

HOUSE No. 731

By Mr. Ferguson of Lexington, petition of Earl S. Atwood and others (selectmen) and others that the town of Bedford be authorized to construct and operate a system of sewers. TOWNS.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE TOWN OF BEDFORD TO CON-
STRUCT AND OPERATE A SYSTEM OF SEWERS.

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 Bedford may lay out, con-
2 struct, maintain and operate a system or systems of
3 main drains and common sewers for a part or the
4 whole of its territory, with such connections and other
5 works as may be required for a system of sewage dis-
6 posal, and may construct such sewers or drains in said
7 town as may be necessary, and, for the purpose of pro-
8 viding better surface or other drainage, may make,
9 lay and maintain such drains as it deems best. And
10 for the purposes aforesaid, the town may, within its
11 limits, make and maintain sub-drains.

1 SECTION 2. The town may make and maintain in
2 any way therein where main drains or common sewers
3 are constructed, such connecting drains, under-drains

4 and sewers within the limits of such way as may be
5 necessary to connect any estate which abuts upon the
6 way.

1 SECTION 3. The town may, at the meeting when
2 this act is accepted, vote that the selectmen shall act
3 as a board of sewer commissioners. If the town does
4 not so vote at said meeting, the town shall elect by
5 ballot at any town meeting not later than the second
6 annual meeting after the commencement of construc-
7 tion hereunder of a system of sewerage and sewage
8 disposal, a board of three sewer commissioners who
9 shall be citizens of the town, to hold office, if elected
10 at an annual meeting, one until the expiration of one
11 year, one until the expiration of two years, and one
12 until the expiration of three years, from such annual
13 town meeting, and until their successors are qualified,
14 or, if elected at a special meeting, one until the ex-
15 piration of one year, one until the expiration of two
16 years, and one until the expiration of three years, from
17 the next succeeding annual town meeting, and until
18 their successors are qualified and thereafter at each
19 annual town meeting when the term of a member ex-
20 pires, the town shall elect one member of the board to
21 serve for three years and until his successor is elected
22 and qualified. Any selectman shall be eligible to elec-
23 tion to said board. In either case, whether the town
24 votes that its selectmen shall act as a board of sewer
25 commissioners or elects a board of sewer commis-
26 sioners, the town may at any time thereafter, by any
27 or all the methods permitted by general law, provide
28 for the election of a board of three sewer commis-
29 sioners, or that the selectmen may act as a board of
30 sewer commissioners, as the case may be.

1 SECTION 4. Said board of sewer commissioners,
2 acting for and on behalf of said town, may take by
3 eminent domain under chapter seventy-nine of the
4 General Laws, or acquire by purchase or otherwise, any
5 lands, water rights, rights of way or easements, public
6 or private, in said town, necessary for accomplishing
7 any purpose mentioned in this act, and may construct
8 such main drains and sewers under or over any bridge,
9 railroad, railway, boulevard or other public way, or,
10 within the location of any railroad, and may enter
11 upon and dig up any private land, public way or rail-
12 road location, for the purpose of laying such drains
13 and sewers and of maintaining and repairing the same,
14 and may do any other thing proper or necessary for
15 the purposes of this act; provided, that they shall not
16 take in fee any land of a railroad corporation, and
17 that they shall not enter upon or construct any drain
18 or sewer within the location of any railroad corpora-
19 tion except at such time and in such manner as they
20 may agree upon with such corporation, or, in case of
21 failure to agree, as may be approved by the depart-
22 ment of public utilities.

1 SECTION 5. Until the board of sewer commissioners
2 has first been elected as provided in this act or the
3 selectmen have first been authorized by vote to act
4 as such board, as the case may be, but not in any
5 event later than the second annual meeting after the
6 commencement of the work of construction authorized
7 hereby, the town may carry on such work by a duly
8 authorized committee of the town. The committee
9 shall serve without pay and shall have all the powers
10 and authority given to the board of sewer commis-
11 sioners in this act or by general law. Whenever the

12 phrase "said board of sewer commissioners" or "said
13 board" hereinafter occurs, it shall mean and include
14 the board of sewer commissioners, the selectmen act-
15 ing as such or the committee of the town provided
16 for in this section, as the case may be.

