

SENATE . . . . . No. 298

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To accompany the petition of the selectmen of the town of Sudbury and another for legislation to provide for supplying said town and its inhabitants with water. Water Supply.

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Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

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AN ACT

To authorize the Town of Sudbury to supply itself and its Inhabitants 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 Sudbury may supply  
2 itself and its inhabitants with water for the ex-  
3 tinguishment of fires and for domestic, manufac-  
4 turing and other purposes; may establish fountains  
5 and hydrants and relocate or discontinue the same;  
6 and may regulate the use of such water and fix  
7 and collect rates to be paid therefor.

1 SECTION 2. Said town, for the purposes afore-  
2 said, may take, or acquire by purchase or other-  
3 wise, and hold, the waters of what is known as

4 White Pond, situated in the town of Concord, and  
5 the waters of any pond or stream or of any ground  
6 sources of supply, by means of driven, artesian or  
7 other wells within the limits of the town of Sudbury,  
8 and the water rights connected with any such water  
9 sources, and may also take, or acquire by purchase  
10 or otherwise, and hold all lands, rights of way and  
11 easements necessary for collecting, storing, holding,  
12 purifying and preserving the purity of the water,  
13 and for conveying the same to any part of said  
14 town: *provided, however,* that no source of water  
15 supply and no lands necessary for preserving the  
16 quality of such water, shall be taken or used with-  
17 out first obtaining the advice and approval of the  
18 state board of health, and that the location of all  
19 dams, reservoirs and wells to be used as sources of  
20 water supply under this act shall be subject to the  
21 approval of said board. Said town may construct  
22 on the lands acquired and held under the provisions  
23 of this act proper dams, reservoirs, standpipes,  
24 tanks, buildings, fixtures and other structures, and  
25 may make excavations, procure and operate machin-  
26 ery and provide such other means and appliances  
27 and do such other things as may be necessary for  
28 the establishment and maintenance of complete and  
29 effective water works; and for that purpose may  
30 construct wells and reservoirs and establish pump-  
31 ing works and may construct, lay and maintain  
32 aqueducts, conduits, pipes and other works under  
33 or over any land, water courses, railroads, railways  
34 and public or other ways, and along such ways in  
35 the town of Sudbury in such manner as not unneces-  
36 sarily to obstruct the same; and for the purpose of

37 constructing, laying, maintaining, operating and  
38 repairing such conduits, pipes and other works, and  
39 for all proper purposes of this act, said town may  
40 dig up or raise and embank any such lands, high-  
41 ways, or other ways in such manner as to cause the  
42 least hindrance to public travel on such ways. Said  
43 town shall not enter upon, construct or lay any con-  
44 duits, pipes or other works within the location of  
45 any railroad corporation, except at such time and in  
46 such manner as it may agree upon with such corpo-  
47 ration or, in case of failure so to agree, as may be  
48 approved by the board of railroad commissioners.

1 SECTION 3. Said town shall, within ninety days  
2 after the taking of any lands, 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 and district within which such land or other prop-  
7 erty is situated, a description thereof sufficiently  
8 accurate for identification, with a statement of the  
9 purpose for which the same were taken, signed by  
10 the water commissioners hereinafter provided for.  
11 The title to all land taken, purchased or acquired  
12 in any way under the provisions of this act shall  
13 vest in the town of Sudbury, and the land so taken  
14 may be managed, improved and controlled by the  
15 board of water commissioners hereinafter provided  
16 for, in such manner as they shall deem for the best  
17 interest of said town.

1 SECTION 4. Said town shall pay all damages to  
2 property sustained by any person or corporation

3 by the taking of any land, right of way, water,  
4 water source, water right or easement, or by any-  
5 thing done by said town under authority of this  
6 act. Any person or corporation sustaining dam-  
7 ages as aforesaid, who fails to agree with said  
8 town as to the amount thereof, may have the same  
9 determined in the manner provided by law in the  
10 case of land taken for the laying out of highways,  
11 on application at any time within the period of two  
12 years after the taking of such land or other prop-  
13 erty or the doing of other injury under authority  
14 of this act; but no such application shall be made  
15 after the expiration of the said two years, and no  
16 application for assessment of damages shall be  
17 made for the taking of any water, water right, or  
18 for any injury thereto, until the water is actually  
19 withdrawn or diverted by said town under authority  
20 of this act. Said town may by vote, from time to  
21 time determine what amount or quantity of water  
22 it proposes to take and appropriate under this act;  
23 in which case any damages caused by such taking  
24 shall be based upon such amount or quantity until  
25 the same shall be increased by vote or otherwise,  
26 and in such event said town shall be further liable  
27 only for the additional damages caused by such  
28 additional taking.

