

HOUSE No. 1300

Mr. Pratt of Saugus presented a petition of Harold E. Dodge and others, selectmen, that the town of Saugus be authorized to borrow money for the purpose of constructing and operating a system of sewers. Municipal Finance.

The Commonwealth of Massachusetts

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

An Act authorizing the Town of Saugus to construct and operate a System of Sewers.

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 town of Saugus may lay out,
2 construct, maintain and operate a system or systems
3 of main drains and common sewers for a part or the
4 whole of its territory, with such connections and
5 other works as may be required for a system of
6 sewage disposal, and may construct such sewers or
7 drains over and under land or tidewater in said town
8 as may be necessary to conduct the sewage to the
9 filter beds, treatment works and/or to the outfall
10 sewer of the city of Lynn, and, for the purpose of
11 providing better surface or other drainage, may
12 make, lay and maintain such drains as it deems best.
13 And for the purposes aforesaid, the town may, within
14 its limits, make and maintain sub-drains.

1 SECTION 2. The town may make and maintain in
2 any way therein where main drains or common sewers

3 are constructed, such connecting drains, under-
4 drains and sewers within the limits of such way as
5 may be necessary to connect any estate which abuts
6 upon the way.

1 SECTION 3. The town may, at the meeting when
2 this act is accepted, vote that the selectmen shall act
3 as a board of sewer commissioners. If the town does
4 not so vote at said meeting, the town shall elect by
5 ballot at any town meeting not later than the second
6 annual meeting after the commencement of construc-
7 tion hereunder of a system of sewerage and sewage
8 disposal, a board of three sewer commissioners who
9 shall be citizens of the town, to hold office, if elected
10 at an annual meeting, one until the expiration of one
11 year, one until the expiration of two years, and one
12 until the expiration of three years, from such annual
13 town meeting, and until their successors are qualified,
14 or, if elected at a special meeting, one until the expira-
15 tion of one year, one until the expiration of two years,
16 and one until the expiration of three years, from the
17 next succeeding annual town meeting, and until their
18 successors are qualified; and thereafter at each an-
19 nual town meeting, the town shall elect one member
20 of the board to serve for three years and until his
21 successor is elected and qualified. Any selectman
22 shall be eligible to election to said board. In either
23 case, whether the town votes that its selectmen shall
24 act as a board of sewer commissioners or elects a
25 board of sewer commissioners, the town may at any
26 time thereafter, by any or all the methods permitted
27 by general law, provide for the election of a board of
28 three sewer commissioners, or that the selectmen may
29 act as a board of sewer commissioners, as the case
30 may be.

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

1 SECTION 5. Until the board of sewer commis-
2 sioners has first been elected as provided in this act
3 or the selectmen have first been authorized by vote
4 to act as such board, as the case may be, but not in
5 any event later than the second annual meeting after
6 the commencement of the work of construction
7 authorized hereby, the town may carry on such work
8 by a duly authorized committee of the town. The
9 committee shall serve without pay and shall have all
10 the powers and authority given to the board of sewer
11 commissioners in this act or by general law. When-

12 ever the phrase "said board of sewer commissioners"
13 or "said board" hereinafter occurs, it shall mean and
14 include the board of sewer commissioners, the select-
15 men acting as such or the committee of the town
16 provided for in this section, as the case may be.

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

1 SECTION 7. The town shall, by vote, determine
2 what proportion of the cost of said system or systems
3 of sewerage and sewage disposal the town shall pay;
4 provided, that it shall pay not less than one fourth
5 nor more than two thirds of the whole cost. In pro-
6 viding for the payment of the remaining portion of the
7 cost of said system or systems or for the use of said
8 system or systems, the town may avail itself of any
9 or all of the methods permitted by general laws,
10 and the provisions of said general laws relative to
11 the assessment, apportionment, division, reassess-
12 ment, abatement and collection of sewer assessments,
13 to liens therefor and to interest thereon shall apply
14 to assessments made under this act, except that
15 interest shall be at the rate of six per cent per annum.
16 At the same meeting at which it determines the
17 proportion of the cost which is to be borne by the
18 town, it may by vote determine by which of such
19 methods the remaining portion of said cost shall be
20 provided for. The collector of taxes of said town
21 shall certify the payment or payments of such as-
22 sessments or apportionments thereof to the sewer

23 commissioners, or to the selectmen acting as such,
24 who shall preserve a record thereof.

1 SECTION 8. For the purpose of paying the neces-
2 sary expenses and liabilities incurred under this act
3 for the construction of a system of main drains and
4 common sewers as set forth in section one including
5 the entrance fee into the Lynn outfall sewer, the town
6 may borrow such sums as may be necessary, not
7 exceeding in the aggregate, five hundred thousand
8 dollars, and may issue bonds or notes therefor, which
9 shall bear on their face the words, Saugus Sewerage
10 Loan, Act of 1929. Each authorized issue shall
11 constitute a separate loan. Indebtedness incurred
12 under this act shall be in excess of the statutory limit,
13 but shall, except as provided herein, be subject to
14 chapter forty-four of the General Laws.

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

1 SECTION 10. Said board of sewer commissioners
2 may annually appoint a clerk and may appoint a
3 superintendent of sewers who shall not be a member
4 of the board, and shall define their duties. It may
5 remove the clerk or superintendent at its pleasure.
6 Said board may, in its discretion, prescribe for the
7 users of said sewer systems such annual rentals or
8 charges based upon the benefits derived therefrom

9 as it may deem proper, subject however to such
10 rules and regulations as may be fixed by vote of the
11 town; may contract with the city of Lynn for the
12 disposal of sewage through the Lynn outfall sewer
13 as authorized by chapter of the acts of
14 nineteen hundred and twenty-nine.

1 SECTION 11. All contracts made by the board of
2 sewer commissioners shall be made in the name of
3 the town and shall be signed by the board, but no
4 contract shall be made or obligation incurred by said
5 board for any purpose in excess of the amount of
6 money appropriated by the town therefor.

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

1 SECTION 13. No act shall be done under authority
2 of the preceding sections, except in the making of
3 surveys and other preliminary investigations, until
4 the plans for said system of sewerage and sewage
5 disposal have been approved by the state department

6 of public health. Upon application to said depart-
7 ment for its approval, it shall give a hearing, after
8 due notice to the public. At such hearing, plans
9 showing in detail all the work to be done in construct-
10 ing said system of sewerage and sewage disposal shall
11 be submitted for approval by said department.

1 SECTION 14. For the purpose of submission to the
2 voters of said town, this act shall take effect upon its
3 passage, and it shall take full effect upon its acceptance
4 by vote of the majority of the voters of said town
5 voting thereon at a town meeting called for the
6 purpose within five years after its passage. No
7 expenditure shall be made and no liability incurred
8 hereunder until such acceptance.

