

By Mr. Moore of Uxbridge, petition of Richard T. Moore, Paul Kollios, Daniel J. Foley, Louis P. Bertonazzi and others 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-Three.

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 or 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 any 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. Not 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 regulations request the 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) define the waters of said
5 lake tributary or watershed or any rule or regulation established
6 under the authority of this act, and may serve warrants and make
7 arrests therefor on the waters of said lake or in any part of said
8 towns of Millbury or Sutton or (adjacent thereto).

1 SECTION 11. Nothing herein contained shall prevent the enforce-
2 ment of any by-law of the town of Millbury and Sutton upon any
3 part of said 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
6 from any fines shall be paid to the Commission.

1 SECTION 13. All expense incurred by, and with the approval
2 of, the Lake Singletary Commission shall be borne by the towns of
3 Millbury and Sutton, subject to appropriation.

4 The commission shall operate on a fiscal year beginning with
5 July first and ending with the following June thirtieth. The
6 commission shall, annually, in the month of November, estimate
7 the amount of money required to be assessed upon the towns of
8 Sutton and Millbury necessary to pay the cost and expenses of the
9 district for the following fiscal year. The amount so determined for
10 the district shall not exceed a sum equivalent to fifteen cents per
11 capita of the population of the district or fifty thousand dollars,
12 whichever is the greatest amount; and said amount shall be
13 apportioned and assessed upon each city and town in the district in
14 the proportion which the population of the district, provided,
15 however, that the population of the district and of each city and
16 town shall be the population as determined by the most recent state
17 or national decennial census exclusive of the population in any
18 county, state or federal institutions otherwise included in such
19 census. The amounts so apportioned for each city and town shall,
20 prior to December thirty-first of each year, be certified by the
21 commission treasurer to the treasurers of each city and town within
22 the district. Each town treasurers shall pay the amount so
23 apportioned by the commission treasurer not later than July tenth
24 of the fiscal year for which the apportionment is made, and shall
25 make such payment from any monies available in the treasury of
26 each such city or town. The commission treasurer shall submit a
27 duplicate copy of the aforementioned certification to the board of
28 assessors of each city and town, and each such board of assessors
29 shall include said amounts in the assessment for the annual tax levy
30 according to the procedures specified in section twenty-one of
31 chapter fifty-nine; provided, however, that if the annual tax levy is
32 determined by any such board of assessors prior to receiving a copy

33 of said certification, the board of assessors shall include as money
34 to be raised in the tax levy an amount equal to twenty cents per
35 capita of the population of the city or town as determined
36 aforesaid, and if, said amount is less than the amount actually
37 certified by the commission treasurer, the difference shall be
38 included as money to be raised in the next annual tax levy.

39 Payments for the expenses of the commission shall be made by
40 the treasurer or assistant treasurer only upon a warrant for such
41 payment approved by a majority of the commission, or, if so
42 delegated, by a majority of the executive committee or by a major-
43 ity of such other committee as the commission may delegate by its
44 by-laws to exercise such approval.

45 Said commission may accumulate reserve funds for, but not
46 limited to, the purposes of funding the purchase and replacement
47 of capital equipment and participating in state and federal pro-
48 grams, provided, that such accumulated reserve funds may not
49 exceed the estimated proportion of the commission's costs and
50 expenses to be paid by the member cities and towns during the next
51 fiscal year.

