

OFFICE OF  
TOWN CLERK

SUZANNE WITHERS, CMC/AAE/CMMC  
IIMC CERTIFIED MUNICIPAL CLERK  
MEMBER - IIMC ACADEMY FOR  
ADVANCED EDUCATION  
CERTIFIED MASS. MUNICIPAL CLERK



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April 22, 1996

I hereby certify that at the second session of the Annual Town Meeting of the Town of Rehoboth, held on April 16, 1996, at 7:30 p.m. in the Palmer River School, Winthrop St., Rehoboth, with a quorum present, the following was voted:

**ARTICLE 21. VOTED** to accept the Provisions of MGL Chapter 152 of the Acts of 1995, "An Act Authorizing the Establishment of the Rehoboth Water District".

Attest:

Suzanne Withers, Town Clerk

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Ninety-five

AN ACT AUTHORIZING THE ESTABLISHMENT OF THE REHOBOTH WATER DISTRICT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The inhabitants of the town of Rehoboth, liable to taxation in said town and residing within the territorial boundaries of the municipal corporation known as the town of Rehoboth, shall constitute a water district and are hereby made a body corporate by the name of the Rehoboth water district, hereinafter called the district, for the purposes of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with the power to establish wells and hydrants and to relocate and discontinue the same, to regulate the use of such water and, after a legal vote of a duly authorized body, to fix and collect rates to be paid therefor, and for the purposes of assessing and raising funds as provided herein for the payment of such services, and for the defraying of the expenses of carrying on the business of the district, subject to all General Laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have the power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the aforesaid purposes, the district, after a two-thirds vote at a district meeting, may authorize the board of water commissioners to:

(a) contract with any municipality, acting through its water department, with any water company, or with any water district for the purchase or sale of whatever water may be required, and may enter into contracts as may be necessary to effectuate the purposes of this act;

(b) supply water to persons outside of the district with the permission of the water district, provided however, that a district meeting shall authorize any extension of such services outside the district;

(c) take by eminent domain under the provisions of chapter seventy-nine or eighty A of the General Laws, or acquire by lease, purchase, or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream,

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or any ground sources of water supply by means of driven, artesian or other wells, within the territorial limits of the town of Rehoboth and the water and flowage rights connected with any such water sources; may take aforesaid, 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 the district and for carrying out the purposes of said district; provided, however, that no source of lands necessary for preserving the quality of such water shall be taken without first obtaining the advice and approval of the department of environmental protection; and provided further, that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and other such waterworks as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department;

(d) construct and maintain on lands acquired or held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including the establishment and maintenance of filtration beds and purification works or systems, and may make excavations, procure and operate machinery and provide other such means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective waterworks; and for that purpose may construct pipe lines, wells and reservoirs, and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over land, water courses, railroads, railways and public or other ways, in said town, in such manner as not unnecessarily to obstruct same;

(e) for the purpose of constructing, laying, maintaining, operating, and repairing such aqueducts, conduits, pipes and other works, and for the purposes of this act, dig up or raise and embank any such lands, highways, or other ways in such a manner as to cause the least hinderance to public travel on such way; however, that the manner in which all things are done upon any such way shall be subject to the direction of the board of selectmen and any other permitting authority of the town in which such lands, highways, or other ways are located;

(f) enter upon any lands for the purposes of making surveys, test wells or pits and borings, or any of them, and may take or otherwise acquire the

right to occupy temporarily any lands necessary for the construction of any work or for any purpose authorized by this act;

(g) from time to time sell such real property of the district as shall, in the opinion of its board of water commissioners as hereinafter provided for, be no longer useful in the affairs of the district; provided however, that the district meeting shall authorize each such sale;

(h) employ personnel and may engage architectural, engineering, accounting, management, legal, financial and environmental consulting and other professional services;

(i) bill customers of the district and collect amounts owing under such bills directly;

