

SENATE No. 534

To accompany the petition of the selectmen of the town of Westwood, by James H. Perkins and others, for legislation to authorize said town to construct and operate a system of sewers and drains. Towns.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO CONSTRUCT AND OPERATE A SYSTEM OF SEWERS AND DRAINS.

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 Westwood, hereinafter called
2 the town, may lay out, construct, maintain and operate
3 a system or systems of main drains and common sewers
4 for a part or the whole of its territory, with such connec-
5 tions and other works as may be required for a system
6 of sewerage, drainage and sewage disposal, and may
7 construct such sewers or drains in said town as may be
8 necessary, and for the purpose of providing better sur-
9 face or other drainage, may make, lay and maintain such
10 drains as it deems best; and for the purposes aforesaid,
11 the town may, within its limits, make and maintain
12 subdrains.

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

1 SECTION 3. The town may elect by ballot a board of
2 three sewer commissioners, who shall be citizens of the
3 town to hold office, one until the expiration of one year,

4 one until the expiration of two years, and one until the
5 expiration of three years, from the time of such election
6 and until their successors are qualified, or, if elected at
7 a special meeting, one until the expiration of one year,
8 one until the expiration of two years, and one until the
9 expiration of three years, from the next succeeding an-
10 nual town meeting, and until their successors are quali-
11 fied, and thereafter at each annual town meeting when
12 the term of a member expires the town shall elect one
13 member of the board to serve for three years and until
14 his successor is qualified.

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

1 SECTION 5. Until the board of sewer commissioners
2 has first been elected as provided in this act, but not in
3 any event later than the second annual town meeting
4 after the time of the meeting at which this act is accepted,
5 the town may carry on such work as set forth in this
6 act by a duly authorized committee of the town ap-

7 pointed by the moderator. The committee shall serve
8 without pay and shall have all the powers and authority
9 given to the board of sewer commissioners in this act
10 or by general laws. Whenever the phrase "said board
11 of sewer commissioners" or "said board" hereinafter
12 occurs, it shall mean and include the board of sewer
13 commissioners or the committee of the town provided
14 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 said
4 chapter seventy-nine.

1 SECTION 7. The town shall, by vote, determine what
2 proportion of the cost of said system or systems of sewer-
3 age, drainage and sewage disposal, if any, the town shall
4 pay; provided, that it shall pay not more than two
5 thirds of the whole cost. In providing for the payment
6 of the remaining portion of the cost of said system or
7 systems, or for the use of said system or systems, the
8 town may avail itself of any or all of the methods per-
9 mitted by general laws, and the provisions of said gen-
10 eral laws relative to the assessment, apportionment, di-
11 vision, reassessment, abatement and collection of sewer
12 assessments, to liens therefor and to interest thereon shall
13 apply to assessments made under this act, except that
14 interest shall be at the rate of four per cent per annum.
15 At the same meeting at which it determines the propor-
16 tion of the cost which is to be borne by the town, it may
17 by vote determine by which of such methods the remain-
18 ing portion of said cost shall be provided for. The
19 collector of taxes of said town shall certify the payment
20 or payments of such assessments or apportionments
21 thereof to the sewer commissioners, and to the town
22 accountant, who shall preserve a record thereof.

1 SECTION 8. For the purpose of paying the necessary
2 expense and liabilities incurred under this act, the town
3 may from time to time, within five years after the pas-

4 sage of this act, borrow such sums as may be necessary,
5 not exceeding, in the aggregate three million seven hun-
6 dred and ninety thousand dollars, and may issue bonds
7 or notes therefor, which shall bear on their face the
8 words, Westwood Sewerage and Drainage Loan, Act of
9 1955. Each authorized issue shall constitute a separate
10 loan, and such loans shall be payable in not more than
11 thirty years from their dates. Indebtedness incurred
12 under this act shall be in excess of the statutory limit,
13 but shall, except as provided herein, be subject to chap-
14 ter forty-four of the General Laws.

1 SECTION 9. The receipts from sewer and drainage as-
2 sessments and from payments made in lieu thereof shall
3 be applied to the payment of charges and expenses in-
4 cident to the maintenance and operation of said system
5 of sewerage, drainage and sewage disposal or to the ex-
6 tension thereof, to the payment of interest upon bonds
7 or notes issued for sewer purposes or the payment or re-
8 demption of such bonds or notes.

