

HOUSE No. 1396.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 25, 1908.

The committee on Water Supply, to whom was referred the petition (with accompanying bill, House, No. 1087) of Frank C. Bryant and others for legislation to establish a fire district in the town of Montague, report the accompanying bill.

For the committee,

A. LEINING.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

To establish the Lake Pleasant Water Supply District in the Town of Montague and to provide for supplying the Same 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 inhabitants of that portion of the town
2 of Montague, designated as Lake Pleasant, in the county
3 of Franklin, liable to taxation in the town of Montague,
4 and residing within the territory enclosed by the following
5 boundary lines, to wit: — beginning at a stone post on the
6 Lake Pleasant shore, at the corner of the land now owned
7 by the New England Spiritualist Camp Meeting Associa-
8 tion, and the Turners Falls Fire District; thence running
9 northeasterly along the division line of said land, to the
10 public highway leading from Millers Falls to Montague;
11 thence westerly to a stone post five hundred feet beyond
12 the public highway leading from Turners Falls to Monta-
13 gue; thence southerly running parallel along said public
14 highway to the Boston and Maine Railroad; thence north-
15 westerly along said railroad to the lake shore; thence run-

16 ning south and westerly along the lake shore to the place
17 of beginning, shall constitute a water supply district, and
18 are hereby made a body corporate by the name of the Lake
19 Pleasant Water Supply District, for the purpose of sup-
20 plying themselves with water for the extinguishment of
21 fires and for domestic and other purposes, with power to
22 establish fountains and hydrants, and to relocate and dis-
23 continue the same; to regulate the use of such water and
24 to fix and collect rates to be paid therefor, and to take, by
25 lease, purchase or otherwise, and to hold property, lands,
26 rights of way and easements for the purpose mentioned in
27 this act, and to prosecute and defend in all actions relating
28 to the property and affairs of the district.

1 SECTION 2. Said water supply district, for the pur-
2 poses aforesaid, may contract with the Turners Falls
3 Fire District for a supply of water for the purposes herein
4 named, on such terms and conditions as may be agreed
5 upon by said Turners Falls Fire District and said water
6 supply district, and said Turners Falls Fire District may
7 furnish such supply of water from the Turners Falls
8 water works: *provided, however*, that nothing contained
9 herein shall be construed to compel said fire district to
10 furnish said water. Said water supply district, for the
11 purposes aforesaid, may take by purchase or otherwise
12 and hold the waters of any pond or stream within said
13 town of Montague not already appropriated and used by
14 either of the fire districts in said town for the purposes
15 of a public water supply, or of any ground sources of
16 supply by means of driven, artesian or other wells within
17 the limits of the town of Montague not already so appro-
18 priated, and the water rights connected with any such
19 water sources, and may also take by purchase or other-
20 wise and hold all lands, rights of way and easements nec-

21 essary for collecting, storing, holding, purifying and pre-
22 serving the purity of the water and for conveying the
23 same to any part of said district: *provided, however,* that
24 no source of water supply and no lands necessary for
25 preserving the quality of such water, shall be taken or
26 used without first obtaining the advice and approval of
27 the state board of health, and that the location of all dams,
28 reservoirs and wells to be used as sources of water supply
29 under this act shall be subject to the approval of said
30 board. Said district may construct on the lands taken
31 or acquired and held under the provisions of this act
32 proper dams, reservoirs, standpipes, tanks, buildings, fix-
33 tures and other structures, and may make excavations,
34 procure and operate machinery and provide such other
35 means and appliances and do such other things as may
36 be necessary for the establishment and maintenance of a
37 complete and effective water works; and for that purpose
38 may construct wells and reservoirs and establish pumping
39 works and may construct, lay and maintain aqueducts,
40 conduits, pipes and other works under or over any land,
41 water courses, railroads, railways and public or other
42 ways, and along such ways, in the said town, in such
43 manner as not unnecessarily to obstruct the same; and for
44 the purpose of constructing, laying, maintaining, oper-
45 ating and repairing such conduits, pipes and other works,
46 and for all proper purposes of this act, said district may
47 dig up or raise and embank any such lands, highways or
48 other ways in such manner as to cause the least hindrance
49 to public travel on such ways; and all things done upon
50 any such way shall be subject to the direction of the se-
51 lectmen of the town of Montague.

