

HOUSE No. 1945

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 9, 1917.

The committee on Water Supply, to whom was referred the petition (accompanied by bill, Senate, No. 446) of Charles B. Church that the town of Gosnold may be authorized to supply itself with water, report the accompanying bill.

For the committee,

GEORGE F. DENNIS.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

AN ACT

To authorize the Town of Gosnold 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 Gosnold may supply
2 itself and its inhabitants with water for the ex-
3 tinguishment of fires and for domestic and other
4 purposes; may establish fountains and hydrants,
5 and re-locate or discontinue the same; and may
6 regulate the issue of such water, and fix and col-
7 lect rates to be paid therefor.

1 SECTION 2. Said town for the purposes afore-
2 said may take by purchase or otherwise, and hold
3 the waters of any pond or stream or of any
4 ground sources of supply by means of driven,
5 artesian, or other wells within the limits of said
6 town and the water rights connected with any
7 such water sources and may also take by pur-
8 chase or otherwise, and hold all lands, rights-
9 of-way or easements, necessary for collecting,

10 storing, purifying and preserving the water and
11 for conveying the same to any part of said town;
12 *provided, however,* that no source of water supply
13 and no lands necessary for preserving the qual-
14 ity of such water shall be taken without first
15 obtaining the advice and approval of the state
16 department of health, and that the location of
17 all dams, reservoirs and wells to be used as
18 sources of water supply under this act shall be
19 subject to the approval of said department. Said
20 town may construct on the lands acquired, or
21 held under the provisions of this act, proper dams,
22 reservoirs, stand-pipes, tanks, buildings, fixtures,
23 or other structures, and may make excavation,
24 procure and operate machinery and provide such
25 other means and appliances to do such other
26 things as may be necessary for the establishment
27 and maintenance of completing an effective
28 water works; and for these purposes may con-
29 struct wells and reservoirs and establish pumping
30 works, and may construct, lay and maintain
31 aqueducts, conduits, pipes and other works under
32 or over any land, water-courses, public or other
33 ways, and along such ways in the town of Gos-
34 nold in such manner as not unnecessarily to
35 obstruct the same; and for the purpose of con-
36 structing, laying, maintaining, operating and re-
37 pairing such conduits, pipes and other works,
38 and for all the purposes of this act, said town may
39 dig up or raise and embank any such lands,
40 highways or other ways in such manner as to
41 cause the least hindrance to public travel on

42 such ways. Said town shall have the right to
43 enter upon any lands for the purpose of making
44 surveys, test pits, and borings, and may take,
45 authorize or acquire the right temporarily to
46 occupy any lands necessary for the construction
47 of any works or for any other purposes authorized
48 by this act.

1 SECTION 3. Said town shall within ninety
2 days after the taking of any lands, rights-of-way,
3 water-rights, water sources or easements, as
4 aforesaid, other than by purchase file and cause
5 to be recorded in the registry of deeds for Dukes
6 County a description thereof sufficiently ac-
7 curate for identification with a statement of the
8 purpose for which the same were taken signed
9 by the water commissioners, hereinafter pro-
10 vided for. The title to all land purchased or
11 taken under the provisions of this act shall vest
12 in the town of Gosnold, and the land so acquired
13 may be managed, improved and controlled by
14 the board of water commissioners, hereinafter
15 provided for, in such manner as they shall deem
16 for the best interest of said town.

1 SECTION 4. Said town shall pay all damages
2 to property sustained by any person or corpora-
3 tion by the taking of any land, right-of-way,
4 water, water-source, water-right or easement, or
5 by any other thing done by said town under the
6 authority of this act. Any person or corporation
7 sustaining damages as aforesaid who fails to

8 agree with the town as to the amount thereof
9 may have the same determined in the manner
10 provided by law in the case of land taken for the
11 laying out of highways on application at any
12 time within the period of two years after the
13 taking of such land or other property, or the do-
14 ing of other injury under the authority of this
15 act; but no such application shall be made after
16 the expiration of the said two years, and no
17 application for assessment of damages shall be
18 made for the taking of any water, water-right, or
19 for any injury thereto until the water is actually
20 withdrawn or diverted by the town under the
21 authority of this act. Said town may by vote
22 from time to time determine what amount or
23 quantity of water it purposes to take and ap-
24 propriate under this act; in which case any
25 damages caused by such taking shall be based
26 upon such amount of quantity until the same
27 shall be increased by vote or otherwise, and in
28 such event said town shall be further liable only
29 for the additional damages caused by such ad-
30 ditional taking.