(j) do all things necessary, convenient or desirable for carrying out the purposes of this act or the powers expressly granted or necessarily implied by this act including, but not limited to enacting regulations reasonably necessary to accomplish the purposes of this act.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under the provisions of chapter seventy-nine or chapter eighty A of the General Laws; but the non-exclusive taking of water, water right or water source, or injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. The district, for the purposes of paying the costs of, and expenses incurred in connection with, the taking or acquisition of the properties of the Rehoboth water district as hereinafter provided, and for putting such properties in a satisfactory condition as may be in the district's opinion needed and as approved by the department of environmental protection, may, from time to time, borrow such sums as may be necessary, and may issue bonds or notes therefor, which shall be payable in not less than thirty years from their dates and shall bear on their face the words Rehoboth Water District Loan Act of nineteen hundred and ninety-five. Any bond issued pursuant to the preceding sentence shall not be included in the amount of debt which is subject to limit prescribed by sections eight, nine, and ten of chapter forty-four of the General Laws. The district, for the purpose of paying the necessary expenses and liabilities incurred under this act may, from time to time, borrow such additional sums as may be necessary, not exceeding in the aggregate, the amounts permitted by law to be borrowed by water districts, and may

issue bonds or notes therefor which shall bear on their face the words Rehoboth Water District Loan and other such distinguishing designation as may be determined by the board of water commissioners. The district may borrow from time to time sums as may be necessary for the purposes of this act in anticipation of revenue. Indebtedness incurred under this act shall be authorized by the affirmative vote of not less than two-thirds of all the members of the water district, and shall be upon full faith and credit of the district. All notes issued under the provisions of this act shall be obligatory upon the district and its members and the property within the district according to the tenor and purport thereof.

SECTION 5. The district, after two-thirds majority vote at a district meeting and acting by and through said board of water commissioners, may establish and operate a separate account classified as Water Supply Materials Enterprise Fund for the purpose of storage and sale of water supply pumps, piping appurtenances and other materials. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived, from all sales and rental of water supply materials and equipment shall be deposited into such separate account. The treasurer may invest the funds in such separate account in the manner authorized by section fifty-five A of chapter forty-four of the General Laws. Any interest earned thereon shall be credited to and become part of such account. The books and records for the account shall be maintained in accordance with generally accepted accounting principals and in accordance with the requirements of section thirty-eight of chapter forty of the General Laws.

SECTION 6. The board of water commissioners, upon vote of the district, may, subject to the provisions of law, fix just and equitable fees, prices, and rates for the use of water and the extension or expansion of its water-works and shall prescribe the time and manner of payment. Notwithstanding the foregoing, such prices and rates shall be fixed and adjusted so as to provide funds at least sufficient for each fiscal year, together with other revenues and funds of the district, if any, to pay the full cost of operation of the district for such fiscal year, including all current expenses; all costs of maintenance, repair and replacement, including the establishment of reasonable sinking funds, replacement reserves and other similar funds in accordance with generally accepted accounting principals, as determined by the board of water commissioners to be necessary or desirable to be funded as current expenses;

and all other amounts which the district may be obligated to pay or provide by law or contract. Such prices and rates shall be reviewed at least annually and, as necessary, shall be revised. If in any fiscal year an assessment has been levied upon the inhabitants of the district under the provisions of section seven, the board of water commissioners shall fix such prices and rates for the use of water as to raise within the shortest practical period as determined by the board of water commissioners the amount of such assessment. If there should be a net surplus remaining at the end of any fiscal year after the payment of all costs of operation, such net surplus may be applied to pay the costs of operation for the district for the succeeding fiscal year. The fiscal year of the district shall commence on July first and end on June thirtieth, or as otherwise provided in the by-laws of the district.