1 SECTION 3. Said water supply district shall, within
2 ninety days after the taking of any lands, rights of way,

3 water rights, water sources or easements under the pro-
4 visions of this act, otherwise than by purchase, file and
5 cause to be recorded in the registry of deeds for the county
6 of Franklin a description thereof sufficiently accurate for
7 identification, with a statement of the purpose for which
8 the same were taken, signed by the water commissioners
9 hereinafter provided for. The title to all land taken,
10 purchased or acquired in any way under the provisions
11 of this act shall vest in said Lake Pleasant Water Supply
12 District, and the land so taken may be managed, im-
13 proved and controlled by the board of water commissioners
14 hereinafter provided for in such manner as they shall
15 deem for the best interest of said district.

1 SECTION 4. Said district shall pay all damages to
2 property sustained by any person or corporation by the
3 taking of any land, right of way, water, water source,
4 water right or easement, or by anything done by said
5 district under authority of this act. Any person or cor-
6 poration sustaining damages as aforesaid, who fails to
7 agree with said district as to the amount thereof, may
8 have the same determined in the manner provided by
9 law in the case of land taken for the laying out of high-
10 ways, on application at any time within the period of two
11 years after the taking of such land or other property or
12 the doing of other injury under authority of this act;
13 but no such application shall be made after the expiration
14 of two years, and no application for assessment of dam-
15 ages shall be made for the taking of any water, water
16 right, or for any injury thereto, until the water is actu-
17 ally withdrawn or diverted by said district under author-
18 ity of this act. Said district may by vote, from time to
19 time, determine what amount or quantity of water it
20 proposes to take and appropriate under this act; in which

21 case any damages caused by such taking shall be based
22 upon such amount or quantity until the same shall be
23 increased by vote or otherwise, and in such event said
24 district shall be further liable only for the additional
25 damages caused by such additional taking.

1 SECTION 5. Said district, for the purpose of paying
2 the necessary expenses and liabilities incurred under the
3 provisions of this act, may issue from time to time bonds,
4 notes or scrip to an amount not exceeding twenty thou-
5 sand dollars. Such bonds, notes or scrip shall bear on
6 their face the words, Lake Pleasant Water Supply Dis-
7 trict Loan; shall be payable at the expiration of periods
8 not exceeding thirty years from the date of issue; shall
9 bear interest, payable semi-annually, at a rate not ex-
10 ceeding five per cent per annum; and shall be signed
11 by the treasurer of the district and countersigned by the
12 chairman of the water commissioners hereinafter pro-
13 vided for. Said district may sell such securities at pub-
14 lic or private sale, or pledge the same for money borrowed
15 for the purposes of this act, upon such terms and condi-
16 tions as it may deem proper: *provided*, that such securi-
17 ties shall not be sold for less than the par value thereof.

18 The town of Montague, at its annual town meeting or
19 at a legal meeting called for the purpose, may guarantee
20 the payment of such bonds, notes or scrip.

1 SECTION 6. Said district shall, at the time of author-
2 izing said loan, provide for the payment thereof in such
3 annual proportionate payments, beginning not more than
4 five years after the first issue of such bonds, notes or
5 scrip, as will extinguish the same within the time pre-
6 scribed by this act; and when a vote to that effect has been
7 passed a sum which, with the income derived from water

8 rates, will be sufficient to pay the annual expense of oper-
9 ating its water works and the interest as it accrues on the
10 bonds, notes or scrip issued as aforesaid by said district,
11 and to make such payments on the principal as may be
12 required under the provisions of this act, shall without
13 further vote be raised annually by taxation in the manner
14 hereinafter provided.

1 SECTION 7. Whenever a tax is duly voted by said dis-
2 trict for the purposes of this act, the clerk shall send a
3 certified copy of the vote to the assessors of the town of
4 Montague, who shall proceed within thirty days to assess
5 the same in the same manner in which town taxes are re-
6 quired by law to be assessed. The assessment shall be
7 committed to the town collector, who shall collect said
8 tax in the manner provided for the collection of town
9 taxes, and shall deposit the proceeds thereof with the
10 district treasurer for the use and benefit of said district.
11 Said district may collect overdue interest on taxes in the
12 same manner in which interest is authorized to be col-
13 lected on town taxes: *provided*, that said district at the
14 time of voting to raise the tax shall so determine and
15 shall also fix a time for payment thereof.

