan and the amount
16 payable in any year after nineteen hundred and twenty
17 for principal shall not be less than the amount of prin-
18 cipal payable in any subsequent year. Said district may
19 sell the said securities at public or private sale for the
20 purposes of this act, upon such terms and conditions as
21 it may deem proper; but they shall not be sold for less
22 than their par value. Said bonds shall be exempt from
23 taxation. The town of Easton may, at its annual town
24 meeting or at a legal meeting called for the purpose,
25 guarantee the payment of such bonds or notes.

1 SECTION 6. Said district shall, at the time of author-
2 izing said loan, provide for the payment thereof in such
3 annual payments after nineteen hundred and twenty as
4 will extinguish the same within the time prescribed by
5 this act, and when a vote to that effect has been passed
6 a sum which, with the income derived from water rates,
7 will be sufficient to pay the annual expense of operating
8 its water works and the interest as it accrues on the bonds
9 or notes issued as aforesaid, and to make such payments
10 on the principal as may be required under the provisions
11 of this act, shall without further vote, be raised annually
12 by taxation in the manner hereinafter provided.

1 SECTION 7. Whenever a tax is duly voted by said dis-
2 trict for the purpose of this act the clerk of the district
3 shall send a certified copy of the vote to the assessors of

4 the town of Easton, who shall proceed within thirty days
5 thereafter to assess the same in the same manner in which
6 town taxes are required by law to be assessed: *provided*,
7 *however*, that no estate shall be subject to such tax if,
8 in the judgment of the board of water commissioners
9 hereinafter provided for, such estate is so situated that
10 it can receive no aid for the extinguishment of fire from
11 the said system of water supply, or if such estate is so
12 situated that the buildings thereon, or the buildings that
13 might be constructed thereon, in any ordinary or reason-
14 able manner could not be supplied with water from the
15 said system; but all other estates in the district shall be
16 deemed to be benefited and shall be subject to the tax.
17 A certified list of the estates exempt from taxation under
18 the provisions of this section shall annually be sent by
19 the water commissioners to the assessors, at the same
20 time at which the clerk shall send a certified copy of the
21 vote as aforesaid. The assessment shall be committed to
22 the town collector, who shall collect said tax in the man-
23 ner provided by law for the collection of town taxes,
24 and shall deposit the proceeds thereof with the district
25 treasurer for the use and benefit of said district. Said
26 district may collect overdue interest on taxes in the man-
27 ner in which interest is authorized to be collected on
28 town taxes: *provided*, that the district at the time of
29 voting to raise the tax shall so determine and shall also
30 fix a time for the payment thereof.

1 SECTION 8. The first meeting of said district shall
2 be called on petition of ten or more legal voters therein,
3 by a warrant from the selectmen of the town of Easton or
4 from a justice of the peace, directed to one of the peti-
5 tioners, requiring him to give notice of the meeting by
6 posting copies of the warrant in two or more public

7 places in the district seven days at least before the time
8 of the meeting. One of the petitioners shall preside at
9 the meeting until a clerk is chosen and sworn, and the
10 clerk shall preside until a moderator is chosen. After
11 the choice of a moderator the question of the acceptance
12 of this act shall be submitted to the voters, and if it shall
13 be accepted by a majority vote of the voters present and
14 voting thereon it shall take effect, and the meeting may
15 then proceed to act on the other articles contained in the
16 warrant.

1 SECTION 9. The South Easton and Eastondale fire
2 and water district shall, after the acceptance of this act
3 as aforesaid, elect by ballot five persons to hold office,
4 two until the expiration of three years, two until the
5 expiration of two years and one until the expiration of
6 one year from the next succeeding annual district meet-
7 ing, to constitute a board of water commissioners; and
8 at every annual meeting thereafter their successors shall
9 be elected by ballot for the term of three years. All the
10 authority granted to said district by this act and not
11 otherwise specifically provided for, shall be vested in
12 said board of water commissioners, who shall be subject,
13 however, to such instructions, rules and regulations as
14 the district may impose by its vote. Said commission-
15 ers shall appoint a treasurer of the district, who may be
16 one of their number, who shall give bonds to the district
17 to such an amount and with such securities as may be
18 approved by the commissioners. A majority of the com-
19 missioners shall constitute a quorum for the transaction
20 of business. Any vacancy occurring in said board from
21 any cause may be filled for the remainder of the unex-
22 pired term by said fire district at any legal meeting

23 called for the purpose. No money shall be drawn from
24 the district treasury on account of the water works ex-
25 cept by a written order of said commissioners or a
26 majority of them.

1 SECTION 10. Said commissioners shall fix just and
2 equitable prices and rates for the use of water and shall
3 prescribe the time and manner of payment. The income
4 of the water works shall be used to defray all operating
5 expenses, interest charges and payments on principal as
6 they accrue upon any bonds or notes issued under author-
7 ity of this act. If there should be a net surplus remain-
8 ing after providing for the aforesaid charges it shall be
9 used for such new construction as the water commis-
10 sioners may determine upon, and in case a surplus
11 should remain after payment for such new construction
12 the water rates shall be reduced proportionately. No
13 money shall be expended in new construction by the water
14 commissioners except from the net surplus aforesaid.
15 unless the district appropriates and provides money
16 therefor. Said commissioners shall annually, and as
17 often as the district may require, render a report upon
18 the condition of the works under their charge and an
19 account of their doings, including an account of their
20 receipts and expenditures.

1 SECTION 11. 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 in the district, meetings may also be called by
5 warrant, as provided in section eight. Said district may
6 also choose such other officers not provided for in this
7 act as it may deem necessary or proper.

1 SECTION 12. 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 used
5 by said district for the purposes of this act, shall forfeit
6 and pay to the district three times the amount of dam-
7 ages assessed therefor, to be recovered in an action of
8 tort, and upon conviction of any of the above acts shall
9 be punished by a fine not exceeding one hundred dollars
10 or by imprisonment in jail for a term not exceeding six
11 months.

1 SECTION 13. This act shall take effect upon its ac-
2 ceptance by a majority vote of the voters of said district
3 present and voting thereon by ballot at a district meeting
4 called in accordance with the provisions of section eight,
5 within three years after the passage of this act, and may
6 be voted on at as many meetings as may be called: *pro-*
7 *vided, however,* that not more than three meetings for the
8 purpose of acceptance of this act shall be held in any one
9 year, but this act shall become void unless said district
10 shall begin to distribute water to consumers within three
11 years after the acceptance of this act as aforesaid.