

HOUSE No. 523.

[Bill accompanying petition of J. Nelson Parker and others. Water
Supply.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-five.

AN ACT

To supply the Town of Billerica with Water.

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 Billerica may sup-
2 ply itself and its inhabitants with water for the
3 extinguishment of fires, and for domestic and
4 other purposes; may establish fountains and
5 hydrants, relocate or discontinue the same;
6 may regulate the use of such water, and fix
7 and collect rates to be paid for the use of the
8 same.

1 SECT. 2. The said town, for the purposes
2 aforesaid, may take, by purchase or otherwise,
3 and hold the waters of any ponds, springs,

4 streams, artesian or driven wells or filter gal-
5 leries, within the limits of said town of Billerica
6 and the water rights and water sources con-
7 nected therewith; and may also take and hold
8 by purchase or otherwise all lands, rights of
9 way and easements necessary for holding and
10 preserving such water and for conveying the
11 same to any part of said town of Billerica;
12 and may erect on the land thus taken or held,
13 proper dams, buildings, fixtures and other
14 structures; and may make excavations, procure
15 and operate machinery and provide such other
16 means and appliances as may be necessary for
17 the establishment and maintenance of complete
18 and effective water works; and may construct
19 and lay down conduits, pipes and other works,
20 under or over any lands, water-courses, rail-
21 roads, or public or private ways and along
22 any such way in such manner as not unneces-
23 sarily to obstruct the same; and for the pur-
24 pose of constructing, maintaining and repair-
25 ing such conduits, pipes and other works, and
26 for all proper purposes of this act, said town
27 may dig up any such lands, and, under the
28 direction of the board of selectmen of the town
29 in which any such ways are situated, may
30 enter upon and dig up any such ways in such
31 manner as to cause the least hindrance to
32 public travel on such ways.

1 SECT. 3. The said town shall within sixty
2 days after the taking of any lands, rights of

3 way, water rights, water sources or easements
4 as aforesaid, otherwise than by purchase, file
5 and cause to be recorded in the registry of
6 deeds for the county and district within which
7 the same are situated, a description thereof
8 sufficiently accurate for identification, with a
9 statement of the purpose for which the same
10 were taken, signed by the water commissioners
11 hereinafter provided for.

1 SECT. 4. The said town shall pay all dam-
2 ages sustained by any person or corporation in
3 property by the taking of any land, right of
4 way, water, water source, water right or ease-
5 ment, or any other thing done by said town
6 under the authority of this act. Any person
7 or corporation entitled to damages as aforesaid
8 under this act who fails to agree with said town
9 as to the amount of damages sustained, may
10 have the damages assessed and determined in
11 the manner provided by law when land is taken
12 for the laying out of highways, by making
13 application at any time within the period of
14 three years from the taking of such land or
15 other property, or the doing of any other
16 injury under the authority of this act; but no
17 application shall be made after the expiration
18 of said three years. No application for assess-
19 ment of damages shall be made for the taking
20 of any water, water right or any injury thereto,
21 until the water is actually withdrawn or di-
22 verted by said town under the authority of this
23 act.

1 SECT. 5. The said town may, for the pur-
2 pose of paying the necessary expenses and
3 liabilities incurred under the provisions of this
4 act, issue from time to time bonds, notes or
5 scrip, to any amount not exceeding in the
6 aggregate sixty thousand dollars ; such bonds,
7 notes and scrip shall bear on their face the
8 words, Billerica, Mass., water loan ; shall be
9 payable at the expiration of periods not ex-
10 ceeding thirty years from the date of issue ;
11 shall bear interest payable semi-annually at a
12 rate not exceeding six per centum per annum,
13 and shall be signed by the treasurer, and be
14 countersigned by the selectmen of the town.
15 The said town may sell such securities at
16 public or private sale, or pledge the same for
17 money borrowed for the purpose of this act,
18 and upon such terms and conditions as it may
19 deem proper. The said town shall pay the
20 interest on said loan as it accrues, and shall
21 provide at the time of contracting said loan for
22 the establishment of a sinking fund, and shall
23 annually contribute to such fund a sum
24 sufficient with the accumulations thereof to
25 pay the principal of said loan at maturity.
26 The said sinking fund shall remain inviolate
27 and pledged to the payment of said loan, and
28 shall be used for no other purpose.

1 SECT. 6. The said town, instead of estab-
2 lishing a sinking fund, may at the time of au-
3 thorizing said loan, provide for the payment

4 thereof in such annual proportionate payments
5 as will extinguish the same within the time pre-
6 scribed in this act; and when such vote has
7 been passed the amount required thereby shall
8 without further vote be assessed by the assess-
9 ors of said town in each year thereafter until
10 the debt incurred by said town shall be extin-
11 guished, in the same manner as other taxes are
12 assessed under the provisions of section thirty-
13 four of chapter eleven of the Public Statutes.

1 SECT. 7. The return required by section
2 ninety-one of chapter eleven of the Public
3 Statutes shall state the amount of any sinking
4 fund established under this act, and if none is
5 established whether action has been taken in
6 accordance with the provisions of section six of
7 this act, and shall also state the amounts raised
8 and applied thereunder for the current year.

1 SECT. 8. The said town shall raise annually
2 by taxation a sum which with the income de-
3 rived from the water rates will be sufficient to
4 pay the current annual expenses of operating
5 its water works, and the interest as it accrues
6 on the bonds, notes and scrip issued as afore-
7 said by said town, and to make such contribu-
8 tions to the sinking fund and payments on the
9 principal as may be required under the provi-
10 sions of this act.

1 SECT. 9. Whoever wilfully or wantonly cor-
2 rupts, pollutes, or diverts any of the waters

3 taken or held under this act, or injures any
4 structure, work or other property owned, held
5 or used by said town under the authority and
6 for the purposes of this act, shall forfeit and
7 pay to said town three times the amount of
8 damages assessed therefor, to be recovered in
9 an action of tort, and upon conviction of either
10 of the above wilful or wanton acts shall be
11 punished by a fine not exceeding three hundred
12 dollars or by imprisonment not exceeding one
13 year.

1 SECT. 10. The said town shall, after the
2 acceptance of this act, at a legal meeting
3 called for the purpose, elect by ballot three
4 persons to hold office, one until the expiration
5 of three years, one until the expiration of two
6 years and one until the expiration of one year
7 from the next succeeding annual town meet-
8 ing, to constitute a board of water commis-
9 sioners; and at each annual town meeting
10 thereafter one such commissioner shall be
11 elected by ballot for the term of three years.
12 All the authority granted to the town by this
13 act and not otherwise specially provided for
14 shall be vested in said board of water commis-
15 sioners, who shall be subject, however, to such
16 instructions, rules and regulations as said town
17 may impose by its vote. The said commis-
18 sioners shall be trustees of the sinking fund
19 herein provided for, and a majority of said com-
20 missioners shall constitute a quorum for the

21 transaction of business relative both to the
22 water works and to the sinking fund. Any
23 vacancy occurring in said board from any
24 cause may be filled for the remainder of the
25 unexpired term by said town at any legal town
26 meeting called for the purpose.

1 SECT. 11. This act shall take effect upon its
2 acceptance by a two thirds vote of the voters
3 of said town present and voting thereon at any
4 legal town meeting called for the purpose,
5 within five years from its passage; but the
6 number of such meetings shall not exceed three
7 in any one year. At such meetings the votes
8 shall be taken by written or printed ballots, and
9 the polls shall be kept open at least four hours.
10 At such meetings the selectmen shall preside,
11 and in receiving said ballots the check list shall
12 be used in the same manner as it is used at
13 elections of national, state and county officers.

