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By Mr. Beach of Wilbraham, petition of Edward F. Pytka, Raymond H. Beach, James R. Nolen, Paul H. Benoit and others for co-operation by the Commonwealth with the federal government in improvements in the Chicopee, Ware and Quaboag Rivers for protection of property against floods in the town of Palmer Harbors and Public Lands.

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**The Commonwealth of Massachusetts**

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

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AN ACT PROVIDING FOR CO-OPERATION WITH THE FEDERAL GOVERNMENT IN ITS PROJECT FOR CERTAIN IMPROVEMENTS IN THE CHICOPEE, WARE AND QUABOAG RIVERS FOR PROTECTION OF PROPERTY AGAINST FLOODS IN THE TOWN OF PALMER, KNOWN AS THE THREE RIVERS LOCAL PROTECTION PROJECT.

*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 Federal Flood Control Project for the pro-  
2 tection of property against flood in the Chicopee, Ware and  
3 Quaboag rivers in the town of Palmer, as authorized by the  
4 Congress by the flood control act, approved June twenty-second,  
5 nineteen hundred and thirty-six, and as amended by section  
6 five of the Flood Control Act of nineteen hundred and thirty-  
7 seven (Public Law 406 (four hundred six), 75th (seventy-fifth)  
8 Congress, approved August twenty-eighth, nineteen hundred and  
9 thirty-seven, and further authorized by a Resolution of the Com-  
10 mittee on Public Works of the U. S. Senate adopted September  
11 fourteenth, nineteen hundred and fifty-five, and a Resolution  
12 by the Committee on Public Works of the House of Representa-  
13 tives, adopted June thirteenth, nineteen hundred and fifty-six,  
14 and as further authorized by Public Law 86-645 (eighty-six —  
15 six hundred forty-five), adopted July fourteenth, nineteen hun-  
16 dred and sixty, and substantially in accordance with the recom-  
17 mendations contained in House Document number 434 (four  
18 hundred thirty-four), 86th (eighty-sixth) Congress, is hereby

19 accepted and assurances are hereby given to the secretary of the  
20 army that the conditions imposed on local interests by law be  
21 met.

1 SECTION 2. The department of public works, hereinafter  
2 called the department, is hereby authorized and directed to  
3 convey to the secretary of the army, hereinafter called the secre-  
4 tary, the assurances of the commonwealth, in form, satisfactory  
5 to the secretary, that the department will perform all acts re-  
6 quired to be performed by local interests in connection with the  
7 construction of the works by the United States, and that the  
8 town of Palmer will maintain and operate, in accordance with  
9 the regulations prescribed by said secretary, such flood control  
10 works when completed as are within said town.

1 SECTION 3. Said department is hereby authorized to take  
2 under the provisions of chapter seventy-nine of the General Laws  
3 such lands or rights therein as may, from time to time, be re-  
4 quired by the secretary; to relocate and reconstruct highways,  
5 roads and streets, including bridges and approaches and other  
6 structures, and including water pipes, gas pipes, sewers and  
7 power lines, railroad tracks and other structures, tailraces, race-  
8 way conduits and extensions and connections incidental thereto,  
9 and construct or reconstruct dams and pumping stations, both  
10 publicly and privately owned, and do all other work required by  
11 the secretary to be performed by local interests as provided in  
12 said statutes and to enter on private lands for said purposes,  
13 the cost thereof to be paid by said department from the funds  
14 authorized herein.

1 SECTION 4. For the purpose of carrying out the work herein  
2 authorized, said department may enter into contracts therefor,  
3 and the department may make agreements with said secretary  
4 or his agents, or with the town, or with railroads and the public  
5 service corporations or owners of dams to carry out and perform  
6 any of the work herein authorized, the cost thereof to be paid by  
7 said department from the funds authorized herein.

1 SECTION 5. After completion thereof, the town of Palmer  
2 shall maintain and operate all the flood control works, including  
3 pumping stations built hereunder within the municipal limits of

4 said city or said town, and all sewers, water pipes, highways  
5 and bridges and other structures owned by said municipalities.

1 SECTION 6. Said town shall prescribe and enforce regulations  
2 designed to prevent encroachments on the improved channels,  
3 and will take such means as may be necessary to prevent any  
4 encroachments upon the flood channel capacities to be provided  
5 by the proposed improvements.

1 SECTION 7. The commissioner of public works may employ  
2 temporarily such engineering, clerical and other assistance as  
3 he deems necessary for the purpose of carrying out the work  
4 authorized by this act. Such persons shall be subject to the  
5 provisions of chapter thirty-one of the General Laws, except  
6 that their employment may continue until the completion of  
7 said work, any provision of said chapter thirty-one to the con-  
8 trary notwithstanding.

1 SECTION 7A. In the event that Hampden county or the town  
2 of Palmer is required to make any payment for the work pro-  
3 vided by this act at any time, the amount so paid shall be reim-  
4 bursed to the county and town making such payment.

1 SECTION 8. To meet the expenditures necessary in carrying  
2 out the provisions of this act, the state treasurer shall, upon  
3 request of the governor and council, issue and sell at public or  
4 private sale, bonds of the commonwealth, registered or with  
5 interest coupons attached, as he may deem best, to an amount  
6 to be specified by the governor and council from time to time,  
7 but not exceeding, in the aggregate, the sum of five hundred  
8 and fifty-two thousand dollars. All bonds issued by the com-  
9 monwealth, as aforesaid, shall be designated on their face, Three  
10 Rivers Local Protection Project, Act of 1962 and shall be on the  
11 serial payment plan for such maximum term of years, not ex-  
12 ceeding ten years, as the governor may recommend to the gen-  
13 eral court pursuant to section three of Article LXII of the amend-  
14 ments to the Constitution of the Commonwealth, the maturities  
15 thereof to be so arranged that the amounts payable in the several  
16 years other than the final year shall be as nearly equal as in the  
17 opinion of the state treasurer it is practicable to make them.  
18 Said bonds shall bear interest semiannually at such rate as the

19 state treasurer, with the approval of the governor, shall fix, but  
20 such bonds shall be payable not later than ten years.

1 SECTION 9. The town of Palmer shall provide the land and  
2 rights therein as required by the secretary, and in the event  
3 that the town does not provide the land or rights therein as re-  
4 quired, the commonwealth shall assess upon the town of Palmer  
5 the total costs incurred for the taking of lands or rights therein  
6 as required by the secretary. The commonwealth shall also  
7 assess upon the town of Palmer the total costs to relocate and  
8 reconstruct all sewers and appurtenances and connections in-  
9 cidental thereto; and all monies received from such assessments  
10 shall be used for the payment of the principal and interest on  
11 bonds authorized by section eight of this act.