1 SECTION 8. The first meeting of said district shall
2 be called on petition of ten or more legal voters therein,
3 by a warrant from the selectmen of the town of Montague,
4 or from a justice of the peace, directed to one of the peti-
5 tioners, requiring him to give notice of the meeting by
6 posting copies of said warrant in two or more public places
7 in said district seven days at least before the time of said
8 meeting. One of the selectmen shall preside at the meet-
9 ing until a clerk is chosen and sworn. After the choice
10 of a moderator for said meeting the question of the ac-

11 ceptance of this act shall be submitted to the voters, and
12 if it shall be accepted by a majority vote of the voters
13 present and voting thereon it shall go into effect, and the
14 meeting may then proceed to act on the other articles con-
15 tained in the warrant.

1 SECTION 9. Said Lake Pleasant Water Supply Dis-
2 trict shall, after the acceptance of this act at a legal meet-
3 ing called for the purpose, elect by ballot three persons to
4 hold office, one until the expiration of three years; one
5 until the expiration of two years and one until the expira-
6 tion of one year from the next succeeding annual district
7 meeting, to constitute a board of water commissioners; and
8 at every annual meeting thereafter one such commissioner
9 shall be elected by ballot for the term of three years. All
10 the authority granted to said district by this act and not
11 otherwise specifically provided for shall be vested in said
12 board of water commissioners, who shall be subject, how-
13 ever, to such instructions, rules and regulations as the dis-
14 trict may impose by its vote. Said commissioners shall
15 appoint a treasurer of said district, who may be one of
16 their number, who shall give bonds to the district to such
17 an amount and with such sureties as may be approved by
18 the commissioners; and the majority of the commissioners
19 shall constitute a quorum for the transaction of business.
20 Any vacancy occurring in said board from any cause may
21 be filled for the remainder of the unexpired term by said
22 water supply district at any legal meeting called for the
23 purpose. No money shall be drawn from the district
24 treasury on account of the water works except by a writ-
25 ten order of said commissioners or a majority of them.

1 SECTION 10. Said commissioners shall fix just and
2 equitable prices and rates for the use of water, and shall

3 prescribe the time and manner of payment. The income
4 of the water works shall be applied to defraying all oper-
5 ating expenses, interest charges and payments on princi-
6 pal as they accrue upon any bonds, notes or scrip issued
7 under authority of this act. If there should be a net sur-
8 plus remaining after providing for the aforesaid charges,
9 it shall be used for such new construction as the water
10 commissioners may determine upon, and in case a sur-
11 plus should remain after payment for such new construc-
12 tion the water rates shall be reduced proportionately. No
13 money shall be expended in new construction by the water
14 commissioners except from the net surplus aforesaid, un-
15 less the district appropriates and provides money therefor.
16 Said commissioners shall annually, and as often as the
17 district may require, render a report upon the condition
18 of the works under their charge and an account of their
19 doings, including an account of receipts and expenditures.

1 SECTION 11. Said district may adopt by-laws prescrib-
2 ing by whom and how meetings may be called and noti-
3 fied, and, upon the application of ten or more legal voters
4 in the district, meetings may also be called by warrant
5 as provided in section eight. Said district may also choose
6 such other officers not provided for in this act as it may
7 deem necessary or proper.

1 SECTION 12. Whoever wilfully or wantonly corrupts,
2 pollutes or diverts any water obtained or supplied under
3 this act, or wilfully or wantonly injures any reservoir,
4 standpipe, aqueduct, pipe or other property owned or used
5 by said district for the purposes of this act, shall forfeit
6 and pay to the district three times the amount of damages
7 assessed therefor to be recovered in an action of tort, and
8 upon conviction of any of the above acts shall be punished

9 by a fine not exceeding one hundred dollars or by impris-
10 onment in jail for a term not exceeding six months.

1 SECTION 13. This act shall take effect upon its ac-
2 ceptance by a majority vote of the voters of said district
3 present and voting thereon at any legal district meeting
4 called for the purpose within three years after the passage
5 of this act; but it shall become void unless the said district
6 shall begin to distribute water to consumers within two
7 years after the date of the acceptance of this act as afore-
8 said.