

HOUSE No. 1090

Bill accompanying the petition of Isaiah P. Atsatt and others for legislation to authorize the town of Mattapoissett to establish a system of water supply. Water Supply. January 16.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twelve.

AN ACT

To authorize the Town of Mattapoissett 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 Mattapoissett may supply
2 itself and its inhabitants with water for the extinguish-
3 ment of fires and for domestic and other purposes; may
4 establish fountains and hydrants and relocate or discon-
5 tinue the same, and may regulate the use of such water
6 and fix and collect rates to be paid therefor.

1 SECTION 2. Said town may obtain its water supply by
2 means of driven, artesian or other wells, or may take or
3 acquire by purchase or otherwise, and hold the water of
4 any pond, stream or spring or artesian or driven well,
5 within the limits of the town, and the water rights con-
6 nected with any such water sources, and also all lands,
7 rights of way and easements necessary for holding and

8 preserving the water and for conveying the same to any
9 part of the town: *provided*, that no source of water sup-
10 ply for domestic purposes and no lands necessary for
11 preserving the quality of such water shall be taken with-
12 out first obtaining the advice and approval of the state
13 board of health. Said town may also erect on the land
14 taken or held as aforesaid proper dams, buildings, reser-
15 voirs, standpipes, tanks and other structures, and may
16 make excavations, procure and operate machinery and
17 provide such other means and appliances as may be neces-
18 sary for the establishment and maintenance of complete
19 and effective water works, and may construct and lay
20 conduits, pipes and other works under or on any lands,
21 water courses, railroads, railways or public or private
22 ways, and along any such ways, in such manner as not
23 unnecessarily to obstruct the same; and for the purpose
24 of constructing, maintaining and repairing such conduits,
25 pipes and other works and for all proper purposes of this
26 act, said town may dig up any such lands or ways in such
27 manner as to cause the least hindrance to public travel
28 on such ways.

1 SECTION 3. Said town shall, within ninety days after
2 the taking of any land, rights of way, water rights, water
3 sources or easements as aforesaid, otherwise than by pur-
4 chase, file and cause to be recorded in the registry of
5 deeds for the county and district within which such land
6 or other property is situated, a description thereof suffi-
7 ciently accurate for identification, with a statement of
8 the purpose for which the same was taken, signed by the
9 water commissioners hereinafter provided for.

1 SECTION 4. Said town shall pay all damages to prop-
2 erty sustained by a person or corporation by the taking

3 of any land, right of way, water, water source, water
4 right or easement, or by any other thing done by the
5 town under authority of this act. Any person or corpor-
6 ation sustaining damages as aforesaid, who fails to agree
7 with the town as to the amount thereof may have the
8 same determined in the manner provided by law in the
9 case of land taken for laying out highways on applica-
10 tion at any time within the period of two years after the
11 taking of such land or other property, or the doing of
12 other injury under authority of this act; but no such
13 application shall be made after the expiration of two
14 years, and no application for assessment of damages shall
15 be made of the taking of any water, water right, or for
16 any injury thereto until the water is actually withdrawn
17 or diverted by said town under the authority of this act.

1 SECTION 5. Said town may, for the purpose of paying
2 the necessary expenses and liabilities incurred under the
3 provisions of this act, issue from time to time, bonds,
4 notes or scrip to an amount not exceeding one hundred
5 thousand dollars. Such bonds, notes or scrip shall bear
6 on their face the words, Town of Mattapoissett Water
7 Loan, and shall be payable at the expiration of periods
8 not exceeding thirty years from the dates of issue; shall
9 bear interest payable semi-annually, at a rate not exceed-
10 ing four and one half per cent per annum, and shall be
11 signed by the treasurer of the town and countersigned
12 by the water commissioners hereinafter provided for.
13 Said town may sell such securities at public or private
14 sale, or pledge the same for money borrowed for the pur-
15 poses of this act, and upon such terms and conditions
16 as it may deem proper: *provided*, that such securities
17 shall not be sold for less than the par value thereof.

1 SECTION 6. Said town shall at the time of authoriz-
2 ing said loan provide for the payment thereof in such
3 annual proportionate payments, beginning five years
4 after the first issue of such bonds, notes or scrip, as will
5 extinguish the same within the time prescribed in this
6 act; and when a vote to that effect has been passed the
7 amount required thereby shall without further vote be
8 assessed by the assessors of the town in each year there-
9 after in the same manner in which other taxes are
10 assessed, until the debt incurred by said loan is extin-
11 guished.

1 SECTION 7. Said town shall raise annually by taxa-
2 tion a sum which, with the income derived from water
3 rates, will be sufficient to pay the annual expense of
4 operating its water works and the interest as it accrues
5 on the bonds, notes or scrip issued as aforesaid by the
6 town, and to make such payments on the principal as
7 may be required under the provisions of this act.

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

1 SECTION 9. Whoever wilfully or wantonly corrupts,
2 pollutes or diverts any water taken or held by said town
3 under this act, or destroys or injures any structure, work
4 or other property owned, held or used by the town under
5 the authority and for the purposes of this act shall forfeit
6 and pay to the town three times the amount of damages
7 assessed therefor, to be recovered in an action of tort,
8 and upon conviction of any of the said wilful or wanton
9 acts shall be punished by a fine not exceeding three hun-

10 dred dollars or by imprisonment for a term not exceed-
11 ing one year.

1 SECTION 10. Said town shall after its acceptance of
2 this act, at a town meeting called for the purpose, elect
3 by ballot three persons to hold office, one until the expira-
4 tion of three years, one until the expiration of two years
5 and one until the expiration of one year from the next
6 succeeding annual town meeting, to constitute a board
7 of water commissioners, and at every annual town meet-
8 ing thereafter one water commissioner shall be elected by
9 ballot for a term of three years. All the authority
10 granted to said town by this act and not otherwise spe-
11 cifically provided for shall be vested in said board of
12 water commissioners, who shall be subject, however, to
13 such instructions, rules and regulations as the town may
14 impose by its vote. A majority of said commissioners
15 shall constitute a quorum for the transaction of busi-
16 ness. Any vacancy occurring in the board from any
17 cause may be filled for the remainder of the unexpired
18 term by the town at any town meeting called for the
19 purpose.

1 SECTION 11. This act shall take effect upon its accept-
2 ance by a majority of the voters present and voting
3 thereon by ballot at any annual town meeting of the
4 town of Mattapoisett within three years after its passage,
5 or by a two thirds vote at any special meeting called for
6 the purpose within that time, at which special meeting
7 at least seventy-five voters are present and voting, but
8 the number of special meetings so called in any one year
9 shall not exceed two. So far as it relates to acceptance
10 by the said town this act shall take effect upon its pas-
11 sage.

