

HOUSE No. 1047.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 14, 1902.

The committee on Water Supply, to whom was referred the petition (with accompanying bill, House, No. 219) of E. D. Church and others, selectmen, for legislation to authorize the town of Ashfield to supply itself with water, report the accompanying bill.

For the Committee,

L. O. MOORE.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Two.

AN ACT

To authorize the Town of Ashfield to supply Itself
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 Ashfield may supply
2 itself and its inhabitants with water for the extin-
3 guishment of fires and for domestic and other
4 purposes; may establish fountains and hydrants
5 and locate or discontinue the same; and may
6 regulate the use of such water and fix and collect
7 rates to be paid for the use of the same: *provided,*
8 that no source of water supply shall be taken
9 under this act for domestic purposes without the
10 advice and approval of the state board of health.

1 SECTION 2. Said town, for the purposes afore-
2 said, may take by purchase or otherwise, and hold
3 the waters of Taylor brook, in said Ashfield and
4 all its tributaries, with all the waters which flow

5 into or from the same, together with any water
6 rights connected therewith, and also all lands,
7 rights of way and easements necessary for hold-
8 ing, storing and preserving such water and for
9 conveying the same to any part of the said town,
10 and for constructing and maintaining ponds; and
11 may erect on the land thus taken, purchased or
12 held, proper dams, buildings, fixtures and other
13 structures, and may make excavations, procure
14 and operate machinery, and provide such other
15 means and appliances as may be necessary for the
16 establishment and maintenance of complete and
17 effective water works; and may construct and lay
18 conduits, pipes and other works, under and over
19 any land, water courses, railroads or public or
20 private ways, and along any such ways, in such
21 manner as not unnecessarily to obstruct the same;
22 and for the purpose of constructing, maintaining
23 and repairing such conduits, pipes and other
24 works, and for all proper purposes of this act,
25 said town may dig up such lands, and, under the
26 direction of the selectmen of the towns in which
27 any such ways are situated, may enter upon and
28 dig up any such ways in such manner as will
29 cause the least hindrance to public travel.

1 SECTION 3. Said town shall within ninety days
2 after the taking of any land, rights of way, water
3 rights, water sources or easements as aforesaid,
4 otherwise than by purchase, file and cause to be
5 recorded in the registry of deeds for the county
6 within which such lands or other property are

7 situated, a description thereof sufficiently accu-
8 rate for identification, with a statement of the pur-
9 poses for which the same were taken and the
10 damages awarded therefor to any person or cor-
11 poration, signed by the water commissioners here-
12 inafter provided for.

1 SECTION 4. Said town shall pay all damages
2 to property sustained by any person or corpora-
3 tion by the taking of any land, right of way, water,
4 water source, water right or easement, or by any
5 other thing done by the town under the authority
6 of this act. Any person or corporation sustain-
7 ing damages as aforesaid, who fails to agree with
8 the town as to the amount of damages sustained,
9 or who is aggrieved by the doings of the commis-
10 sioners, may have the damages assessed and deter-
11 mined in the manner provided for by law when land
12 is taken for the laying out of highways, on applica-
13 tion at any time within the period of three years
14 from the taking of such land or other property or
15 the doing of other injury under the authority of this
16 act; but no such application shall be made after
17 the expiration of said three years. No application
18 for assessment of damages shall be made for the
19 taking of any water, water rights, or for any in-
20 jury thereto, until the water is actually withdrawn
21 or diverted by the town under the authority of
22 this act.

1 SECTION 5. Said town may, for the purpose
2 of paying the necessary expenses and liabilities

3 incurred under the provisions of this act, issue
4 from time to time bonds, notes or scrip to an
5 amount not exceeding ten thousand dollars.
6 Such bonds, notes or scrip shall bear on the face
7 thereof the words, Ashfield Water Loan, shall be
8 payable at the expiration of periods not exceed-
9 ing thirty years from the dates of issue; shall
10 bear interest, payable semi-annually, at a rate not
11 exceeding four per cent. per annum, and shall
12 be signed by the treasurer and countersigned by
13 the selectmen of the town. The town may sell
14 such securities at public or private sale, or pledge
15 the same for money borrowed for the purposes of
16 this act, and upon such terms and conditions as it
17 may deem proper. The town shall pay the inter-
18 est on the loan as it accrues, and shall provide at
19 the time of contracting the loan for the establish-
20 ment of a sinking fund, and shall annually con-
21 tribute to such fund a sum sufficient with the
22 accumulations thereof to pay the principal of the
23 loan at maturity. The sinking fund shall remain
24 inviolate and pledged to the payment of said loan
25 and shall be used for no other purpose.

