

HOUSE No. 1945

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 2, 1939.

The committee on Municipal Finance, to whom was referred the petition (accompanied by bill, House, No. 539) of Roger L. Putnam (mayor) and the board of aldermen that the city of Springfield be authorized to borrow money for acquiring land in Agawam and West Springfield and to establish and maintain thereon a sewage treatment plant, report the accompanying bill (House, No. 1945).

For the committee,

KEITH F. FLETCHER.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Nine.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO ACQUIRE LAND IN THE TOWNS OF AGAWAM AND WEST SPRINGFIELD, TO ESTABLISH, OPERATE AND MAINTAIN THEREIN A SEWAGE TREATMENT PLANT, AND TO MAKE CERTAIN OTHER USES THEREOF.

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 city of Springfield, for the purpose
2 of augmenting and supplementing its system of sewage
3 disposal and sewage collecting and for the purpose of
4 removing pollution from the Connecticut river, and
5 for any other lawful purpose, may take by eminent
6 domain, or acquire by purchase, lease, or otherwise,
7 such areas of land, water rights, water privileges,
8 rights-of-way or easements in the towns of Agawam
9 and West Springfield, together with the right to cross
10 the Connecticut river with the necessary pipes and
11 drains to connect the property thus acquired with the
12 sewage collecting system of the said city, as may be
13 necessary or as may be approved by the state depart-
14 ment of public health for the construction of a force
15 main or outfall sewer from the sewage collecting sys-
16 tem of the city of Springfield or any enlargement or
17 development thereof and for the construction of drains,
18 sewers and a sewage treatment works located in the

19 town of Agawam and for the construction of ways,
20 roadways and approaches thereto and such additional
21 land as may be approved by the state department of
22 public health for the protection and isolation of such
23 drains, sewers and sewage treatment works from the
24 uses to which surrounding areas may be put.

1 SECTION 2. Said city of Springfield may construct,
2 operate and maintain within the limits above de-
3 scribed, a force main and outfall sewer and such
4 drains, sewers and sewage treatment works as may be
5 necessary for the purposes of treating the sewage,
6 present and future, of the said city, and the town of
7 Agawam, together with such ways, roadways or ap-
8 proaches thereto as the city of Springfield may, from
9 time to time, determine to be necessary and con-
10 venient therefor.

1 SECTION 3. The said city, acting through the super-
2 intendent of the department of streets and engineering
3 of the city of Springfield under the general direction
4 of the board of supervisors, shall have the right on
5 such terms and conditions and upon the payment of
6 such charges as may be agreed upon by the said city of
7 Springfield and the town of Agawam, to treat therein
8 the sewage of the town of Agawam, and said town is
9 hereby authorized to utilize the same, under the
10 conditions and upon the payment of charges agreed
11 upon as herein provided.

1 SECTION 4. The superintendent of the department
2 of streets and engineering of the city of Springfield
3 under the general direction of the board of super-
4 visors shall, subject to control by the city council

5 of the city of Springfield, have the general supervision
6 of the sewage treatment works and the drains and
7 sewers leading thereto and of the sewage collecting
8 system of the city of Springfield.

1 SECTION 5. The board of supervisors of the city
2 of Springfield, subject to approval by the city council
3 of the city of Springfield, shall have the right to
4 devise and put into operation a system of charges or
5 rates not inconsistent with the provisions of General
6 Laws, chapter eighty-three, upon all persons residing
7 therein, or upon those persons who, by means of
8 sewer entrances into the sewage system, or otherwise,
9 use the said sewage treatment works or any of the
10 appurtenances thereto, or drains connected therewith.
11 Such charge shall be collected in the manner directed
12 by the board of supervisors and approved by the city
13 council of the city of Springfield, and the said charge
14 shall constitute a lien upon the real estate using,
15 directly or indirectly, the sewage treatment plant,
16 to be collected in the same manner as taxes upon real
17 estate or in an action of contract in the name of the
18 city of Springfield.

1 SECTION 6. The said force main or outfall sewer,
2 drains, sewage treatment, or other works, ways and
3 approaches may be constructed under or over any
4 water course or highway and the city may enter upon
5 and dig up and excavate any private land, street or
6 way for the purpose of laying, operating or maintain-
7 ing such force main or outfall sewer, drains, or other
8 works, ways or approaches, and for constructing,
9 operating or maintaining such sewage treatment
10 works, and of repairing the same, and doing any other
11 things necessary or proper for the purposes of this

12 act; provided, however, that no conduits or pipes
13 shall be laid in a public way except under the direction
14 of the state department of public works or of the
15 selectmen of the town or towns in which any such
16 way or ways are situated, and provided, further, that
17 any public way in which the work is done under the
18 provisions of this act shall be restored by the said
19 city doing said work to a condition satisfactory to the
20 state department of public works or the said select-
21 men. The said city shall not take in fee any land of a
22 railroad corporation and it shall not enter upon or
23 construct any drain or sewer within the location of
24 any railroad corporation except at such times and in
25 such manner as it shall agree upon with said cor-
26 poration, or, in case of failure to agree, as may be
27 approved by the department of public utilities.

