

AN ACT TO AUTHORIZE THE TOWN OF NORTH ANDOVER TO ESTABLISH A BOARD OF PUBLIC WORKS. *Chap.379*

Be it enacted, etc., as follows:

SECTION 1. The water commissioners of the town of North Andover shall be a board of public works, with the powers and duties conferred or imposed upon said commissioners by chapter two hundred and two of the acts of the year eighteen hundred and ninety-three, chapter eighty-four of the acts of the year eighteen hundred and ninety-nine, chapter ninety-three of the acts of the year nineteen hundred and four, and chapter three hundred and fifty-one of the acts of the year nineteen hundred and five, and with the powers and duties conferred or imposed upon said board by an act passed concurrently herewith authorizing the said town to establish a sewerage system. The present water commissioners shall serve as members of the said board of public works until their terms as such commissioners expire, and whenever a vacancy in said board occurs by the expiration of a term or otherwise, it shall be filled, for a term of three years, by election at the annual town meeting at which such term expires, or which next occurs after the expiration of such term or after such vacancy occurs. The members of the said board shall serve until their successors are elected and qualified.

The town of North Andover may establish a board of public works.

SECTION 2. The said board of public works shall annually appoint a superintendent who shall not be one of their number, and may remove him at their pleasure. They shall fix his compensation. They shall also have authority to appoint and remove all necessary subordinate officers, agents or employees, and to fix their compensation; or they may delegate to the superintendent such powers or any part thereof. In general, they shall be responsible for and shall supervise and control the management of the water and sewerage systems of the town.

Superintendent, etc.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1906.

AN ACT TO AUTHORIZE THE TOWN OF NORTH ANDOVER TO ESTABLISH A SEWERAGE SYSTEM AND TO BORROW MONEY THEREFOR. *Chap.380*

Be it enacted, etc., as follows:

SECTION 1. The town of North Andover is hereby authorized through a board of public works, to lay out, con-

The town of North Andover may construct,

etc., a system of sewerage, etc.

struct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, and such connections and other works as may be required for a system of sewage disposal, to be operated in connection with the main sewers and other works; and said board, for the purpose of providing better drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best; and may within the limits of the town, deepen, widen and clear of obstructions any brook, stream or water course, and straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and discharge the water into any brook, stream or water course within the town: *provided*, that its action be approved by the state board of health.

Proviso.

May acquire land, water rights, etc.

SECTION 2. Said board of public works, acting in behalf of the town, shall have power to take by purchase or otherwise any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for the purposes mentioned in this act, and may construct within said town such main drains, sewers, pipes and conduits under or over any street, railroad, railway, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up any private lands, street or way, for the purpose of constructing said system, laying said sewers and drains and system of sewage disposal, and maintaining and repairing the same; and may do any other things necessary or proper to carry out the purposes of this act.

Description of lands, etc., to be recorded.

SECTION 3. The town shall, when it takes any lands, water rights, rights of way, easements or other real estate under the authority of this act, in any manner other than by purchase, cause to be recorded in the registry of deeds for the county and district in which the same are situated such a description thereof as is customary in a common conveyance of land, with a statement signed by the board of public works that the same have been taken under the authority of this act, and upon such recording the title to such lands, water rights, rights of way, easements and other real estate so described shall vest in the town.

Damages.

SECTION 4. The town shall pay all damages to property sustained by any person or corporation by reason of such taking, and if such person or corporation and the town fail

to agree as to the amount thereof, the same shall be determined by a jury of the superior court, in the manner provided by law in the case of land taken for the laying out of highways; but in case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided.

SECTION 5. The town, in the case of a petition for a jury as aforesaid, may offer in court and consent in writing that the sum therein specified may be awarded as damages to the petitioner; and if the petitioner shall not accept the sum offered, within thirty days after notice of such offer, and shall not finally recover a greater sum than the sum offered, not including interest, the town shall be entitled to recover its costs after the date of said offer, and the petitioner, if he recovers damages, shall be entitled to his costs to the date of the offer.

Town may offer a specified sum as damages.

SECTION 6. The owners of estates benefited by and abutting on any streets or ways, public or private, in which sewers shall be laid under the provisions of this act, shall pay to said town toward defraying the cost of said sewer system or systems of sewerage and sewage disposal an assessment or betterment charge as follows: — Three tenths of one cent per square foot of area within the depth of one hundred feet from the line of such street or way. In the case of corner estates abutting on more than one sewered street the same area shall not be assessed twice. No estate shall be deemed benefited unless or until a sewer has been constructed into which it can be drained. The remainder of the cost of said system or systems shall be borne by the town. No particular or other sewers from any estate or part of an estate not already assessed or not liable to assessment as provided above shall be entered into a common sewer, except upon the payment of such an assessment and upon such other terms and conditions as the board of public works shall determine.

Assessment of betterments, etc.

SECTION 7. When in any street or way, or part of a street or way, public or private, a sewer included in any system now constructed or hereafter to be constructed, is finished and ready for use, the board of public works shall file a certificate with the town treasurer designating the street or way, or part thereof, in which the sewer has been finished, and setting forth the names of the owners of the estates abutting and benefited, and the amount of the assessment and charge to be paid by each, and referring to a plan

Payment of assessments, etc.

