

Charter that established the Acton Water District.

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1912

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1912,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.

AN ACT TO ESTABLISH THE WEST AND SOUTH WATER SUPPLY DISTRICT OF ACTON AND TO PROVIDE FOR SUPPLYING SAID DISTRICT WITH WATER.

Chap.326

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the westerly and southerly part of the town of Acton, liable to taxation in that town and residing within the territory enclosed by the following boundary lines, to wit:— Beginning at a stone monument, said monument marking the corner of the towns of Littleton, Boxborough and Acton; thence south twenty-six degrees fifty-eight minutes west, on the boundary line between Boxborough and Acton, about fourteen thousand eight hundred and fifty-five feet to a stone monument marking the corner of the towns of Boxborough, Stow and Acton; thence south sixty-two degrees one minute east on the boundary line between Stow and Acton, ten thousand four hundred and fifty-six feet to a stone monument marking the corner of the towns of Stow, Maynard and Acton; thence south sixty-one degrees fifty-seven minutes east on the boundary line between Maynard and Acton about three thousand and forty-eight feet to a stone monument on said boundary line and on the westerly side of the highway leading from South Acton to Maynard, known as Maynard street; thence north fifty-six degrees fifteen minutes east about five thousand nine hundred and eighty-four feet to a stone monument on the highway leading from the Edwin Barker place, so-called, to the Old Stow road, now known as the Sudbury road, said monument being near the point where said Sudbury road crosses the Fitchburg division of the

The West and South Water Supply District of Acton established.

Boston and Maine Railroad, known as Parker's crossing; thence north thirty degrees forty-five minutes west about eighteen thousand eight hundred and fifty feet to the bound first mentioned, — shall constitute a water supply district, and are hereby made a body corporate by the name of the West and South Water Supply District of Acton, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, or acquire by lease, purchase or otherwise, and to hold property, lands, rights of way and other easements for the purposes mentioned in this act, and to prosecute and defend all actions relating to the property and affairs of the district.

May acquire and hold certain waters, etc.

Proviso.

SECTION 2. Said water supply district, for the purposes aforesaid, may take, or acquire by purchase or otherwise, and hold, the waters of any pond or stream or of any ground sources of supply by means of driven, artesian or other wells within the town of Acton or in the town of Boxborough, and the water rights connected with any such water sources. Said district may also take, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district: *provided, however*, that no source of water supply and no lands necessary for preserving the quality of the water, shall be taken or used without first obtaining the advice and approval of the state board of health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said board. Said district may construct on the lands acquired and held under the provisions of this act, proper dams, reservoirs, standpipes, tanks, buildings, 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 and establish pumping works, and may construct, lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways and public or other ways, and along such ways in Acton and Boxborough, 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 proper purposes of this act, said district 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 on such ways in Acton and Boxborough; and all things done upon any such way shall be subject to the direction of the selectmen of the towns of Acton and Boxborough, respectively.

SECTION 3. Said water supply district shall, within ninety days after the taking of any lands, water rights, water sources, rights of way, or other easements under the provisions of this act, file and cause to be recorded in the registry of deeds for the county or district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for. The title to all land taken, purchased or acquired in any way under the provisions of this act shall vest in said West and South Water Supply District of Acton, and the land so acquired may 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 said district.

Taking of
lands, etc., to
be recorded.

SECTION 4. Said district shall pay all damages to property sustained by any person or corporation by the taking of any land, water, water source, water right, right of way, or other easement, or by anything done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the district as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years; and no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by the district under authority of this act. Said district may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages

Damages.

caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in that event said district shall be liable further only for the additional damage caused by such additional taking.

West and
South Water
Supply Dis-
trict of Acton
Water Loan.

SECTION 5. Said district, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, West and South Water Supply District of Acton Water Loan; shall be payable at the expiration of periods not exceeding thirty years from their respective dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four and one half per cent per annum; and shall be signed by the treasurer of the district and countersigned by the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than their par value. The town of Acton may, at its annual town meeting or at a legal meeting called for the purpose, guarantee the payment of such bonds, notes or scrip.

Proviso.

Payment of
loan.