SECTION 7. If for any reason the revenues and available funds of the district, including revenues from prices and rates for the use of water as provided in section six, shall be determined by the board of water commissioners not to be sufficient to pay the full cost of operation of the district, said board of water commissioners upon authorization by a two-thirds vote of the water district, may levy an assessment upon the property of the district, and promptly thereafter the clerk of the district shall apportion the amount of said assessment among the property subject to assessment under this act in the town of Rehoboth in proportion to the assessor's valuation of said property in the town and shall furnish a certified copy of the vote imposing said assessment together with apportionment of the assessment, to the assessors of said town, who shall levy said assessment on the property within the district in the same manner in all respects in which town taxes are required by law to be assessed. No estate shall be subject to any assessment on account of the system of water supply under this act if, in the judgment of the board of water commissioners, after a hearing, due notice whereof shall be given, such estate is so situated that the buildings thereon are not supplied with water from said system in any manner, but all other estates in the district shall be deemed to be benefited and shall be subject to such assessment. A certified list of estates exempt from assessment under this section shall be sent by said board of water commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid.

The assessments shall be committed to the district collector, hereinafter provided for, who shall collect said assessment in the manner provided by law

for the collection of town assessments, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue assessments in the manner in which interest is authorized to be collected on town assessments; provided, however that the board of water commissioners at the time of voting to levy the assessment shall so determine and shall so fix a time when said assessment shall be due.

SECTION 8. The management and control of all property acquired by, and the exercise of all powers, privileges, and duties conferred upon, the district pursuant to any provisions of this act shall be vested in and exercised by the water district except where a power or duty is expressly delegated to the board of water commissioners by this act.

SECTION 9. The district shall, after acceptance of this act, elect by ballot, either at the same meeting at which this act shall have been accepted or thereafter, at an annual district meeting or at a special meeting called for said purpose, five persons to hold office, one until the expiration of one year, two until the expiration of two years, and two until the expiration of three years from the day of the next succeeding annual district meeting to constitute a board of water commissioners; and at every annual district meeting following such next succeeding annual district meeting the number of such commissioners as terms expire during that year shall be elected by ballot for a term of three years. The date of the next annual meeting shall be fixed by law or by vote of the board of water commissioners; provided, however, that in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. The first district meeting shall be called by the board of selectmen of the town of Rehoboth within two months of the acceptance hereof by a town meeting of the town of Rehoboth. The clerk shall cause notice of the time and place of the first district meeting to be published in a newspaper of general circulation in said town for two consecutive weeks, the second notice of which shall appear not fewer than seven days before the meeting.

The district meeting may annually appropriate funds for purposes specified for the district in this act, and for any purpose permitted to water districts by the General Laws. All of the authority granted to the district by this act, not otherwise specifically delegated to the water commissioners, shall be vested in the water district.

At the meeting at which said water commissioners are first elected and at each district meeting held thereafter, the district shall elect by ballot, each for such terms as it may determine, a clerk and a treasurer for the district. The treasurer shall give bond to the district in such an amount as may be approved by said board with a surety company authorized to do business in the commonwealth as a surety.

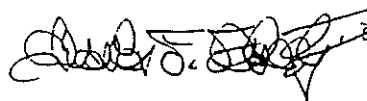
A majority of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in the membership of the board of water commissioners from any cause may be filled for the remainder of the unexpired term by the district at a legal meeting called for that purpose. No money shall be drawn from the treasury on the district on account of its waterworks except upon written notice of said board, or a majority of them, to the district treasurer.

SECTION 10. Whoever contaminates, corrupts, pollutes, or diverts any source of water used or reserved for use by the district, or any water obtained or supplied under this act, or injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall be liable for and pay to the district the district's cost of assessing, remedying and removing such contamination, corruption, pollution, diversion or injury, and for the district's costs, expenses and attorney's fees to be recovered in an action of tort. Any person convicted of a violation of this section shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than one year or both.

SECTION 11. This act shall take effect upon its acceptance by the town of Rehoboth.

House of Representatives, September 27, 1995.

Passed to be enacted,

 Speaker.

In Senate, September 27, 1995.

Passed to be enacted,

 , President.



6 October , 1995.

Approved,

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William F. Weld

Governor.