

Submission to
Berkshire
county com-
missioners, etc.

SECTION 2. This act shall take full effect upon its acceptance during the current year by the county commissioners of the county of Berkshire, but not otherwise. For the purpose of such acceptance only, it shall take effect upon its passage.

Approved May 20, 1931.

Chap.339 AN ACT AUTHORIZING THE TOWN OF SOUTHAMPTON TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Town of
Southampton
may supply
itself and its
inhabitants
with water.

SECTION 1. The town of Southampton may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May connect
its pipes with
that of the city
of Holyoke.

SECTION 2. The said town, for the purposes aforesaid may connect its pipes with that of the city of Holyoke as authorized by section five of chapter four hundred and nineteen of the acts of eighteen hundred and ninety-six, and may lease, or take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring or stream, not already appropriated for the purposes of a public water supply, or of any ground water sources by means of driven or other wells or filter galleries within the limits of said town, and the water rights and water sources connected therewith; provided, that the amount of water which may be taken shall from time to time be determined by vote of the town subject, in respect to water taken as aforesaid from the pipe of the said city, to the limit of amount imposed by said section five; and also may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting and storing such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken without first obtaining the advice and approval of the department of public health, and that the location of all dams, reservoirs, wells or filter galleries, filtration plants or other works to be used as sources of water supply under this act shall be subject to the approval of said department. Said

May acquire
certain waters,
etc.

Proviso.

May erect
structures, etc.

town may construct and may erect on the lands taken or held under the provisions of this act proper buildings, reservoirs, standpipes, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct reservoirs, establish pumping works and lay down and maintain conduits, pipes and other works

under or over any lands, water courses, railways, railroads or public or private ways, and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of public utilities.

May dig up and embank lands, highways, etc.

Restrictions as to entry upon railroad locations.

SECTION 3. The land, water rights and other property taken or acquired under this act and all works, buildings and other structures erected or constructed thereunder, shall be managed, improved and controlled by the board of water commissioners of the town of Southampton, hereinafter provided for, in such manner as they shall deem for the best interest of the said town.

Land acquired to be managed, etc., by board of water commissioners.

SECTION 4. Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter seventy-nine; provided, that the right to damages for the taking of any water, water source or water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

Property damages, recovery, etc.

Proviso.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, other than expenses of maintenance and operation, issue from time to time bonds or notes to an amount, not exceeding, in the aggregate, one hundred and fifty thousand dollars, which shall bear on their face the words, Town of Southampton Water Loan, Act of 1931. 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.

Town may issue bonds, etc.

Town of Southampton Water Loan, Act of 1931.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section five; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act shall without further vote be assessed by the assessors of the said town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

Payment of loan, etc.

Board of water commissioners, election, terms, etc.

SECTION 7. The said town shall, after its acceptance of this act, at the same meeting at which the act is accepted or at a subsequent meeting called for the purpose, elect by ballot three persons to constitute a board of water commissioners, one of whom shall hold office until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting; and at the annual town meeting held on the day on which the shortest of such terms expires and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act, except sections five and six, and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner specified herein.

Authority, etc.

Quorum.

Vacaney.

Commissioners to fix water rates, etc.

SECTION 8. Said commissioners shall fix just and equitable prices and rates for the use of water and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, and interest charges and payments on the principal as they accrue on any bonds or notes issued for water supply purposes. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be appropriated for such new construction as the water commissioners, with the approval of the town, may determine upon, and in case a surplus should remain after the payment for such new construction, the water rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section and by section three shall be subject to the provisions of section seven. Said commissioners shall annually and as often as the said town may require, render a report upon the condition of the works under their charge and an accounting of their doings including an account of receipts and expenditures.

Income, how used.

Net surplus, how used.

Annual, etc., report to said town.

Penalty for polluting water.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town of Southampton under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year.

SECTION 10. The town may purchase the properties of the Mountain Spring Water Company of Southamton, Massachusetts, at such amount as may be determined upon by the water commissioners as the fair value of the tangible property and shares outstanding, and in case of failure of the commissioners and company to agree, at such amount as may be determined by a board of three appraisers, one to be named by the board, one by the company, and the two thus chosen to select a third. Any sum awarded may be paid from the proceeds of loans issued under authority of this act.

Town may purchase properties of the Mountain Spring Water Company of Southamton, Massachusetts.

SECTION 11. This act shall take effect upon its acceptance by a majority of the voters of the town of Southamton present and voting thereon at a town meeting called for the purpose within three years after its passage; but the number of meetings so called in any year shall not exceed three; and, for the purpose only of being submitted to the voters of said town as aforesaid, this act shall take effect upon its passage.

Submission to voters, etc.

Approved May 20, 1931.

AN ACT RELATIVE TO THE TAKING OF THE WATERS OF QUINAPOXET RIVER AND SOUTH WACHUSETT BROOK AND THEIR TRIBUTARIES BY THE CITY OF WORCESTER FOR WATER SUPPLY PURPOSES.

Chap. 340

Be it enacted, etc., as follows:

The first paragraph of section twelve of chapter three hundred and seventy-five of the acts of nineteen hundred and twenty-six is hereby amended by striking out, in the twelfth to fourteenth lines, inclusive, the words "near an elevation of seven hundred and eight feet above mean sea level at Boston, at or above the outlet of Quinapoxet pond" and inserting in place thereof the words: — above a point in said river between the confluence of Musquapoag brook, so-called, with said river and the northwesterly boundary of the highway running from Holden to Princeton, — by inserting after the word "but" in the twenty-first line the words: —, except as hereinafter provided, — and by inserting after the word "gallons" in the forty-second line the following new sentence: — If said city shall at any time, with the approval of the metropolitan district commission, take water in any calendar year in excess of an average quantity of ten million gallons per diem as herein authorized, said city shall pay to the commonwealth for the benefit of the metropolitan water district for the excess amount of water so taken at the rate of forty dollars per million gallons, — so that said paragraph will read as follows: — The city of Worcester is hereby authorized, for the purpose of meeting the requirements of said city for increasing its water supply and such requirements of adjacent and nearby towns now supplied or hereafter required to be supplied by said city, from time to time, to acquire by purchase or otherwise, or take by eminent domain in accordance with the procedure

1926, 375, § 12, par. 1, amended.

City of Worcester may acquire waters of South Wachusett brook and waters of Quinapoxet river in town of Holden, etc.