1 SECTION 5. Said town, for the purpose of paying  
2 the necessary expenses and liabilities incurred un-  
3 der the provisions of this act, may issue from time  
4 to time bonds, notes or scrip to an amount not  
5 exceeding fifty thousand dollars. Such bonds,  
6 notes or scrip shall bear on their face the words,  
7 Town of Sudbury Water Loan, Act of 1909; shall be

8 payable at the expiration of periods not exceeding  
9 thirty years from the dates of issue; shall bear in-  
10 terest, payable semi-annually, at a rate not exceed-  
11 ing five per cent per annum; and shall be signed by  
12 the treasurer of the town and countersigned by the  
13 water commissioners hereinafter provided for. Said  
14 town may sell such securities at public or private  
15 sale, or pledge the same for money borrowed for  
16 the purposes of this act, upon such terms and con-  
17 ditions as it may deem proper; *provided*, that such  
18 securities shall not be sold for less than the par  
19 value thereof.

1 SECTION 6. Said town shall at the time of au-  
2 thorizing said loan provide for the payment thereof  
3 in such annual proportionate payments beginning  
4 not more than five years after the first issue of such  
5 bonds, notes or scrip as will extinguish the same  
6 within the time prescribed by this act; and when  
7 a vote to that effect has been passed a sum which,  
8 with the income derived from water rates, will be  
9 sufficient to pay the annual expense of operating  
10 its water works and the interest as it accrues on  
11 the bonds, notes or scrip issued as aforesaid by said  
12 town and to make such payments on the principal  
13 as may be required under the provisions of this  
14 act shall without further vote be assessed by the  
15 assessors of said town in each year thereafter, in  
16 the same manner in which other taxes are assessed,  
17 until the debt incurred by said loan is extinguished.

1 SECTION 7. Whoever wilfully or wantonly cor-  
2 rupts, pollutes or diverts any water taken or held  
3 under this act, or injures any structure, work or

4 other property owned, held or used by said town  
5 under authority of this act, shall forfeit and pay  
6 to the said town three times the amount of damages  
7 assessed therefor, to be recovered in an action of  
8 tort; and upon being convicted of any of the above  
9 wilful or wanton acts shall be punished by a fine  
10 not exceeding three hundred dollars or by imprison-  
11 ment in jail for a term not exceeding one year.

1 SECTION 8. Said town shall, after its acceptance  
2 of this act, at a legal meeting called for the pur-  
3 pose, elect by ballot three persons to hold office,  
4 one until the expiration of three years, one until  
5 the expiration of two years and one until the ex-  
6 piration of one year from the next succeeding an-  
7 nual town meeting, to constitute a board of water  
8 commissioners; and at each annual town meeting  
9 thereafter one such commissioner shall be elected  
10 by ballot for the term of three years. All the au-  
11 thority granted to the said town by this act and  
12 not otherwise specifically provided for shall be  
13 vested in said water commissioners, who shall be  
14 subject however to such instructions, rules and  
15 regulations as said town may impose by its vote.  
16 A majority of said commissioners shall constitute  
17 a quorum for the transaction of business. Any va-  
18 cancy occurring in said board from any cause may  
19 be filled for the remainder of the unexpired term  
20 by said town at any legal town meeting called for  
21 the purpose. Any such vacancy may be filled tem-  
22 porarily by a majority vote of the selectmen, and  
23 the person so appointed shall hold office until the  
24 town fills the vacancy in the manner herein pro-  
25 vided for.

1 SECTION 9. Said commissioners shall fix just  
2 and equitable prices and rates for the use of water,  
3 and shall prescribe the time and manner of pay-  
4 ment. The income of the water works shall be ap-  
5 plied to defraying all operating expenses, interest  
6 charges and payments on the principal as they ac-  
7 crue upon any bonds, notes or scrip issued under  
8 authority of this act. If there should be a net  
9 surplus remaining after providing for the afore-  
10 said charges it shall be used for such new con-  
11 struction as the water commissioners may deter-  
12 mine upon and in case a surplus should remain  
13 after payment for such new construction the water  
14 rates shall be reduced proportionately. No money  
15 shall be expended in new construction by the water  
16 commissioners except from the net surplus afore-  
17 said, unless the town appropriates and provides  
18 money therefor. Said commissioners shall annu-  
19 ally, and as often as the town may require, render  
20 a report upon the condition of the works upon their  
21 charge and an account of their doings, including  
22 an account of receipts and expenditures.

1 SECTION 10. This act shall take effect upon its  
2 acceptance by a majority vote of the legal voters  
3 of the town of Sudbury present and voting thereon  
4 at a legal meeting called for the purpose within  
5 three years after its passage; but the number of  
6 meetings so called in any one year shall not exceed  
7 three; and for the purpose of being submitted to  
8 the voters as aforesaid this act shall take effect  
9 upon its passage.