1 SECTION 7. Nothing herein shall prevent the city
2 of Springfield from making any other lawful use of, or
3 from transferring by grant or otherwise, any of the
4 property, rights or easements taken or acquired under
5 the provisions of this act to any person, town or to the
6 commonwealth, and the city of Springfield is expressly
7 authorized to convey any portion of the lands, rights
8 or easements acquired under the provisions of this
9 act to the towns of Agawam or West Springfield for
10 the purpose of laying out and constructing public
11 streets therein, and to convey to the commonwealth of
12 Massachusetts such portions thereof as may be useful
13 or necessary for the laying out or construction of any
14 State highway.

1 SECTION 8. The said city of Springfield, for the
2 purpose of paying the necessary expenses and the
3 liabilities incurred under this act, may incur an

4 indebtedness therefor within existing legal limits,
5 and may issue, from time to time therefor, bonds or
6 notes, or may by appropriation of money or by the
7 use of federal funds, or by the use of any or all of these
8 means, raise moneys to meet the expenditures therefor.

1 SECTION 9. The said city of Springfield, in order
2 to take any lands, water rights, rights-of-way, or
3 easements otherwise than by purchase or agreement,
4 shall proceed in the manner provided by law, as
5 contained in chapter seventy-nine of the General
6 Laws, and any person who is aggrieved thereby, and
7 whose property is injured by any action of the city
8 hereunder, may petition for damages in the manner
9 provided by law, as set forth in chapter seventy-
10 nine of the General Laws.

1 SECTION 10. Nothing shall be done under the
2 authority of this act, except in the preparation of
3 plans, until the plans for the said system for collecting
4 the sewage and for sewage treatment, including the
5 lands to be acquired in connection therewith, have
6 been approved by the state department of public
7 health and all structures in, over, or upon the waters
8 of the Connecticut or Westfield rivers have been
9 approved by the state department of public works
10 in accordance with General Laws chapter ninety-
11 one, section twelve. Upon application to said depart-
12 ment of public health for such approval, it shall give
13 a hearing, after due notice to the public. At such
14 hearing, plans showing all the work to be done in
15 constructing said system for sewage collection and
16 treatment shall be submitted for its approval. The
17 works shall be constructed in accordance with said

18 plans so approved, and any action taken by the city,
19 including the borrowing or spending of moneys or
20 use of federal funds, previous to the passage of this
21 act, in the acquisition of land or rights therein or in
22 furtherance of the construction of said sewage works
23 or development of its sewage collecting system or in the
24 protection thereof, as may be approved by the state
25 department of public health, is hereby authorized,
26 ratified and approved and shall have the same effect
27 and validity as if this act had been in effect prior to
28 such action.

1 SECTION 11. Any city or town, the boundary line
2 of which adjoins the boundary line of either the city
3 of Springfield or the town of Agawam, may connect
4 its force sewers or force mains with the sewage system,
5 including the sewage treatment plant, of the city of
6 Springfield, provided that an agreement to this effect
7 shall be made by the city of Springfield and any of the
8 above cities and towns acting through the board or
9 officer having charge of the sewers in said cities and
10 towns respectively, but no such agreement shall be
11 entered into until a public hearing has been held and
12 until authorized by vote of the city council with ap-
13 proval of the mayor in cities and by the town meeting
14 in towns. The agreements shall state the terms and
15 conditions upon which the said connections are to be
16 made and shall be recorded in the office of the city
17 clerk in cities and of the town clerk in towns. The
18 agreements shall provide for the payment by the
19 city or town to the city of Springfield of a stated sum
20 at the time when the connection is made and also
21 for a yearly payment toward the maintenance and
22 operation of the sewage disposal plant beginning in

23 the year in which connection is made. Such payments
24 may be based upon the relative quantity of sewage
25 contributed to the plant by each such municipality.
26 The agreement shall also state the towns conditions
27 and regulations in accordance with which the sewage
28 of any town or city may be discharged into the sewage
29 system or the sewage treatment plant of the city of
30 Springfield. No connection shall be made under this
31 act with the sewage system of the city of Springfield
32 until plans showing such proposed connection and
33 showing the territory within each of said cities and
34 towns to which the said system is to be extended have
35 been submitted to the state department of public
36 health and approved by said department. Such
37 plans shall also be filed in the office of the city clerk
38 and in the office of the town clerk in such cities and
39 towns as enter into an agreement under the provisions
40 of this act.

1 SECTION 12. This act shall take effect upon its
2 passage.