

HOUSE No. 5179

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 18, 1971.

The committee on Local Affairs, to whom was referred the petition (accompanied by bill, House, No. 3436) of Richard J. Dwinell relative to the authority of the town of Auburn to construct and operate a system of sewerage and sewage disposal on land located in the city of Worcester, report recommending that the accompanying bill (House, No. 5179) ought to pass [local approval received].

For the committee,

ROBERT A. VIGNEAU

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF AUBURN TO CONSTRUCT AND OPERATE A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL ON LAND LOCATED IN THE CITY OF WORCESTER.

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. Chapter 708 of the acts of 1963 is hereby
2 amended by striking out section 1 and inserting in place thereof
3 the following section:—

4 *Section 1.* The town of Auburn, hereinafter called the town,
5 may lay out, construct, maintain and operate a system or systems
6 of common sewers for a part or the whole of its territory, and in
7 the city of Worcester, with such connections and other works as
8 may be required for a system or systems of sewerage and sewage
9 treatment and disposal, and may enter into agreements with the
10 Upper Blackstone Water Pollution Abatement District for the
11 operation and maintenance of a temporary sewage treatment
12 plant to be located on premises of said District and within the
13 bounds of the city of Worcester.

1 SECTION 2. Said chapter 708 is hereby further amended by
2 striking out section 4 and inserting in place thereof the following
3 section:—

4 *Section 4.* The board, acting for and on behalf of the town,
5 may take by eminent domain under chapter seventy-nine of the
6 General Laws, or acquire by purchase or otherwise, any lands,
7 water rights, rights of way or easements, public or private, in the
8 town, necessary for accomplishing any purpose mentioned in this
9 act, and may, in the town and in the city of Worcester, construct
10 and maintain such sewers under or over any land, bridge,
11 watercourse, railroad, railway, electric transmission line, private
12 way, boulevard or other public way, or within the location of
13 any railroad or electric transmission line and may enter upon and
14 dig up any private land, public land, private way, public way,

15 railroad location or electric transmission line location for the
16 purpose of laying such sewers and of maintaining and repairing
17 the same, and may do any other thing proper or necessary for the
18 purposes of this act; provided, that it shall not take in fee any
19 land of a railroad corporation, or land of an electric transmission
20 line corporation and that it shall not enter upon or construct any
21 sewer within the location of any railroad corporation or within
22 the location of any electric transmission line location except at
23 such time and in such manner as it may agree upon with such
24 corporation, or, in case of failure to agree, as may be approved
25 by the department of public utilities; and provided further, that
26 it shall not take any land or easements in the city of Worcester or
27 land owned by the city of Worcester in the town of Auburn
28 without the approval of the state department of public health.

1 SECTION 3. Section 12 of said chapter 708 is hereby
2 amended by striking out the words:— “and by writing to the
3 selectmen of the town of Millbury”.

