(g) "Hospital", a nonprofit hospital within the commonwealth licensed by the department of public health or a nonprofit health maintenance organization within the commonwealth licensed by the commissioner of insurance.

Approved July 11, 1980.

Chap. 483. AN ACT ESTABLISHING THE BRIGGSVILLE WATER DISTRICT IN THE TOWN OF CLARKSBURG.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Clarksburg, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit:-

Beginning at the southwest corner of the abutment of Bridge #C-15-1 on Massachusetts State Highway Route 8, said bridge crossing the north branch of the Hoosic River;

Thence S 66° 53' E across said Route 8 a distance of 186 feet, more or less, to a point;

Thence S 61° 58' W a distance of 419 feet, more or less, to a point;

Thence S 82° 05' W a distance of 551 feet, more or less, to a point;

Thence S 68° 25' W, 402 feet, more or less, to a point;

Thence S 52° 53' W, 623 feet, more or less, to a point;

Thence S 64° 40' W 355 feet, more or less, to a point;

Thence S 62° 47' W, 472 feet, more or less, to a point;

Thence S 69° 26' W, 398 feet, more or less, to a point;

Thence S 16° 03' W, 637 feet, more or less, to a point;

Thence S 21° 41' W, 263 feet, more or less, to a point;

Thence N 61° 23' W, again crossing said Route 8 a distance of 338 feet, more or less, to a point;

Thence N 10° 10' W a distance of 889 feet, more or less, to a point;

Thence N 32° 46' E a distance of 224 feet, more or less, to a point;

Thence N 89° 52' E a distance of 405 feet, more or less, to a point;

Thence N 0° 12' W a distance of 283 feet, more or less, to a point;

Thence N 38° 55" E a distance of 581 feet, more or less, to a point;

Thence N 72° 8' E a distance of 420 feet, more or less, to a point;

Thence S 85° 06' E a distance of 339 feet, more or less, to a point;

Thence S 0° 48' W a distance of 71 feet, more or less, to a point;

Thence N 82° 24' E a distance of 1,846 feet, more or less, to the point of beginning.

The directions for the above courses are approximately based on the meridian of the Massachusetts State Plan Coordinate system, mainland zone, longitude 71° 30' W as scaled from the USC & GS topographic quadrangle, and encloses a portion of the section of the Town of Clarksburg commonly called Briggsville, and is more particularly shown on a plan entitled "Boundary of Proposed Briggsville Water District in the Town of Clarksburg, Mass." dated August 15, 1979, prepared by Gordon E. Ainsworth & Associates, Inc., which plan is to be filed in the Northern Berkshire Registry of Deeds at Adams, Massachusetts, shall constitute a water district and are hereby made a body corporate by the name of the Briggsville Water District, hereinafter called the District, 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 for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary 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 power to prosecute and defend all actions relating to its property and affairs. If it should be desirable to expand the area of the District within said town, the District may be expanded provided the people in the proposed expanded area at a duly called meeting for such purpose consent to such expansion.

SECTION 2. For the purposes aforesaid, the District, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and may take by eminent domain under chapter seventy-nine or chapter 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, or of any ground sources of supply by means of driven, artesian or other wells, within the town not already appropriated for the purpose of a public supply and the water and flowage rights connected with any such water sources; and for said purposes may take as 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; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of environmental quality engineering, and that the location and arrangement of all dams, reservoirs, springs, wells, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. The District may construct and maintain on the lands acquired and held under this act proper dams, wells, springs, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures including also the establishment and maintenance of filter beds and purification works or systems, 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 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 any land, water courses, railroad, railways and public or other ways, and along such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all proper purposes of this act, the 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 way; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the board of selectmen of said town of Clarksburg. The District shall not enter upon, or construct or lay any conduit, pipe or other works within, the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure to so agree, as may be approved by the department of public utilities. The District may enter upon any lands for the purpose of making surveys, test wells or pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by 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 said chapter seventy-nine or said chapter eighty A; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the District may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Briggsville Water District Loan, Act of 1980. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to the provisions of chapter forty-four of the General Laws pertaining to such districts.

SECTION 5. The District shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of 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 or notes issued as aforesaid by the District, and to make such payments on the principal as may be required under this act, shall without further vote be assessed upon the District by the assessors of said town annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall 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 the District. All authority vested in said board by this section shall be subject to section nine.

SECTION 7. Whenever a tax is duly voted by the District for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the District in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid in the extinguishment of fire from the said system of water

supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner; but all other estates in the District shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually 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 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 treasurer of the District for the use and benefit of the District. The District may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. Any meeting of the voters of the territory included within the boundaries set forth in section one to be held prior to the acceptance of this act, and any meeting of the voters of the District to be held prior to the qualification of a majority of the water commissioners, shall be called on petition of ten or more legal voters therein, by a warrant from the board of selectmen of said town, 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 fourteen days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, 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 thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the water commissioners, meetings of the District shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the District.

SECTION 9. The District shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter, at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in the District, 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 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 one such commissioner shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to the District by this act, except sections four and five, 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. At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the District shall elect by ballot, each for a term of one year, a clerk and a treasurer of the District. The treasurer of the District shall not be a water commissioner, and shall give bond to the District in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water 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 the District at any legal meeting called for the purpose. No money shall be drawn from the treasury of the District on account of its water works except upon a written order of said water commissioners or a majority of them.

SECTION 10. Said board of water 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 appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may recommend, and in case a surplus should remain after payment for such new construction then the water rates shall be reduced proportionately. Said water 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.

SECTION 11. The District may adopt by-laws, prescribing by whom and how meetings of said District 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. The District may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever willfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or willfully or wantonly 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 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 willful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 13. Upon a petition in writing addressed to said board of water commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said District and not otherwise served by a public water supply be included within the limits thereof, and signed by the owners of such real estate, or a major portion thereof, said water commissioners shall cause a duly warned meeting of the District to be called, at which meeting the voters may vote on the question of including said real estate within the District. If a majority of the voters present and voting thereon vote in the affirmative, the District clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the District and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within the District by section one present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section eight, within four years after its passage.

Approved July 11, 1980.

Chap. 484. AN ACT REQUIRING BANKS WHICH LEASE SAFE DEPOSIT BOXES FOR RENT TO GIVE NOTICE TO LESSEES DISCLOSURE RELATIVE TO INSURANCE ON CONTENTS OF SUCH SAFE DEPOSIT BOXES.