

SECTION 4. In addition to the amount which said town is required by the provisions of said chapter two hundred and two annually to raise, the town shall annually raise by taxation a sum which together with the income derived from the water rates will be sufficient to pay the annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to enable the town to make such payments on the principal as may be required under the provisions of this act.

Town to raise a certain sum by taxation annually.

SECTION 5. This act shall take effect upon its passage.

*Approved April 28, 1905.*

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO ISSUE ADDITIONAL BONDS FOR THE PURPOSE OF EXTENDING ITS WATER SYSTEM.

*Chap. 352*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Falmouth, for the purpose of extending its water system to that part of the town called East Falmouth, is hereby authorized to issue bonds to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by section two of chapter three hundred and thirty-one of the acts of the year nineteen hundred and two, as amended by chapter one hundred and twenty-eight of the acts of the year nineteen hundred and three. Said bonds shall be of the form and subject to the provisions specified in section thirteen of chapter sixty-six of the acts of the year eighteen hundred and ninety-eight.

Town of Falmouth may issue additional bonds, etc.

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

*Approved April 28, 1905.*

AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE TOWN OF AGAWAM.

*Chap. 353*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Agawam, for the purpose of supplying itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, upon the advice and approval of the state board of health, may from time to time, as in its opinion necessity requires, take by purchase or otherwise, and hold, any lands

Town of Agawam may take certain lands, water rights, etc.

within the limits of said town, together with any water or water rights therein, and also all lands, rights of way and easements necessary for procuring, holding, protecting and distributing said water, may purchase water to be held by it, protected and distributed for the aforesaid purposes and upon the aforesaid condition from neighboring municipalities, and in general may do such things as are necessary for the purposes of securing, maintaining and protecting said water system or supply. It may also establish hydrants and fountains, regulate the use of said water, and fix and collect rates to be paid for the use of the same.

May establish hydrants, fix rates, etc.

May maintain structures, etc., lay pipes, etc.

SECTION 2. The town may construct and maintain upon lands so taken wells, either artesian or of other kinds, filter beds, reservoirs, galleries, dams, standpipes, pumping stations and other necessary works, machinery and structures; may make such excavations, procure and operate such machinery, and do such other things as may be necessary for providing and maintaining an effective system of water supply; and it may lay and maintain such aqueducts, conduits, pipes and other works over or under any ways within such town in such manner as shall not unnecessarily obstruct the same.

Description of lands, etc., to be recorded.

SECTION 3. The town shall file and cause to be recorded in the registry of deeds for Hampden county a description, sufficiently accurate for identification, of all lands, rights of way, water rights, water sources or easements which it shall take hereunder, otherwise than by purchase, together with a statement of the purpose for which the same are taken, within ninety days of the date of said taking. Such statement shall be signed by the selectmen.

Damages.

SECTION 4. The town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water sources, water right or easement, or by reason of any other thing done by said town under authority of this act. Any person or corporation entitled to damages under this act, who fails to agree with said town as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, by making application therefor within one year after the taking of such land or other property, or the doing of any other injury under the au-

thority of this act; but no application shall be made after the expiration of said year. No application shall be made for such assessment of damages for the taking of any water or water rights, or any injury thereto, until the water is actually withdrawn or diverted by said town under authority of this act, and in such last named case no description and statement provided for in section three shall be deemed to have been filed for the purpose of such assessment and determination until such water is actually withdrawn or diverted.

SECTION 5. The town of Agawam, for the purposes mentioned in this act, may borrow money from time to time and issue therefor negotiable notes, bonds or scrip to an amount not exceeding fifty thousand dollars. Such notes, bonds or scrip shall be signed by the treasurer of the town and countersigned by its selectmen, and shall be denominated on the face thereof, Agawam Water Loan, Act of 1905. They shall be payable at the expiration of such periods after the date of their issue, not exceeding thirty years, and shall bear such rate of interest, not exceeding four per cent per annum, as the town may determine. The town may sell such securities at public or private sale, or pledge the same for not less than the face value thereof for money borrowed for the purposes of this act, and upon such conditions as it sees fit.

SECTION 6. The town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not less than three years after the first issue of such bonds, notes or scrip, 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 bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan is extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

SECTION 7. The water commissioners hereinafter mentioned shall fix just and equitable prices and rates for the

Agawam  
Water Loan,  
Act of 1905.

Payment of  
loan, etc.

Water rates,  
expenses, etc.

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 principal as they accrue upon any bonds, notes or scrip issued under the authority of this act. If there should be a net surplus remaining after providing as above for the aforesaid charges it shall 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 proportionally reduced. No money shall be expended for new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates money therefor. Said commissioners shall annually, and as often as the town may require, render an account of their doings.

Annual  
account to be  
rendered.

When to take  
effect.

SECTION 8. This act shall take effect upon its acceptance by a majority vote at a legal town meeting duly called and held for that purpose within three years after its passage.

Certain votes  
to be passed at  
a legal town  
meeting.

SECTION 9. No vote of the town shall be passed authorizing and directing the acquisition of any property for the water system or supply established or authorized hereunder, or for the borrowing of money authorized herein, except at a legal town meeting.

Water commis-  
sioners, elec-  
tion, terms,  
etc.

SECTION 10. So soon as is practicable after the acceptance of this act, said town shall, at a legal meeting called and held for the purpose, elect 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 preceding annual town meeting. Thereafter the town shall annually choose one person for the term of three years at its annual meeting. The persons so chosen shall constitute a board of water commissioners. Such water commissioners shall have all the authority granted to said town by this act, unless otherwise specially provided for. They shall be subject to such instructions, rules and regulations as the town may from time to time impose by vote.

*Approved May 1, 1905.*