

By Mr. Moore of Uxbridge, petition of Richard T. Moore relative to establishing the Lake Singletary commission in the towns of Millbury and Sutton. Local Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT ESTABLISHING THE LAKE SINGLETARY COMMISSION IN THE TOWNS OF MILLBURY AND SUTTON.

*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. There shall be an unpaid commission, to be  
2 known as the Lake Singletary Commission, hereinafter referred to  
3 as the Commission, consisting of 15 members. The towns of Mill-  
4 bury and Sutton shall be exempt from providing present medical  
5 coverage to said commissioners. The members of said commission  
6 shall be the chief of police of the town of Millbury, ex-officio, the  
7 chief of police of the town of Sutton ex-officio, one member of each  
8 of the following boards or commissions of the town of Millbury  
9 and of the town of Sutton: — Selectmen, Board of Health, and  
10 Conservation Commission, who shall be nominated by their  
11 respective board of commission and confirmed by their respective  
12 Board of Selectmen to serve for terms of two years, two residents of  
13 the town of Millbury appointed by the Board of Selectmen of  
14 Millbury for terms of three years, two residents of the town of  
15 Sutton appointed by the Board of Selectmen of Sutton for terms of  
16 three years, and three members nominated by the Lake Singletary  
17 Watershed Association and confirmed by the Boards of Selectmen  
18 of Millbury and Sutton for terms of three years, provided however  
19 that said members nominated by the Watershed Association shall  
20 in the first instance be appointed to hold office one for a term of  
21 one year, one for a term of two years, and one for a term of three  
22 years, and their successors to be appointed for a term of three

23 years. A majority of said commissioners shall constitute a quorum  
24 for the transaction of business. After the appointment of commis-  
25 sioners under the authority of this section any vacancy occurring  
26 on said Commission from any cause may be filled for the  
27 remainder of the unexpired term. Any such vacancy may be filled  
28 temporarily in the manner provided by section eleven of chapter  
29 forty-one of the General Laws, and the person so appointed shall  
30 perform the duties of the office until expiration of the term for  
31 which he was appointed or until another person is qualified.

1 SECTION 2. The commission may appoint an advisory council  
2 of such size and composition as it may deem appropriate. Said  
3 advisory council may consider such matters related to the preserva-  
4 tion, development and control of Lake Singletary as may be  
5 referred by the commission and may offer advice and recommen-  
6 dations to said commission in this regard.

1 SECTION 3. The Commission shall administer a program for  
2 the preservation and restoration of Lake Singletary. Said program  
3 shall conform to the provisions of section 314 of the Clean Water  
4 Act of the United States. Said Commission shall provide for the  
5 conduct of studies to diagnose the environmental characteristics  
6 and conditions of said lake and on the basis of said diagnosis to  
7 determine the feasibility of methods and procedures to preserve  
8 and restore the quality of said lake. Subject to the appropriation of  
9 local funds as may be required said Commission shall recommend  
10 and take necessary steps to implement long-term lake preservation  
11 or restoration procedures or both, taking full advantage of all  
12 available federal and state assistance programs.

1 SECTION 4. The Commission shall assist town, state and fed-  
2 eral agencies by coordinating the water quality monitoring, water  
3 level complaints, pollution control activities, recreation manage-  
4 ment and fact-findings, in Lake Singletary and its watershed, and  
5 shall cooperate with state and federal agencies and the town con-  
6 servation commissions of Millbury and Sutton by conducting  
7 studies of said lake and its watershed.

1 SECTION 5. The Commission may plan, construct and admin-

2 ister swimming, boating or other recreational facilities at Lake  
3 Singletary subject to appropriation of local funds and may apply  
4 for and receive any available federal or state funds for said  
5 purpose.

1 SECTION 6. The Commission may, after notice and public  
2 hearing held in either the town of Millbury or the town of Sutton  
3 promulgate in accordance with the provisions of section fifteen of  
4 chapter ninety B of the General Laws, reasonable rules and regula-  
5 tions, for the protection and policing of the waters of Lake Single-  
6 tary within the towns of Millbury and Sutton and for permitting  
7 and regulating the use of motor boats, aircraft or other crafts,  
8 vehicles, or floats used on said lake, and for regulating the conduct  
9 of persons upon, or bathing in, the waters of said lake and for  
10 permitting and regulating public-private campgrounds within the  
11 watershed of said lake and the Commission may propose, after  
12 notice and a public hearing as aforesaid from time to time, make  
13 alterations, additions to or repeal of the rules and regulations made  
14 hereunder for consideration by the town meeting in accordance  
15 with the provisions of said section fifteen of said chapter ninety B.

