

AN ACT AUTHORIZING THE COUNTY OF ESSEX TO REIMBURSE
HARRY D. THOMPSON OF BOXFORD FOR MONEYS EXPENDED
BY HIM IN SETTTLING CERTAIN LAW SUITS ARISING FROM
THE PERFORMANCE OF HIS DUTIES AS COUNTY DOG OFFICER. *Chap.475*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the county of Essex is hereby authorized to pay from the dog fund of Essex county four hundred dollars to reimburse Harry D. Thompson of Boxford for moneys expended by him in the settlement of two law suits brought against him arising from the performance of his duties as county dog officer for said county.

SECTION 2. This act shall take full effect upon its acceptance by the county commissioners of Essex county, but not otherwise.
Approved May 29, 1947.

AN ACT AUTHORIZING THE TOWN OF PROVINCETOWN TO CON-
STRUCT AND OPERATE A SYSTEM OF SEWERS. *Chap.476*

Be it enacted, etc., as follows:

SECTION 1. The town of Provincetown, hereinafter called the town, may lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal, and may construct such sewers or drains in said town as may be necessary, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best; and, for the purposes aforesaid, the town may, within its limits, make and maintain subdrains.

SECTION 2. The town may make and maintain, in any way therein where main drains or common sewers are constructed, such connecting drains, subdrains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 3. The town may, at the meeting when this act is accepted, vote that the selectmen shall act as a board of sewer commissioners. If the town does not so vote at said meeting, the town shall elect by ballot, at any town meeting not later than the second annual meeting after the commencement of construction hereunder of a system of sewerage and sewage disposal, a board of three sewer commissioners who shall be citizens of the town, to hold office, if elected at an annual meeting, one until the expiration of one year, one until the expiration of two years, and one until the expiration of three years, from such annual town meeting, and until their successors are qualified, or, if elected at a special meeting, one until the expiration of one year, one until the expiration of two years, and one

until the expiration of three years, from the next succeeding annual town meeting, and until their successors are qualified, and thereafter, at each annual town meeting when the term of a member expires, the town shall elect one member of the board to serve for three years and until his successor is qualified. Any selectman shall be eligible to election to said board. In either case, whether the town votes that its selectmen shall act as a board of sewer commissioners or elects a board of sewer commissioners, the town may at any time thereafter, by any or all the methods permitted by general law, provide for the election of a board of three sewer commissioners, or that the selectmen may act as a board of sewer commissioners, as the case may be.

SECTION 4. Said board of sewer commissioners, acting for and on behalf of said town, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights, rights of way or easements, public or private, in said town, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 5. Until the board of sewer commissioners has first been elected as provided in this act or the selectmen have first been authorized by vote to act as such board, as the case may be, but not in any event later than the second annual meeting after the commencement of the work of construction authorized hereby, the town may carry on such work by a duly authorized committee of the town. The committee shall serve without pay and shall have all the powers and authority given to the board of sewer commissioners in this act or by general law. Whenever the phrase "said board of sewer commissioners" or "said board" hereinafter occurs, it shall mean and include the board of sewer commissioners, the selectmen acting as such or the committee of the town provided for in this section, as the case may be.

SECTION 6. Any person injured in his property by any action of said board of sewer commissioners under this act may recover damages from said town under said chapter seventy-nine.

SECTION 7. The town shall, by vote, determine what proportion of the cost of said system or systems of sewerage

and sewage disposal the town shall pay; provided, that it shall pay not less than one fourth nor more than two thirds of the whole cost. In providing for the payment of the remaining portion of the cost of said system or systems or for the use of said system or systems, the town may avail itself of any or all of the methods permitted by general laws, and the provisions of said general laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon shall apply to assessments made under this act, except that interest shall be at the rate of six per cent per annum. At the same meeting at which it determines the proportion of the cost which is to be borne by the town, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of such assessments or apportionments thereof to the sewer commissioners, or to the selectmen acting as such, who shall preserve a record thereof.

SECTION 8. For the purpose of paying the necessary expenses and liabilities incurred under this act, the town may from time to time, within five years after the passage of this act, borrow such sums as may be necessary, not exceeding, in the aggregate, three hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Provincetown Sewerage Loan, Act of 1947. Each authorized issue shall constitute a separate loan and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 9. The receipts from sewer assessments and from payments made in lieu thereof shall be applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal or to the extension thereof, to the payment of interest upon bonds or notes issued for sewer purposes or to the payment or redemption of such bonds or notes.

SECTION 10. Said board of sewer commissioners may annually appoint a clerk and may appoint a superintendent of sewers who shall not be a member of the board, and shall define their duties. It may remove the clerk or superintendent at its pleasure. Said board may, in its discretion, prescribe for the users of said sewer systems such annual rentals or charges based on the benefits derived therefrom as it may deem proper, subject, however, to such rules and regulations as may be fixed by vote of the town.

SECTION 11. All contracts made by the board of sewer commissioners shall be made in the name of the town and shall be signed by the board, but no contract shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the town therefor.

SECTION 12. Said board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with main drains and sewers, and for inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the town of Provincetown, if there be any, and if not, then in some newspaper published in the county of Barnstable, and shall not take effect until such publications have been made.

SECTION 13. No act shall be done under authority of the preceding sections except in the making of surveys and other preliminary investigations, until the plans for said system of sewerage and sewage disposal have been approved by the state department of public health. Upon application to said department for its approval, it shall give a hearing, after due notice to the public. At such hearing, plans showing in detail all the work to be done in constructing said system of sewerage and sewage disposal shall be submitted for approval by said department.

SECTION 14. This act shall take full effect upon its acceptance by vote of a majority of the voters of said town voting thereon at a town meeting called for the purpose within two years after its passage, but not otherwise. No expenditure shall be made and no liability incurred hereunder until such acceptance.

Approved May 29, 1947.

Chap.477 AN ACT INCREASING THE PENSION PORTION OF THE RETIREMENT ALLOWANCE FOR CERTAIN RETIRED MEMBERS OF THE CITY OF EVERETT RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. Any provision of chapter two hundred and twenty-three of the acts of nineteen hundred and thirty-three, as amended, or of any other general or special law relative to the retirement system of the city of Everett, to the contrary notwithstanding, the retirement allowance of each employee of said city who was retired prior to January first in the current year shall be adjusted from and after the effective date of this act so that the pension portion of such retirement allowance on account of membership service shall be equivalent to the annuity as provided in subsection (2) of section six of said chapter two hundred and twenty-three, as amended.

SECTION 2. This act shall take full effect upon its acceptance, during the current year, by vote of the city council of the city of Everett, subject to the provisions of its charter, but not otherwise.

Approved May 29, 1947.