

SENATE No. 377.

Commonwealth of Massachusetts.

SENATE, May 20, 1908.

The committee on Water Supply, to which was referred the petition (with accompanying bill, Senate, No. 346) of Edmund L. Reed and others that the town of East Bridgewater may be authorized to supply itself and the town of West Bridgewater with water, reports the accompanying bill.

For the committee,

GEORGE H. GARFIELD.

Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eight.

AN ACT

To authorize the Town of East Bridgewater to provide a Water Supply for the Village of Beaver in said Town and to supply Water to a Portion of the Town of West Bridgewater.

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 East Bridgewater is hereby
2 authorized to contract with the city of Brockton for a
3 supply of water for that portion of said town known as
4 Beaver, to be used for the extinguishment of fires and
5 for domestic, manufacturing and other purposes, upon
6 such terms and conditions as may be mutually agreed
7 upon between said town and said city.

1 SECTION 2. Said town, upon the conclusion of a con-
2 tract or agreement with said city under the authority of
3 section one of this act, is hereby authorized to lay a pipe
4 in Plain street in the town of West Bridgewater from
5 the boundary line between the town of West Bridgewater

6 and the city of Brockton to the junction of Plain street
7 and Summer street in the town of East Bridgewater;
8 a pipe in Summer street to the junction of Summer street
9 and Elm street; and a pipe in Belmont street from Plain
10 street to Summer street in said town; and is authorized
11 to supply water for domestic, manufacturing and other
12 purposes to any building or structure along said streets;
13 to establish fountains and hydrants and relocate or dis-
14 continue the same, and to regulate the use of such water
15 and to fix and collect rates to be paid therefor.

16 Said town is further authorized to establish fountains
17 and hydrants along Plain street in the town of West
18 Bridgewater, and maintain the same upon such terms
19 and conditions as may be mutually agreed upon between
20 said towns, and to supply water to the inhabitants in said
21 town of West Bridgewater living on said street, and
22 charge for the same upon the same basis as that upon
23 which charges are based for the use of water within the
24 town of East Bridgewater.

25 The town of East Bridgewater shall keep a separate
26 account of the construction expenses incurred under this
27 act within the town of West Bridgewater, which account
28 shall be open to the selectmen or any committee appointed
29 for that purpose by that town; and the town of West
30 Bridgewater shall have the right at any time to take
31 by purchase or otherwise the property and all the rights
32 and privileges of the town of East Bridgewater within
33 the town of West Bridgewater held under the provisions
34 of this act on payment to said town of East Bridgewater
35 of the actual cost of its said property, rights and privi-
36 leges.

37 The city of Brockton shall measure as accurately as
38 possible all water delivered into any pipes laid under the
39 authority of this act, shall keep a record thereof and

40 shall furnish an accurate copy of said record to the
41 selectmen of the town of East Bridgewater as often as
42 once in three months.

43 All water sold or supplied by the town of East Bridge-
44 water from mains laid under the authority of this act,
45 except water supplied through hydrants for the extin-
46 guishment of fires, shall be delivered through meters, and
47 observations of the amount registered by each meter shall
48 be made as often as once in three months, and a record
49 thereof shall be kept by said town.

1 SECTION 3. Said town of East Bridgewater may con-
2 struct, lay and maintain its pipes or conduits under and
3 over any railroad, railway, public or other way and along
4 such ways in the town of East Bridgewater and in that
5 portion of the town of West Bridgewater designated in
6 section two of this act in such manner as not unneces-
7 sarily to obstruct the same; and for the purpose of con-
8 structing, laying, maintaining, operating and repairing
9 such conduits, pipes and other works and for all proper
10 purposes of this act, said town may dig up or raise and
11 embank any such lands, highways or other ways in such
12 manner as to cause the least hindrance to public travel
13 on such ways: *provided, however,* that said town of East
14 Bridgewater shall not enter upon and dig up, raise and
15 embank any public ways in the town of West Bridge-
16 water except with the consent of the selectmen of that
17 town, and the town of East Bridgewater shall restore
18 to the satisfaction of the selectmen of said town of West
19 Bridgewater the public ways dug up or otherwise dis-
20 turbed in said town, and shall pay all damages sustained
21 by any person in consequence of any act or neglect upon
22 the part of the town of East Bridgewater, its agents or
23 employees, in digging up or otherwise disturbing any

24 lands or public or private ways within the town of West
25 Bridgewater.

