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CHAPTER 269.

AN ACT TO ESTABLISH WATER WORKS IN THE TOWN OF TROY.

SECTION

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SECTION

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Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The town of Troy, in the county of Cheshire, is hereby authorized and empowered to construct, manage, maintain, and own suitable water-works, for the purpose of introducing into and distributing through the village of said town, or any part of said town, an adequate supply of pure water, in subterranean pipes, for extinguishing fires and for such public, private, and mechanical purposes as said town may from time to time authorize, and direct and for that purpose may take, purchase, and hold, in fee simple or otherwise, any real or personal estate, and any rights therein, and water rights, and do all other things necessary for carrying into effect the purpose of this act, and to excavate and dig ditches in any street, place, square, passage-way, common, or other land or place, over or through which it may be deemed necessary and proper for building, constructing, and extending said water-works, and may relay, change, enlarge, and extend the same from time to time, whenever said town shall deem necessary, and repair the same at pleasure, having due regard for the safety and welfare of its citizens and security of the public travel.

SECT. 2. Said town is authorized and empowered to enter upon and take water from any pond or stream in said town of Troy and in the towns of Jaffrey, Swanzey, and Marlborough, and to enter upon, take, and appropriate any streams, springs, or ponds in said towns of Troy, Jaffrey, Swanzey, and Marlborough not belonging to any aqueduct company, and to secure by fence or otherwise such streams, springs, or ponds, and dig ditches, make excavations or reservoirs, through, over, in, or upon any land or enclosure through which it may be necessary for said water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting water for said purposes, and placing such pipes or other materials or works, as may be necessary for building and operating the same; *provided*, if it shall be necessary to enter upon and appropriate any stream, spring, pond, or lake, or any land for the purposes aforesaid, or to raise or lower the level of the same by dams or

Water-works
authorized.

Right of eminent
domain.

otherwise, and if said town shall not agree with the owner or owners thereof for the damage that may be done by said town, or such owner or owners shall be unknown, said town, or said owner, or owners, or party injured, may apply to the trial term of the superior court for the county of Cheshire to have the damages determined, and said court shall refer the same to the county commissioners for said county, who shall appoint a time and place of hearing, and give notice thereof in the same manner as is now provided by law for laying out highways, and said commissioners shall make report to said court, and said court may issue execution accordingly; if either party shall desire, they shall be entitled to a trial by jury, in such manner and under such regulations as the court may prescribe, in the same manner as appeals from the award of damages in the case of laying out highways.

Contracts
authorized.

SECT. 3. Said town is authorized and empowered to contract with individuals and corporations, whether citizens of said towns or not, for supplying them with water for any of the purposes herein named or contemplated, and to make such contracts and establish such regulations and tolls for the use of water for any of said purposes as may from time to time be deemed proper and necessary to enjoy the provisions of this act, subject, however, to the provisions of the act creating the public service commission and amendments thereto.

Water commis-
sioners.

SECT. 4. For the more convenient management of said water-works, the said town may place the construction, management, control, and direction of said water-works in a board of water commissioners, to consist of five citizens of the town, said commissioners to be vested with such powers and duties relating to the construction, control, and management of the same as may from time to time be prescribed by said town. Their term of office shall be for five years and until their successors are elected and qualified. The first board of commissioners may be chosen by the legal voters of the town at the next annual town meeting, or at any special meeting duly called for that purpose, and their successors shall be elected at each annual meeting thereafter; *provided, however*, that of those first elected, the term of one shall expire at the first annual town meeting after the first board is elected, and one at each annual town meeting thereafter, and after the first election one shall be elected for five years at each annual town meeting to fill the occurring vacancy; *provided, also, however*, that the term of service of the commissioners first elected shall be designated at the time of their election, or said commissioners may be appointed by the selectmen of said town if the town fail to elect, or if the town at any meeting vote to authorize and instruct the selectmen to appoint said water commissioners.

