

HOUSE No. 404.

Bill accompanying the petition of Henry E. Bodurtha and others, committee on water supply and selectmen, for legislation to authorize the town of Agawam to establish a system of water supply. Water Supply. January 23.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Five.

AN ACT

To provide for a Water Supply for the Town of Agawam.

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 Agawam, for the purpose
2 of supplying itself and its inhabitants with pure water
3 for fire, domestic and other purposes, upon the advice
4 and approval of the state board of health, may take
5 from time to time, as in its opinion necessity requires,
6 by purchase or otherwise, and hold, any lands within
7 the limits of said town, together with any water or water
8 rights therein, and also all lands, rights of way and
9 easements necessary for procuring, holding, protecting
10 and distributing said water, may purchase water to be

11 by it held, protected and distributed for the aforesaid
12 purposes and upon the aforesaid condition from neigh-
13 boring municipalities, and in general do such things as
14 are necessary for the purposes of securing, maintaining
15 and protecting said water system or supply. It may
16 also establish hydrants and fountains, regulate the use
17 of said water, and fix and collect rates to be paid for the
18 use of the same.

1 SECTION 2. Said town may construct and maintain,
2 upon lands so taken, wells, either artesian or of other
3 kinds, filter beds, reservoirs, galleries, dams, stand-
4 pipes, pumping stations, and other necessary works,
5 machinery and structures; it may make such excavations,
6 procure and operate such machinery, and do such other
7 things as may be necessary for providing and maintain-
8 ing an effective system of water supply; and it may lay
9 and maintain such aqueducts, conduits, pipes and other
10 works over or under any ways within such town in such
11 manner as shall not unnecessarily obstruct the same.

1 SECTION 3. Said town shall file and cause to be
2 recorded in the registry of deeds for Hampden county
3 a description, sufficiently accurate for identification, of
4 all lands, rights of way, water rights, water sources or
5 easements which it shall take hereunder, otherwise than
6 by purchase, together with a statement of the purpose
7 for which the same are taken, within ninety days of the
8 date of said taking. Such statement shall be signed by
9 the selectmen.

1 SECTION 4. Said town shall pay all damages to prop-
2 erty sustained by any person or corporation by the tak-
3 ing of any land, right of way, water, water sources,
4 water right or easement, or by reason of any other thing

5 done by said town under authority of this act. Any
6 person or corporation entitled to damages under this act,
7 who fails to agree with said town as to the amount
8 thereof, may have the same assessed and determined in
9 the manner provided by law in the case of land taken for
10 the laying out of highways, by making application there-
11 for within one year after the taking of such land or other
12 property, or the doing of any other injury thereto under
13 the authority of this act; but no application shall be
14 made after the expiration of said year. No application
15 shall be made for such assessment of damages for the
16 taking of any water or water rights, or any injury
17 thereto, until the water is actually withdrawn or diverted
18 by said town under authority of this act, and in such last
19 named case no description and statement provided for in
20 section three shall be deemed to have been filed for the
21 purpose of such assessment and determination until such
22 water is actually withdrawn or diverted.

1 SECTION 5. The town of Agawam, for the purposes
2 mentioned in this act, may borrow money from time to
3 time, and issue therefor negotiable notes, bonds or scrip
4 to an amount not exceeding fifty thousand dollars. Such
5 notes, bonds or scrip shall be signed by the treasurer of
6 the town and countersigned by its selectmen, and shall
7 be denominated on the face thereof "Agawam Water
8 Loan, Act of 1905." Such notes, bonds or scrip shall
9 be payable at the expiration of such periods after the
10 date of their issue, not exceeding thirty years as the
11 town may determine. They shall bear such rate of
12 interest, not exceeding four per centum per annum, as
13 the town may determine. The town may sell such
14 securities at public or private sale, or pledge the same
15 for not less than the face value thereof for money bor-

16 rowed for the purposes of this act, and upon such condi-
17 tions as it sees fit.

1 SECTION 6. Said town shall raise by taxation an-
2 nually such sum as will with the income to be derived
3 from said water rates be sufficient to pay the current
4 annual operating expenses and repairs of said system of
5 water supply, and the ordinary extension of the means
6 of distribution thereof, the interest as it accrues on all
7 notes, bonds or scrip issued hereunder and then out-
8 standing, and such proportionate contribution to a water
9 sinking fund as will be sufficient, with the accumulations
10 thereon, to pay said notes, bonds or scrip at their
11 maturity. After the payment of said operating expenses,
12 repairs, ordinary extensions and interest, the balance of
13 said funds shall be turned over to the sinking fund com-
14 missioners of said town to form and become a part of a
15 water sinking fund for the payment of said notes, bonds
16 or scrip, to be held, invested and reinvested by them in
17 the manner provided by law for such purpose, and to be
18 used for the payment of indebtedness contracted here-
19 under and for no other purpose.

1 SECTION 7. This act shall take effect upon its accept-
2 ance by a majority vote of the town, at an annual town
3 meeting, duly called and held for that purpose, within
4 three years after its passage.

1 SECTION 8. No vote of the town shall be passed
2 authorizing and directing the acquisition of any property
3 for the water system or supply established or authorized
4 hereunder, or for the borrowing of money authorized
5 herein except at an annual town meeting.

1 SECTION 9. So soon as practicable after the accept-
2 ance of this act, at a legal meeting called and held for
3 the purpose, said town shall elect three persons to hold
4 office, one until the expiration of three years, one until
5 the expiration of two years, and one until the expiration
6 of one year from the next preceding annual town meet-
7 ing. Thereafter such town shall annually choose one
8 person for the term of three years at its annual meeting.
9 The persons so chosen shall constitute a board of water
10 commissioners. Such water commissioners shall have
11 all authority granted said town by this act unless other-
12 wise specially provided for. They shall be subject to
13 such instructions, rules and regulations as the town may
14 impose by vote from time to time.

