

HOUSE No. 1960

By Mr. Howard of Westminster, petition of Guy R. Squires and others (selectmen) that the town of Templeton be authorized to supply itself and its inhabitants with water. Water Supply.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT AUTHORIZING THE TOWN OF TEMPLETON TO SUPPLY ITSELF AND ITS INHABITANTS 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 Templeton may supply
2 itself and its inhabitants with water for the extinguish-
3 ment of fires and for domestic and other purposes;
4 may establish fountains and hydrants, relocate or dis-
5 continue the same, and may regulate the use of such
6 water and fix and collect rates to be paid for the use
7 of the same.

1 SECTION 2. For the purposes aforesaid, said town,
2 acting by and through its board of water commis-
3 sioners hereinafter provided for, may contract with
4 any other municipality, acting through its water de-
5 partment, or with any water company, or with any
6 water district, for whatever water may be required,
7 authority to furnish the same being hereby granted,
8 and/or may take by eminent domain under chapter

9 seventy-nine or chapter eighty A of the General Laws,
10 or acquire by lease, purchase, gift, devise or otherwise,
11 and hold, the waters, or any portion thereof, of any
12 pond, brook, spring or stream or of any ground water
13 sources, by means of driven, artesian or other wells or
14 filter galleries, within the limits of said town, not
15 already appropriated for purposes of public water
16 supply, and the water rights connected with any such
17 water sources; and also for said purposes may take
18 by eminent domain under said chapter seventy-nine or
19 said chapter eighty A, or acquire by lease, purchase,
20 gift, devise or otherwise, and hold, all lands, rights of
21 way and other easements necessary for collecting,
22 storing, holding, purifying and treating such water
23 and protecting and preserving the purity thereof and
24 for conveying the same to any part of said town; pro-
25 vided, that no source of water supply and no lands
26 necessary for protecting and preserving the purity of
27 the water shall be taken or used without first obtain-
28 ing the advice and approval of the department of
29 public health, and that the location and arrangement
30 of all dams, reservoirs, wells or filter galleries, filtra-
31 tion and pumping plants or other works necessary in
32 carrying out the provisions of this act shall be subject
33 to the approval of said department; and for said pur-
34 poses said town may acquire by lease, purchase, gift,
35 bequest or otherwise any appliances, works, tools,
36 machinery and other equipment that may be neces-
37 sary or expedient in carrying out the provisions of
38 this act. Said town may construct and maintain on
39 the lands acquired and held under this act proper
40 dams, wells, reservoirs, pumping and filtration plants,
41 buildings, standpipes, tanks, fixtures and other struc-
42 tures, including also purification and treatment works,
43 the construction and maintenance of which shall be

44 subject to the approval of said department of public
45 health, and may make excavations, procure and oper-
46 ate machinery, and provide such other means and
47 appliances and do such other things as may be neces-
48 sary for the establishment and maintenance of com-
49 plete and effective water works; and for that purpose
50 may construct, lay and maintain aqueducts, conduits,
51 pipes and other works, under or over any lands, water
52 courses, railroads, railways and public or other ways,
53 and along any such way in said town in such manner
54 as not unnecessarily to obstruct the same; and for
55 the purposes of constructing, laying, maintaining, op-
56 erating and repairing such conduits, pipes and other
57 works, and for all other proper purposes of this act,
58 said town may dig up or raise and embank any such
59 lands, highways or other ways in such manner as to
60 cause the least hindrance to public travel thereon;
61 provided, that all things done upon any such way
62 shall be subject to the direction of the selectmen of
63 said town. Said town shall not enter upon, construct
64 or lay any conduits, pipes or other works within the
65 location of any railroad corporation except at such
66 time and in such manner as it may agree upon with
67 such corporation or, in case of failure so to agree, as
68 may be approved by the department of public utili-
69 ties. Said town may enter upon any lands for the
70 purpose of making surveys, test pits and borings, and
71 may take or otherwise acquire the right to occupy
72 temporarily any lands necessary for the construction
73 of any works or for any other purpose authorized by
74 this act.

1 SECTION 3. The land, water rights and other prop-
2 erty taken or acquired under this act, and all works,
3 buildings and other structures erected or constructed

4 thereunder, shall be managed, improved and con-
5 trolled by the board of water commissioners herein-
6 after provided for, in such manner as they shall deem
7 for the best interest of the town.