SECT. 5. The compensation of said commissioners shall be fixed by the town. They shall be sworn to the faithful discharge of their duties. They shall annually organize by choosing one of their number as chairman of their board, and said board shall appoint a clerk, a superintendent of the works, and such other officers and agents as they may deem necessary, and shall thereupon furnish the town clerk a certificate of such organization, and the town clerk shall record the same in the records of the town. The commissioners shall, subject to the approval of the selectmen of said town, fix the compensation of all officers and agents appointed by them, and all officers and agents shall be sworn to the faithful discharge of their duties. Whenever a vacancy shall occur in said board from any cause, the four remaining members of the board shall fill such vacancy temporarily by appointing a citizen of said town, in writing, which shall be filed with the town clerk and recorded by him on the records of the town; and the person so appointed shall hold the office until the next annual town meeting after his appointment, when the town shall elect a commissioner to fill out the unexpired term, if any, of the person whose office became vacant and was so temporarily filled by appointment. Said commissioners shall annually make a report to the town, at the same time other town officers report, of the condition of the water-works, financially and otherwise, showing the funds belonging to their department and the expenses and income thereof, with such other facts and information as the town should have, which report shall be published in the annual report of said town each year.

SECT. 6. Said town is also authorized and empowered, at any annual, special, or biennial meeting, by a major vote of those present and voting, to raise by taxation and appropriate, or to borrow and hire, such sums of money on the credit of the town as may from time to time be deemed necessary and expedient, for the purpose of defraying the expenses of purchasing real estate, rights in real estate, water rights, streams, springs, ponds, lakes, and other rights and property, as aforesaid, and for constructing, maintaining, repairing, extending, enlarging, and operating said water-works, such indebtedness not to exceed at any one time the sum of forty thousand dollars, and to issue notes or bonds of the town therefor, in such amounts and payable at such time or times and at such rates of interest as may be thought proper, and may exempt such notes or bonds from taxation when held by inhabitants of the town, or by any inhabitant of a town in which said water-works may extend, said notes and bonds to be signed by at least a majority of the selectmen and countersigned by the town treasurer.

Duties of commissioners.

Appropriations authorized.

Payment of bonds. SECT. 7. Said town is hereby authorized and empowered to raise by taxation and pay each year the interest of the notes and bonds so issued and such part of the principal and to provide for a sinking fund as the town may determine at any annual meeting.

Exemption from taxation. SECT. 8. Said town of Troy is hereby exempt from paying any tax on any property, owned, used, and held by it exclusively for its water-works, wherever the same is situated.

Takes effect on passage. SECT. 9. This act shall take effect on its passage.

[Approved March 4, 1915.]

CHAPTER 270.

AN ACT TO AMEND THE CHARTER OF THE CITY OF NASHUA.

SECTION 1. Prior act amended.

Be it enacted by the Senate and House of Representatives in General Court convened:

Prior act amended. SECTION 1. Part [1] of chapter 427, Laws of 1913, is hereby amended by striking out sections 65, 66, 67, and 70, and inserting in place thereof the following:

Organization of assessors. SECT. 65. Immediately after every inauguration of the city government the board of assessors shall meet and select one of their number to be chairman, and they shall elect from outside their own body a clerk of said board, and said officers selected shall respectively do and perform all the duties pertaining to said positions as now defined by law. The clerk shall serve at the pleasure of the board, and his salary shall be fixed by the board of aldermen.

Office hours of clerk. SECT. 66. The board of assessors shall have an office assigned and furnished for that purpose by the board of aldermen. The clerk shall attend to the duties of such office regularly not less than six hours during the business hours of each day, Sundays and holidays, and such reasonable leaves of absence, as may be voted him by the board, excepted; but he shall not be obliged so to attend in the afternoon on Saturdays. The assessors shall keep their office open daily, except Sundays and legal holidays.

Meetings of board. SECT. 67. The board of assessors shall hold regular meetings at such office for the transaction of business during stated hours on at least one day in each week throughout the year, and the board shall hold such additional meetings in the daytime or