

date of said elections', be accepted?" If a majority of the voters voting thereon, vote in the affirmative in answer to said question, this act shall thereupon take effect, but not otherwise.

Approved May 5, 1930.

Chap. 280 AN ACT AUTHORIZING THE TOWN OF PEMBROKE TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Town of Pembroke may supply itself and its inhabitants with water.

May purchase water from city of Brockton and towns of Abington, Rockland and Hanover, etc.

May acquire certain waters, etc.

May acquire certain lands, etc.

Proviso.

May erect structures, etc.

SECTION 1. The town of Pembroke may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same. The said town may purchase water from the city of Brockton and from the towns of Abington, Rockland and Hanover, or any of them, and may store the same, and may convey or distribute the same to its inhabitants; and said city and towns are hereby, respectively, authorized to sell water to the town of Pembroke. The price to be paid for water sold by said city or by any of said towns under this act shall be as agreed upon by the water commissioners of the municipalities concerned or, in case of their failure so to agree, as fixed by the department of public utilities.

SECTION 2. The town of Pembroke, for the purposes aforesaid, may lease, or take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook or stream or of any ground water sources by means of driven or other wells or filter galleries, within the limits of said town, and the water rights and water sources connected therewith; and also may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements, not already appropriated for water supply purposes, necessary for collecting and storing such water and protecting and preserving the purity thereof and for conveying the same to any part of said town of Pembroke; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken without first obtaining the advice and approval of the department of public health, and that the location of all dams, reservoirs, wells or filter galleries, filtration plants or other works to be used as sources of water supply under this act shall be subject to the approval of said department. Said town may construct and may erect on the lands taken or held under the provisions of this act proper dams, reservoirs, pumping and filtration plants, buildings, standpipes, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other

things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs, establish pumping works, and lay down and maintain conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of public utilities.

May construct wells, lay conduits, etc.

May dig up and embank lands, highways, etc.

Restrictions as to entry upon railroad locations.

SECTION 3. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed thereunder, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town.

Land acquired to be managed, etc., by board of water commissioners.

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

Property damages, recovery, etc.

Proviso.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, issue from time to time bonds or notes to an amount not exceeding, in the aggregate, sixty-five thousand dollars, which shall bear on their face the words, Town of Pembroke Water Loan, Act of 1930. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

Town may issue bonds, etc.

Town of Pembroke Water Loan, Act of 1930.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section five; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works or the purchasing of water and the maintenance of its pipe lines, as the case may be, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such pay-

Payment of loan, etc.

ments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of the town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

Penalty for
polluting
water, etc.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year.

Board of water
commissioners,
election,
terms, etc.

SECTION 8. The said town shall, after its acceptance of this act, at the same meeting at which the act is accepted or at a meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting held after the shortest of such terms has expired one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act, except sections five and six, and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner specified herein.

Authority,
etc.

Quorum.

Vacancy.

Commissioners
to fix water
rates, etc.
Income, how
used.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued for water supply purposes. If there should be a net surplus remaining after providing for the aforesaid charges it shall be appropriated for such new construction as the water commissioners, with the approval of the town, may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section and by section three shall be subject to the provisions of section eight. Said commissioners

Annual, etc.,
report.

shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

SECTION 10. This act shall take effect upon its acceptance by a majority of the voters of the town of Pembroke present and voting thereon at a town meeting called for the purpose within three years after its passage; but the number of meetings so called in any year shall not exceed three; and, for the purpose only of being submitted to the voters of said town as aforesaid, this act shall take effect upon its passage.

Submission to voters, etc.

Approved May 5, 1930.

AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY OF PITTSFIELD.

Chap. 281

Be it enacted, etc., as follows:

SECTION 1. Section nine of Part I of chapter seven hundred and thirty-two of the acts of nineteen hundred and eleven, as affected by section one of chapter one hundred and seven of the acts of nineteen hundred and twelve, and as amended by section one of chapter one hundred and fifty-four of the Special Acts of nineteen hundred and nineteen and by section two of chapter one hundred and sixty-one of the acts of nineteen hundred and twenty-seven, is hereby further amended by striking out, in the twenty-sixth to twenty-ninth lines, the words "a salary not exceeding eighteen hundred dollars per annum, beginning with the first Monday of January, nineteen hundred and nineteen" and inserting in place thereof the words:—such salary, not exceeding five thousand dollars per annum, as the city council shall by ordinance determine,—so as to read as follows:—*Section 9.* Beginning with the biennial municipal election in the year nineteen hundred and twenty-nine, the mayor shall be elected by the qualified voters of the entire city and shall hold office for two municipal years beginning with the first Monday in January next succeeding his election, and until his successor is elected and qualified. He shall be the chief executive officer of the city, and it shall be his duty to be active and vigilant in causing the laws, ordinances and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. He shall have the power of veto provided by general law. He may suspend any officer, and may suspend any work or payment whether on contract or otherwise for a period not exceeding seven days, but in such case he shall report his action with his reasons therefor to the city council, which shall take immediate action thereon. He may call special meetings of the city council or either branch thereof, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be con-

1911, 732,
Part I, § 9,
etc., amended.

Mayor of city
of Pittsfield,
election in 1929,
term of office.

Duties and
powers.