Proviso.

on file in the office of the board of public works, which plan shall show the frontage, the name of the owner, and the amount of the assessment. The treasurer shall upon receipt of such certificate make a demand in writing for the payment of such assessment or charge, and every owner shall within three months after such demand is served upon him, or on the occupant of such estate, or sent by mail to the last address of the owner known to the treasurer, pay to the treasurer the sum so assessed or charged: *provided*, that said board shall, on the written request of any owner, made within the said three months, apportion such assessment or charge into such a number of equal parts or instalments, not exceeding ten, as the owner shall designate in such request, and they shall report such apportionment to the assessors. Interest from the date of such apportionment at the rate of six per cent per annum shall be added to each of such assessments or charges until they are paid, and one of such parts or instalments shall be added by the assessors to the annual tax of such estates for each year next ensuing, until all such parts have so been added, unless paid before, as hereinafter provided. Nothing herein shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any remainder of any assessment or charges then remaining unpaid, but interest on such balance at the rate of six per cent per annum shall be paid to the date of such payment, and thereupon the town treasurer shall receive the same and certify such payment or payments to the assessors, who shall preserve a record thereof.

Assessments
to constitute
lien upon
estate, etc.

SECTION 8. The assessment or charge aforesaid shall constitute a lien upon the estate, which shall continue for two years after such certificate is made and filed, and after the demand aforesaid is made, or, in case of apportionment, until the expiration of two years from the time when the last instalment is committed to the collector. Said assessment, together with interest at the rate of six per cent per annum, with incidental costs and expenses, may be levied by the sale of such estate or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges, if the assessment is not paid within three months after the service of said notice, or, if it has been apportioned, within three months after any portion has become due. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales

for the non-payment of taxes are conducted, and real estate so sold may be redeemed in the same manner as if it had been sold for the non-payment of taxes. Such assessments or parts thereof may be collected also by an action of contract in the name of the town of North Andover against the owner of the real estate, brought at any time within two years after the same have become due.

SECTION 9. If any assessment for sewers heretofore made by the selectmen or other board or officer, or hereafter made by the said board of public works, is or shall be invalid for any reason, and if such assessment has not been paid, or has been recovered back, or has been enforced by an invalid sale, a re-assessment of the estate affected by such original assessment may be made by the board of public works to the just amount to which the said estate should originally have been assessed, and the new assessment thus made shall be payable and shall be collected and enforced in the same manner as other assessments.

Invalid assessments.

SECTION 10. Any person aggrieved by an assessment made under authority hereof, may at any time within three months after the service of the demand mentioned in section seven of this act apply to the superior court for said county for a jury to revise the same, but before making such application he shall give to said board of public works fourteen days' notice in writing and shall in such notice specify particularly his objection to the assessment, to which specification he shall be confined in his hearing before a jury.

Person aggrieved may apply for a jury, etc.

SECTION 11. The town of North Andover, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding fifty thousand dollars, and may issue from time to time bonds or notes therefor, and the said indebtedness shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, North Andover Sewerage Loan, Act of 1906, shall be payable within periods not exceeding twenty-five years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by the board of public works. The town may from time to time sell such securities, or any part thereof, at public or pri-

North Andover Sewerage Loan, Act of 1906.

vate sale, but not for less than the par value thereof. The proceeds shall be retained in the treasury, and the treasurer shall, upon the order of said board of public works, pay therefrom the expenses incurred for the purposes aforesaid.

Annual proportionate payments.

SECTION 12. Said town shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor, as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the town is extinguished.

Payment of expenses, etc.

SECTION 13. The receipts from assessments and payments in lieu thereof under this act, after deducting all charges and expenses for and incident to the maintenance and operation of said systems of sewerage, shall be applied first to the payment of the interest upon the bonds or notes issued under authority of this act, not otherwise provided for, and the balance shall be set apart for the payment or redemption of such bonds or notes, or for payment of the further extension of the system or systems of sewerage herein authorized to be constructed by said town, as the said town shall vote, and shall be used for no other purpose. If the receipts from said assessments and from payments made in lieu thereof in any year, not apportioned for the construction and maintenance of sewers as aforesaid, shall be insufficient to pay the interest on said bonds or notes, and the principal as it falls due, then, in such case, the town shall raise forthwith by taxation, in the same manner as money is raised and appropriated for other town purposes, such sums as will meet the said requirements. The sinking fund of any loan of the town may be invested in such bonds or notes.

Contracts.

SECTION 14. All contracts made by said board of public works 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 the board of public works for any purpose in excess of the amount of money appropriated by the town therefor.

SECTION 15. The said board of public works may from time to time prescribe rules and regulations for connecting estates and buildings with main drains and sewers, and for the inspection of materials, and the construction, alteration and use of all connections and drains entering into such main drains and sewers, and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of North Andover, if there be any, otherwise in some newspaper published in the county of Essex, and shall not take effect until such publication has been made.

Board of public works may prescribe rules and regulations, etc.

SECTION 16. No act shall be done under the authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public; and at such hearing plans showing in detail all work to be done in constructing said system of sewerage shall be submitted.

Plans to be approved by state board of health.

SECTION 17. This act shall take effect upon its passage, but no expenditure shall be made nor any liability incurred hereunder until this act has been accepted by a majority of the voters of the town voting thereon at a legal meeting called for the purpose within three years after its passage.

When to take effect.

Approved May 11, 1906.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS FOR THE COUNTY OF ESSEX TO COMPLETE THE BRIDGE OR CAUSEWAY ACROSS WATERS RIVER IN THE TOWN OF DANVERS.

Chap. 381

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed to complete the bridge or causeway, with the approaches thereto, across Waters river at Hussey's mill, so-called, in the town of Danvers, begun by them under authority of chapter three hundred and eighty-eight of the acts of the year nineteen hundred and three, and to pay all just bills already contracted by the commissioners for work already done upon the said bridge or causeway.

Completion of the bridge, etc., over Waters river in Danvers.

SECTION 2. The expense incurred under this act shall not exceed the sum of twenty-three thousand dollars, and

Money may be borrowed on credit of