1 SECTION 7. The Commission may make rules and regulations  
2 relative to the conduct of the business of renting boats and canoes  
3 of any description to be used upon the waters of said lake as above  
4 defined, and relative to the maintenance and use of bathing houses  
5 and public or private campgrounds adjacent thereto subject to the  
6 approval of the town meeting.

1 SECTION 8. No person shall engage in the business of renting  
2 boats or canoes of any description to be used upon the waters of  
3 said lake, until he shall obtain from the selectmen of the town  
4 wherein the proposed business shall be located a permit to do so,  
5 which permit shall be for such a time, in such form and subject to  
6 such restrictions as may from time to time be determined by the  
7 Lake Singletary Commission. All fees collected from such permits  
8 shall be paid to the Commission.

1 SECTION 9. The Commission shall cause any proposed rules

2 and regulations, as described in section five, to be published in a  
3 newspaper of general circulation in the towns of Millbury and  
4 Sutton and posted at the boat ramp, which publication shall be  
5 sufficient notice to all persons. The sworn certificate of any  
6 member of said Commission or of its clerk that said rules and  
7 regulations have been promulgated and published shall be prima  
8 facie evidence thereof. A copy of the rules and regulations attested  
9 by an member of said Commission, or by its clerk, shall be prima  
10 facie evidence that the said rules and regulations were promulgated  
11 by said Commission as provided in this act. No less than twenty-  
12 one days following publication of any regulation by said commis-  
13 sion said regulation shall have full force and effect, provided  
14 however that any person aggrieved by said commission's regula-  
15 tions, or any owner of land abutting Lake Singletary or any ten  
16 residents of the towns of Millbury or Sutton may, by certified mail  
17 within twenty-one days from the publication of said commission's  
18 regulation request and commission to hold a rehearing on said  
19 regulation.

20 No enforcement of any contested regulation shall be undertaken  
21 until a final publication of said regulation or amended regulation is  
22 made in accordance with the provisions of this section.

1 SECTION 10. Any police officer duly sworn in the towns of  
2 Millbury and Sutton may patrol any part of the waters of said lake,  
3 and shall have authority to arrest without a warrant any person for  
4 violating the law in, on, or adjacent to the waters of said lake,  
5 tributary or watershed or any rule or regulation established under  
6 the authority of this act, and may serve warrants and make arrests  
7 therefor on the waters of said lake or in any part of said towns of  
8 Millbury or Sutton.

9 Nothing herein contained shall prevent the enforcement of any  
10 by-law of the town of Millbury and Sutton upon any part of said  
11 waters lying within the limits of said town.

1 SECTION 12. Any person who violates any rule, regulation or  
2 order of said Commission or any provision of this act shall be  
3 punished by a fine to be determined by said Commission; provided,  
4 however that such fine for violation of any such rule, regulation or

5 order shall not exceed one hundred dollars. Revenue received from  
6 any fines shall be paid to the Commission.

1 SECTION 13. All expenses incurred by, and with the approval  
2 of, the Lake Singletary Commission shall be borne by the property  
3 owners adjacent to said lake.

4 The commission shall operate on a fiscal year beginning with  
5 July first and ending with the following June thirtieth. The Com-  
6 mission shall, annually, in the month of November, estimate the  
7 amount of money required to be assessed upon the property adja-  
8 cent to Lake Singletary necessary to pay the cost and expenses of  
9 the district for the following fiscal year. The amount so determined  
10 for the district shall not exceed a sum of one hundred dollars per  
11 lot; and said amount shall be apportioned and assessed upon each  
12 property owner as determined by the most recent assessor's list of  
13 the towns of Millbury and Sutton.

14 Whenever a fee is duly voted by the Commission for the pur-  
15 poses of this act, the clerk shall send a certified copy of the vote to  
16 the assessors of said towns, who shall assess the same on property  
17 adjacent to Lake Singletary in the same manner in all respects in  
18 which town taxes are required by law to be assessed; provided, that  
19 no estimate shall be subject to any fee assessed under this act if, in  
20 the judgement of the commission hereinafter provided for, after a  
21 hearing, due notice whereof shall have been given, such estate is so  
22 situated that it can receive no benefit from the said lake, but all  
23 other estates adjacent to the lake shall be deemed to be benefitted  
24 and shall be subject to such tax. A certified list of the estates  
25 exempt from taxation under the provisions of this section shall  
26 annually be sent by said commission to said assessors, at the same  
27 time at which the clerk shall send a certified copy of the vote as  
28 aforesaid. The assessment shall be committed to the town collec-  
29 tors, who shall collect said tax in the manner provided by law for  
30 the collection of town taxes, and shall deposit the proceeds thereof  
31 with the commission treasurer for the use and benefit of the lake.  
32 The commission may collect interest on overdue taxes in the  
33 manner in which interest is authorized to be collected on town  
34 taxes.