1 SECTION 6. Any person injured in his property by
2 any action of said board of sewer commissioners under
3 this act may recover damages from said town under
4 said chapter seventy-nine.

1 SECTION 7. The town shall, by vote, determine
2 what proportion of the cost of said system or systems
3 of sewerage and sewage disposal the town shall pay;
4 provided, that it shall pay not less than one fourth
5 nor more than two thirds of the whole cost. In pro-
6 viding for the payment of the remaining portion of
7 the cost of said system or systems or for the use of
8 said system or systems, the town may avail itself of
9 any or all of the methods permitted by general laws,
10 and the provisions of said general laws relative to
11 the assessment, apportionment, division, reassess-
12 ment, abatement and collection of sewer assessments,
13 to liens therefor and to interest thereon shall apply
14 to assessments made under this act, except that in-
15 terest shall be at the rate of six per cent per annum.
16 At the same meeting at which it determines the pro-
17 portion of the cost which is to be borne by the town,
18 it may by vote determine by which of such methods
19 the remaining portion of said cost shall be provided
20 for. The collector of taxes of said town shall certify
21 the payment or payments of such assessments or ap-
22 portionments thereof to the sewer commissioners, or
23 to the selectmen acting as such, who shall preserve a
24 record thereof.

1 SECTION 8. For the purpose of paying the neces-
2 sary expenses and liabilities incurred under this act,
3 the town may borrow such sums as may be necessary,
4 not exceeding, in the aggregate, two hundred and
5 seventy-five thousand dollars, and may issue bonds or
6 notes therefor, which shall bear on their face the words,
7 Bedford Sewerage Loan, Act of 1947. Each author-
8 ized issue shall constitute a separate loan. Indebted-
9 ness incurred under this act shall be in excess of the
10 statutory limit, but shall, except as provided herein,
11 be subject to chapter forty-four of the General Laws.

1 SECTION 9. The receipts from sewer assessments
2 and from payments made in lieu thereof shall be ap-
3 plied to the payment of charges and expenses incident
4 to the maintenance and operation of said system of
5 sewerage and sewage disposal or to the extension
6 thereof, to the payment of interest upon bonds or
7 notes issued for sewer purposes or to the payment or
8 redemption of such bonds or notes.

1 SECTION 10. Said board of sewer commissioners
2 may annually appoint a clerk and may appoint a
3 superintendent of sewers who shall not be a member
4 of the board, and shall define their duties. It may
5 remove the clerk or superintendent at its pleasure.
6 Said board may, in its discretion, prescribe for the users
7 of said sewer systems such annual rentals or charges
8 based on the benefits derived therefrom as it may
9 deem proper, subject, however, to such rules and regu-
10 lations as may be fixed by vote of the town.

1 SECTION 11. All contracts made by the board of
2 sewer commissioners shall be made in the name of the

3 town and shall be signed by the board, but no contract
4 shall be made or obligation incurred by said board for
5 any purpose in excess of the amount of money appro-
6 priated by the town therefor.

1 SECTION 12. Said board may, from time to time,
2 prescribe rules and regulations for the connection of
3 estates and buildings with main drains and sewers,
4 and for inspection of the materials, the construction,
5 alteration and use of all connections and drains en-
6 tering into such main drains or sewers, and may pre-
7 scribe penalties, not exceeding twenty dollars, for each
8 violation of any such rule or regulation. Such rules
9 and regulations shall be published at least once a
10 week for three successive weeks in some newspaper
11 published in the town of Bedford, if there be any, and
12 if not, then in some newspaper published in the county
13 of Middlesex or Suffolk, and shall not take effect until
14 such publications have been made.

1 SECTION 13. No act shall be done under authority
2 of the preceding sections except in the making of sur-
3 veys and other preliminary investigations, until the
4 plans for said system of sewerage and sewage disposal
5 have been approved by the state department of public
6 health. Upon application to said department for its
7 approval, it shall give a hearing, after due notice to
8 the public. At such hearing, plans showing in detail
9 all the work to be done in constructing said system of
10 sewerage and sewage disposal shall be submitted for
11 approval by said department.

1 SECTION 14. This act shall take full effect upon its
2 acceptance by vote of a majority of the voters of said

3 town voting thereon at a town meeting called for the
4 purpose within five years after its passage. No ex-
5 penditure shall be made and no liability incurred here-
6 under until such acceptance.