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

1 SECTION 5. Said town may, for the purpose of
2 paying the necessary expenses and liabilities incurred
3 or to be incurred under the provisions of this act,
4 other than expenses of maintenance and operation,
5 issue from time to time bonds or notes to an amount,
6 not exceeding, in the aggregate, two hundred seventy-
7 five thousand dollars, which shall bear on their faces
8 the words, Town of Templeton Water Loan, Act of
9 1948. Each authorized issue shall constitute a sep-
10 arate loan, and such loans shall be payable in not
11 more than thirty years from their dates. Indebted-
12 ness incurred under the provisions of this act shall
13 be outside the debt limit as fixed for water supply
14 loans by chapter forty-four of the General Laws, but
15 otherwise shall be subject to the applicable provisions
16 of said chapter.

1 SECTION 6. Said town shall, at the time of au-
2 thorizing said loan or loans, provide for the payment

3 thereof in accordance with the provisions of section
4 five; and when a vote to that effect has been passed,
5 a sum which, with the income derived from the water
6 rates, will be sufficient to pay the annual expense of
7 operating its water works or the purchasing of water
8 and the maintenance of its pipe lines, as the case may
9 be, and the interest as it accrues on the bonds or
10 notes issued as aforesaid, and to make such payments
11 on the principal as may be required under the provi-
12 sions of this act, shall without further vote be assessed
13 by the assessors of said town annually thereafter in
14 the same manner as other taxes, until the debt in-
15 curred by the said loan or loans is extinguished.

1 SECTION 7. Whoever wilfully or wantonly cor-
2 rupts, pollutes or diverts any of the waters taken or
3 held under this act, or injures any structure, work or
4 other property owned, held or used by said town under
5 the authority and for the purposes of this act, shall
6 forfeit and pay to said town three times the amount
7 of damages assessed therefor, to be recovered in an
8 action of tort; and upon conviction of any one of the
9 above wilful or wanton acts shall be punished by a
10 fine of not more than three hundred dollars or by im-
11 prisonment for not more than one year, or both.

1 SECTION 8. Said town shall, after its acceptance of
2 this act, at the same meeting at which the act is
3 accepted, or at a meeting thereafter called for the
4 purpose, and without the necessity, in either case, of
5 a prior caucus for the nomination of candidates, elect
6 by ballot three persons to hold office, one until the
7 expiration of three years, one until the expiration of
8 two years, and one until the expiration of one year,

9 from the next succeeding annual town meeting, to
10 constitute a board of water commissioners; and at
11 the annual town meeting held on the day on which
12 the shortest of such terms expires, and at each annual
13 town meeting thereafter, one such commissioner shall
14 be elected by ballot for the term of three years. All
15 the authority granted to the town by this act, except
16 sections five and six, and not otherwise specially pro-
17 vided for, shall be vested in said board of water com-
18 missioners, who shall be subject, however, to such
19 instructions, rules and regulations as said town may
20 impose by its vote. A majority of said commissioners
21 shall constitute a quorum for the transaction of busi-
22 ness. After the election of a board of water commis-
23 sioners under authority of this section, any vacancy oc-
24 curring in said board from any cause may be filled
25 for the remainder of the unexpired term by said town
26 at any legal town meeting called for the purpose. Any
27 such vacancy may be filled temporarily in the manner
28 provided by section eleven of chapter forty-one of the
29 General Laws, and the person so appointed shall per-
30 form the duties of the office until the next annual
31 meeting of said town or until another person is quali-
32 fied.

1 SECTION 9. Said commissioners shall fix just and
2 equitable prices and rates for the use of water, and
3 shall prescribe the time and manner of payment. The
4 income of the water works shall be appropriated by
5 vote of said town to defray all operating expenses, in-
6 terest charges and payments on the principal as they
7 accrue upon any bonds or notes issued under authority
8 of this act. If there should be a net surplus remain-
9 ing after providing for the aforesaid charges, it may

10 be appropriated for such new construction as the
11 water commissioners, with the approval of the town,
12 may determine upon, and in case a surplus should
13 remain after payment for such new construction the
14 water rates shall be reduced proportionately. All au-
15 thority vested in said commissioners by the foregoing
16 provisions of this section and by section three shall be
17 subject to the provisions of section eight. Said com-
18 missioners shall annually, and as often as the town
19 may require, render a report upon the condition of the
20 works under their charge, and an account of their
21 doings, including an account of the receipts and ex-
22 penditures.

1 SECTION 10. This act shall take effect upon its ac-
2 ceptance by a majority of the voters of the town of
3 Templeton present and voting thereon at a town meet-
4 ing called for the purpose within four years after its
5 passage; but the number of meetings so called in any
6 year shall not exceed three.