26 The town of East Bridgewater shall not enter upon,
27 construct or lay any conduits, pipes or other works within
28 the location of any railroad or railway corporations, ex-
29 cept at such time and in such manner as it may agree
30 upon with such corporation, or in case of failure so to
31 agree, as may be approved by the board of railroad com-
32 missioners.

1 SECTION 4. Said town shall pay all damages to prop-
2 erty sustained by any person or corporation by anything
3 done by said town under authority of this act. Any
4 person or corporation sustaining damages as aforesaid,
5 who fails to agree with said town as to the amount
6 thereof, may have the same determined in the manner
7 provided by law in the case of land taken for the laying
8 out of highways, on application at any time within the
9 period of two years after the doing of any injury under
10 authority of this act; but no such application shall be
11 made after the expiration of said two years.

1 SECTION 5. Said town, for the purpose of paying the
2 necessary expenses and liabilities incurred under the pro-
3 visions of this act, may issue from time to time bonds,
4 notes or scrip to an amount not exceeding twelve thou-
5 sand dollars. Such bonds, notes or scrip shall bear on
6 their face the words, Town of East Bridgewater Water
7 Loan; shall be payable in sums of one thousand dollars
8 per year in each and every year after that in which the
9 water is supplied to Beaver under authority of this act;
10 shall bear interest payable semi-annually at a rate not
11 exceeding five per cent per annum; and shall be signed
12 by the treasurer of the town and countersigned by the

13 board of selectmen. Said town may sell such securities
14 at public or private sale, or pledge the same for money
15 borrowed for the purposes of this act, upon such terms
16 and conditions as it may deem proper: *provided*, that
17 such securities shall not be sold for less than the par
18 value thereof. The action of the town at its annual
19 meeting in March, nineteen hundred and eight, author-
20 izing its treasurer, with the approval of the selectmen,
21 to borrow a sum of money not exceeding twelve thousand
22 dollars for the purpose of laying water pipes and supply-
23 ing water to the village of Beaver, is hereby ratified and
24 confirmed, and said treasurer and selectmen are hereby
25 authorized to issue bonds, notes or scrip for the purpose
26 aforesaid to the amount herein provided without further
27 vote of said town.

28 The assessors of said town shall without further vote
29 assess in each year after the introduction of water into
30 Beaver, as provided in this act, a sum which, with any
31 income derived from water rates, will be sufficient to pay
32 the annual expense of operating the water works and
33 the interest as it accrues on the bonds, notes or scrip
34 issued as aforesaid by said town under authority of this
35 act, and to make such payments on the principal as may
36 be required by the provisions of this act, in the same
37 manner in which other taxes are assessed, until the debt
38 incurred by said loan is extinguished.

1 SECTION 6. All the authority granted to said town by
2 this act and not otherwise specifically provided for shall
3 be vested in the board of selectmen who shall, however,
4 in matters relating to any water works constructed under
5 the authority of this act, be subject to such instructions,
6 rules and regulations as said town may impose by its
7 vote. Said board of selectmen shall fix just and equitable

8 prices and rates for the use of water, and shall prescribe
9 the time and manner of payment. The income of the
10 water works shall be applied to defraying all operating
11 expenses, interest charges and payments on principal as
12 they accrue upon any bonds, notes or scrip issued under
13 authority of this act. If there should be a net surplus
14 remaining after providing for the aforesaid charges the
15 water rates shall be reduced proportionately. Said board
16 of selectmen shall annually, and as often as the town may
17 require, render a report upon the condition of the works
18 under their charge, and an account of their doings, in-
19 cluding an account of receipts and expenditures.

1 SECTION 7. This act shall take effect upon its accept-
2 ance by a majority of the voters of the town of East
3 Bridgewater present and voting thereon at any regular
4 town meeting or at any special town meeting called for
5 the purpose within one year after its passage; but the
6 number of special meetings so called shall not exceed
7 two; and for the purpose of being submitted to the voters
8 as aforesaid this act shall take effect upon its passage.