1 SECTION 6. Said town instead of establishing
2 a sinking fund may at the time of authorizing
3 said loan provide for the payment thereof in such
4 annual proportionate payments as will extinguish
5 the same within the time prescribed in this act;
6 and when such vote has been passed the amount
7 required thereby shall without further vote be
8 assessed by the assessors of the town in each

9 year thereafter until the debt incurred by the
10 town shall be extinguished, in the same manner
11 as other taxes are assessed under the provisions
12 of section thirty-seven of chapter twelve of the
13 Revised Laws.

1 SECTION 7. Said town shall raise annually by
2 taxation a sum which with the income derived
3 from water rates will be sufficient to pay the ex-
4 penses of operating its water works and the inter-
5 est as it accrues on the bonds, notes or scrip issued
6 as aforesaid by the town, and to make such con-
7 tributions to the sinking fund and payments on
8 the principal as may be required under the pro-
9 visions of this act.

1 SECTION 8. Said town may contract with any
2 person or corporation, and may purchase any
3 interest in any property which may be deemed
4 necessary to carry out the provisions of this act,
5 and may hold such interest and property.

1 SECTION 9. Whoever wilfully or wantonly cor-
2 rupts, pollutes or injures any structure, works or
3 other property owned, held or used by the town
4 under the authority of this act, shall forfeit and
5 pay to said town three times the amount of dam-
6 ages assessed therefor, to be recovered by an
7 action of tort; and whoever is convicted of any
8 of the said wilful or wanton acts shall be punished
9 by a fine of five hundred dollars or by imprison-
10 ment for a term not exceeding two years, or by
11 both such fine and imprisonment.

1 SECTION 10. Said town shall, after its ac-
2 ceptance of this act, at any legal meeting called
3 for the purpose, elect by ballot three persons, legal
4 voters of the town, to be the board of water com-
5 missioners, to serve, one for three years, one for
6 two years and one for one year from the first day
7 of May then next ensuing, and also from the time
8 of their election to the first day of said May; and
9 thereafter the town shall annually elect in the
10 manner hereinafter described one person to serve
11 on said board for the term of three years. Before
12 entering upon their duties said commissioners
13 shall be sworn to the faithful performance thereof.
14 All of the commissioners shall serve until their
15 successors are elected and qualified. All the
16 authority granted to the town by this act and not
17 otherwise especially provided for shall be vested
18 in said board of water commissioners, who shall
19 be subject however to such instructions, rules and
20 regulations as the town may from time to time
21 impose by its vote, within the scope of its author-
22 ity. Any vacancy occurring in said board from
23 any cause may be filled temporarily by a majority
24 vote of the selectmen of the town. The person
25 so appointed shall hold the office until the town
26 fills the vacancy by ballot in the usual manner,
27 which it may do at any annual town meeting, or
28 at any special town meeting duly warned for the
29 purpose. A majority of the commissioners shall
30 constitute a quorum for the transaction of busi-
31 ness.

1 SECTION 11. Said commissioners shall have
2 charge of the whole system of water works in the
3 town and all matters pertaining thereto; but no
4 contract requiring the payment of money shall be
5 made by said commissioners until the money
6 therefor has been provided by the town or other-
7 wise. The lawful contracts of the commissioners
8 shall be the contracts of the town.

1 SECTION 12. This act shall take effect upon
2 its acceptance by a two-thirds vote of the voters
3 of said town present and voting thereon by bal-
4 lot, as provided by law, at a legal town meeting
5 called for the purpose within five years from its
6 passage; but the number of meetings so called
7 in any one-year shall not exceed three.