1 SECTION 5. Said town for the purpose of
2 paying necessary expenses and liabilities incurred
3 under the provision of this act, may appropriate
4 a sufficient sum of money and defray all afore-
5 said necessary expenses and liabilities incurred,
6 the said sum to be raised by taxation; but said
7 town may issue from time to time bonds or notes
8 to an amount not exceeding ten thousand dol-

9 lars. Such bonds or notes shall bear on their
10 face Town of Gosnold Water Loan, Act of 1917,
11 and shall be payable by such annual payments
12 beginning not more than one year after their
13 respective dates, as will extinguish each loan
14 within thirty years from this date; and the
15 amount of such annual payment of any loan in
16 any year shall not be less than the amount of
17 the principal of said loan payable in any sub-
18 sequent year. Each authorized issue of bonds
19 or notes shall constitute a separate loan. Said
20 bonds or notes shall bear interest at a rate not
21 exceeding five per cent per annum, payable
22 semi-annually and shall be signed by the treas-
23 urer of the town and countersigned by a majority
24 of the water commissioners, hereinafter provided
25 for. The town may sell the said securities at
26 public or private sale upon such terms and con-
27 ditions as it may deem proper, and they shall
28 not be sold for less than their par value and the
29 proceeds shall be used only for the purposes
30 herein specified.

1 SECTION 6. Said town shall at the time of
2 authorizing said loan or loans provide for the pay-
3 ment thereof in accordance with section five of
4 this act; and when a vote to that effect has been
5 passed, a sum, which with the income derived
6 from water rates will be sufficient to pay the
7 annual expense of operating its water works and
8 the interest as it accrues on the bonds or notes
9 issued as aforesaid by the town, and to make such
10 payments on the principal as may be required

11 under the provisions of this act, shall without
12 further vote be assessed of the town annually
13 therefor, in the same manner in which their taxes
14 are assessed, until the debt incurred by said loan
15 or loans is extinguished.

1 SECTION 7. Whoever willfully or wantonly
2 corrupts, pollutes, or diverts any water taken or
3 held under this act or injures any structure, work,
4 or other property owned, held, or used by said
5 town under the authority of this act shall for-
6 feit and pay to the said town three times the
7 amount of damages assessed therefor, to be re-
8 covered in an action of tort; and upon being
9 convicted of any of the above willful or wanton
10 acts shall be punished by a fine not exceeding
11 three hundred dollars or by imprisonment in
12 jail for a term not exceeding one year.

1 SECTION 8. The selectmen of the town of Gos-
2 nold shall constitute a board of water commission-
3 ers. All the authority granted to said town by
4 this act or by the provisions of general or special
5 law in relation to a public water supply and not
6 otherwise specifically provided for shall be vested
7 in said water commissioners, and shall be subject,
8 however, to such instructions, rules, or regula-
9 tions as the town may impose by its vote. A
10 majority of said commissioners shall constitute a
11 quorum for the transaction of business.

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, but such rates may be increased or reduced
5 by vote of the town. The income of the water
6 works shall be applied to defraying all operating
7 expenses, interest charges, and payments on the
8 principal as they accrue on any bonds or notes
9 issued under the authority of this act. If there is a
10 net surplus remaining after providing for the afore-
11 said charges, it shall be used for such new construc-
12 tion as the water commissioners shall determine
13 upon, and in case a surplus should remain after
14 payment for such new construction the water rates
15 shall be reduced proportionately. No money shall
16 be expended in new construction by the water com-
17 missioners except from the net surplus aforesaid,
18 unless the town appropriates and provides money
19 therefor. Said commissioners shall annually and
20 as often as the town may require render and
21 report upon the condition of the works under
22 their charge, and an account of their doings,
23 including an account of receipts and expendi-
24 tures.

1 SECTION 10. This act shall take effect upon
2 its acceptance by a majority of the legal voters of
3 the town of Gosnold 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
7 exceed three and for the purpose of being sub-
8 mitted to the voters as aforesaid this act shall
9 take effect upon its passage.