SECTION 6. Said district shall, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments, beginning not more than one year after the first issue of the said securities, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the securities issued as aforesaid by said district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be raised annually by taxation in the manner hereinafter provided.

Certified copy
of vote to
assess a tax to
be sent to the
assessors, etc.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Acton, who shall proceed within thirty days thereafter to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided by law for the collection of town taxes,

and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes: *provided*, that the district at the time of voting to raise the tax shall so determine and shall also fix a time for payment thereof. Proviso.

SECTION 8. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Acton, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. The said justice of the peace, or one of the selectmen, shall preside at the meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles contained in the warrant. First meeting.

SECTION 9. The West and South Water Supply District of Acton shall, after the acceptance of this act as aforesaid, 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 district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may by vote impose. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bonds to the district in such an amount and with such sureties as may be approved by the commissioners. A majority of the 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 water supply district at any legal meeting called Water commissioners, election, term, etc.

for the purpose. No money shall be drawn from the district treasury on account of the water works except upon a written order of said commissioners or a majority of them.

Water rates,
etc.

SECTION 10. 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 applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds, notes or scrip issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the district appropriates and provides money therefor. Said commissioners shall annually, and as often as the district 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.

By-laws, etc.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called, notified and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the commonwealth, and may choose such other officers not provided for in this act as it may deem necessary or proper.

Penalty for
corrupting,
etc., water.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, stand-pipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for a term not exceeding six months.

The central
part of the
town of Acton
added to the
district, etc.

SECTION 13. The inhabitants of the central part of the town of Acton liable to taxation in that town and residing

within the territory enclosed by the following boundary lines, to wit:— Beginning at a stone monument marking the corner of said towns of Littleton, Boxborough and Acton; thence south seventy-five degrees east about twelve thousand eight hundred and eighteen feet to a stone monument on the northerly side of the Lowell road, so-called, between the residences of Henry H. Hawley, Jr., and Luther Conant; thence south eleven degrees fifty minutes west about thirteen thousand one hundred and ninety-five feet to a stone monument near the point where the Fitchburg division of the Boston and Maine Railroad crosses the Sudbury Road, so-called, being the northeasterly corner of the West and South Water Supply District of Acton as described in this act; thence north thirty degrees forty-five minutes west along the northerly line of said West and South Water Supply District of Acton about eighteen thousand eight hundred and fifty feet to the place of beginning, — shall be added to and become a part of the body corporate of the West and South Water Supply District of Acton. The territory hereby annexed to said district and the inhabitants residing therein shall have all the rights, powers, and privileges, and be subject to all the liabilities and duties, pertaining to said district according to the provisions of this act, except as hereinafter provided. Upon the acceptance of this act by the voters of that part of the district described in this section, as provided for in section fifteen of this act, the water system shall, within a period of two years thereafter, be extended into and the water be distributed therein, and thereupon that part of the district shall be bound to return an income which, for a period of ten years, will yield annually an amount equal to six per cent of the cost and expense incurred or sustained in making such extension, and in the event that such income proves insufficient therefor, then a sum sufficient to make up the deficit shall be added to the amount of the tax to be annually assessed upon that part of the district. The treasurer of said district shall keep a separate account showing in detail the cost and expense incurred in making the said extension, and in the event of any dispute, difference, or question arising as to the amount of such cost and expense said commissioners shall have full power and authority to determine and fix the amount thereof.

Act to be
accepted by
voters.

SECTION 14. Sections one to twelve, inclusive, of this act shall take effect upon their acceptance by a majority vote of the voters of said district described in section one,

Time of taking
effect of sec-
tions one to
twelve.

present and voting thereon at a district meeting called in accordance with the provisions of section eight, within two years after the passage of this act; but the said sections shall become void unless the said district shall begin to distribute water to consumers within two years after the date of the acceptance of said sections as aforesaid.

Time of taking
effect of sec-
tion thirteen.

SECTION 15. Section thirteen of this act shall take effect upon its acceptance by a majority of the voters of that part of the district described therein, present and voting thereon at a district meeting called in accordance with the provisions of section eight within two years after the acceptance of said sections one to twelve as provided in section fourteen of this act.

Approved March 27, 1912.