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

1 SECTION 11. All contracts made by the board of sewer
2 commissioners shall be made in the name of the town
3 and shall be signed by the board, but no contract shall
4 be made or obligation incurred by said board for any
5 purpose in excess of the amount of money appropriated
6 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, and
4 for inspection of the materials, the construction, altera-
5 tion and use of all connections and drains entering into
6 such main drains or sewers, and may prescribe penalties,
7 not exceeding twenty dollars, for each violation of any
8 such rule or regulation. Such rules and regulations shall
9 be published at least once a week for three successive
10 weeks in some newspaper published in the town of West-
11 wood, if there be any, and if not, then in some newspaper
12 published in the county of Norfolk, and shall not take
13 effect until such publications have been made.

1 SECTION 13. No act shall be done under authority of
2 the preceding sections except in the making of surveys
3 and other preliminary investigations, until the plans for
4 said system of sewerage, drainage 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 the
8 public. At such hearing, plans showing in detail all the
9 work to be done in constructing said system of sewerage,
10 drainage and sewage disposal shall be submitted for
11 approval by said department.

1 SECTION 14. The whole or any part of the town of
2 Westwood as may be mutually agreed upon by the town
3 and the metropolitan district commission may be con-
4 sidered as a part of the south metropolitan sewerage dis-
5 trict as defined in section one of chapter ninety-two of
6 the General Laws, and as enlarged by chapter five hun-
7 dred and forty-six of the acts of nineteen hundred and
8 ten, by chapter fifty-nine of the acts of nineteen hundred
9 and twenty-four and by chapter three hundred and
10 eighty-four of the acts of nineteen hundred and twenty-
11 eight, or as further amended. In becoming a part of said
12 district, said town shall conform to the requirements of
13 the provisions of said chapter ninety-two, relative to the

14 south metropolitan sewerage system, and shall be subject
15 to said provisions, except as otherwise provided herein.
16 Any general authority granted to other municipalities
17 by said chapter ninety-two shall also be vested in said
18 town in common with such other municipalities.

19 The metropolitan district commission, in this act
20 called the commission, shall provide an outlet or outlets
21 in the town of Westwood or any part thereof for the
22 sewage of said town, or part, and acting on behalf of
23 the commonwealth, shall construct a main trunk sewer
24 or sewers and other sewerage works through or in such
25 parts of said town or said district as the commission may
26 determine to be necessary, to receive sewage from the
27 town of Westwood or any part thereof and carry said
28 sewerage works to a connection with the high-level sewer
29 of the south metropolitan sewerage system. The loca-
30 tion of such main trunk sewer, or sewers, shall be subject
31 to the approval of the department of public health.

32 For the purpose of constructing, maintaining and op-
33 erating such additional main trunk sewer or sewers and
34 otherwise carrying out the purposes of this act, the com-
35 mission, acting on behalf of the commonwealth, shall
36 have and exercise all the authority conferred upon it by
37 said chapter ninety-two, and all provisions of said chap-
38 ter are made applicable to the additional construction,
39 maintenance and operation hereby authorized, except as
40 is otherwise provided herein.

41 The commission may expend such part of the proceeds
42 of bonds and notes as may be authorized for issue as
43 may be necessary to provide the additional works neces-
44 sary to carry out the provisions of this act but not ex-
45 ceeding in the aggregate two hundred and thirty thou-
46 sand dollars.

47 The town of Westwood shall, in addition to the yearly
48 payment of assessments as provided for in sections five
49 to eight of chapter ninety-two of the General Laws, pay
50 into the treasury of the commonwealth, for the sinking
51 fund of the south metropolitan sewerage system, such
52 proportion of the total amount of said sinking fund as

53 existing on the first day of April in the year of its accept-
54 ance of this act, and of all sinking fund bonds and serial
55 bonds paid prior to said date, as the valuation of part of
56 said town sewerred for the said year shall bear to the
57 total amount of the valuation of the cities and towns in
58 said system, as determined for the apportionment of
59 assessments. Such proportion shall be determined by
60 the commission and shall be certified by said commission
61 to the state treasurer. The state treasurer shall deter-
62 mine the total amount so to be paid by said town on
63 account of its admission to the said system, and for the
64 payment thereof shall add one tenth of said total amount
65 to the yearly sum payable by said town on account of
66 its share of the interest, sinking fund and serial bond
67 requirements of said system in each of the ten years
68 next succeeding. No assessment on account of the cost
69 of maintenance and operation of the aforesaid system
70 shall be made upon said town until the commission shall
71 have certified to said town that the work herein pro-
72 vided for has been so far completed as to furnish an out-
73 let to receive sewage from said town.

1 SECTION 15. 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 two years after its passage, but not other-
5 wise. No expenditure shall be made and no liability
6 incurred hereunder until such acceptance.

