

# HOUSE . . . . No. 1008.

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## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 24, 1899.

The committee on Water Supply, to whom was referred the petition (with accompanying bill, House, No. 903) of the selectmen of the town of Longmeadow for legislation to legalize certain acts of said town relative to its present water system and to authorize the taking of additional sources of water supply, report the accompanying bill.

For the Committee,

JNO. T. LANGFORD.

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-nine.

### AN ACT

To Supply the Town of Longmeadow with Water.

*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. The town of Longmeadow may  
2 supply itself and its inhabitants with water for the  
3 extinguishment of fires and for domestic and other  
4 purposes; may establish fountains and hydrants,  
5 relocate or discontinue the same and may regulate  
6 the use of such water and fix and collect rates to  
7 be paid for the use of the same: *provided*, that no  
8 source of water supply for domestic purposes or  
9 lands necessary for preserving the quality of such  
10 water shall be purchased or taken without the  
11 advice and approval of the state board of health.

1 SECTION 2. Said town, for the purposes afore-  
2 said, may hold all water, water sources, springs  
3 or land heretofore purchased by it, all structures  
4 located thereon, and all water mains, pipes, hy-  
5 drants and other property that is now being used  
6 by it as a water supply for said town, said land,

7 structures and property having been obtained by  
8 said town under votes passed by it in town meet-  
9 ing; and the votes of said town relating to pro-  
10 viding said town with a supply of water for fire  
11 and domestic purposes, and the proceedings of  
12 said town thereunder in the purchase of land and  
13 water rights, the erection of structures thereon,  
14 the laying of water mains and pipes and the loca-  
15 tion of hydrants, are hereby ratified, confirmed  
16 and made legal, and all lands purchased, all build-  
17 ings and structures erected and all water pipes  
18 and mains laid, shall be and remain the property  
19 of said town as if the same had been, heretofore,  
20 legally authorized.

21 Said town may at any time or times hereafter,  
22 for the purposes aforesaid, take by purchase or  
23 otherwise, in fee, the waters, or as much as may  
24 be necessary, of Cooley brook, in said town, of  
25 any streams, ponds or springs, or of any driven  
26 or dug wells that it may construct, in said town;  
27 and any and all land which said town may from  
28 time to time deem advisable for the purpose of  
29 securing to it springs, wells or water for a source  
30 of water supply, for the purpose of constructing  
31 storage reservoirs, for the purpose of protecting  
32 the purity of its water supply and for any other  
33 purpose connected with the maintenance of the  
34 water supply for said town. Said town may  
35 erect and construct on the lands taken or held  
36 under the authority hereof such wells, filter  
37 galleries, dams, buildings, fixtures, reservoirs,  
38 standpipes, and other structures as it may deem

39 proper, and may make such excavations and pro-  
40 cure and operate such machinery and do such  
41 other things as may be necessary for providing  
42 and maintaining complete and effective water  
43 works; and, for that purpose, may construct, lay  
44 and maintain aqueducts, conduits, pipes, and  
45 other works under and over any lands, roads, or  
46 other ways and along any street, highway or  
47 other way in said town, in such manner as shall  
48 not unnecessarily obstruct the same.

1 SECTION 3. Said town of Longmeadow shall  
2 be liable to pay all damages to property sus-  
3 tained by any person or corporation by the tak-  
4 ing of any land or the doing of any act as  
5 herein authorized, and any such person or cor-  
6 poration who fails to agree with said town as  
7 to the amount of damages sustained, may have  
8 the same assessed and determined in the man-  
9 ner established by law where land is taken for  
10 the laying out of highways, provided application  
11 therefor is made within two years from the taking.  
12 Said town shall, within ninety days after the  
13 taking of any lands, water sources, water rights,  
14 rights of way or easements, as aforesaid, other-  
15 wise than by purchase or agreement, file and  
16 cause to be recorded in the registry of deeds for  
17 the county of Hampden, a description thereof  
18 sufficiently accurate for identification, with a  
19 statement of the purpose for which the same were  
20 taken, signed by a majority of the board of water  
2 commissioners hereinafter provided for; and,



22 upon such recording, title shall rest in said town.  
23 Said statement shall certify that said state board  
24 of health has recommended and approved such  
25 taking, if such approval is required by said board,  
26 and such certificate shall be conclusive evidence  
27 thereof.

1 SECTION 4. The votes of said town, passed  
2 by a two-thirds vote December nineteen, eighteen  
3 hundred and ninety-four and January twenty-  
4 nine, eighteen hundred and ninety-five, under  
5 which for the purpose of raising money with  
6 which to pay for the water supply plant now ex-  
7 isting, it issued bonds to the amount of thirty  
8 thousand dollars, bearing interest at the rate of  
9 four per centum per annum and payable in thirty  
10 years, and creating a sinking fund for the pay-  
11 ment thereof is ratified, confirmed and made  
12 legal and said bonds declared to be a binding ob-  
13 ligation on said town, as if the same had been  
14 heretofore, legally authorized.

1 SECTION 5. Said town shall annually raise by  
2 taxation a sum which with the income derived  
3 from the water rates will be sufficient to pay  
4 the current annual expenses of operating its  
5 water works, the interest as it accrues on said  
6 bonds and the contribution called for by said  
7 sinking fund created by said town.

1 SECTION 6. Whoever wilfully, or wantonly,  
2 corrupts, pollutes or diverts any of the waters  
3 taken or held under this act, or injures any

4 structure, work or other property, owned, held or  
5 used by said town under the authority and for the  
6 purposes of this act, shall forfeit and pay to said  
7 town three times the amount of damages assessed  
8 therefor, to be recovered in an action of tort ; and  
9 upon conviction of either of the above wilful or  
10 wanton acts, shall be punished by a fine not ex-  
11 ceeding three hundred dollars or by imprisonment  
12 not exceeding one year.

1 SECTION 7. Said town shall, within three  
2 months from the passage of this act at a legal  
3 meeting called for the purpose, elect by ballot  
4 three persons to hold office, one until the expira-  
5 tion of three years, one until the expiration of two  
6 years and one until the expiration of one year  
7 from the next succeeding annual town meeting,  
8 to constitute a board of water commissioners ;  
9 and at each annual town meeting after said next  
10 annual meeting, one such commissioner shall be  
11 elected by ballot for the term of three years. All  
12 the authority granted to said town by this act  
13 and not otherwise specially provided for, shall be  
14 vested in said board of water commissioners, who  
15 shall be subject, however, to such instructions,  
16 rules and regulations as said town may impose by  
17 its vote. Any vacancy occurring in said board  
18 from any cause may be filled for the remainder  
19 of the unexpired term by said town at any legal  
20 town meeting called for the purpose.

1 SECTION 8. This act shall take effect upon its  
2 passage.



