



116

**TOWNSEND WATER DEPARTMENT**  
540 Main Street West Townsend, Massachusetts 01474

Michael MacEachern, *Chairman*  
Paul L. Rafuse,  
*Water Superintendent*

Nathan Mattila, *Vice-Chairman*

Lance Lewand, *Clerk*  
(978) 597-2212  
Fax (978) 597-5561

WATER COMMISSIONERS MEETING Minutes

FEBRUARY 22, 2017 – 5:30 P.M.

Water Department 540 Main Street, Meeting Room

I. **PRELIMINARIES:**

- 1.1 MM called the meeting to order at 5:30 P.M., 540 Main Street.
- 1.2 Roll call showed Members Present: Michael MacEachern (MM), Chairman, Nathan Matilla (NM), Vice Chair and Lance Lewand (LL), Clerk. Guests Present: Attorney Stephen Doucette, Lisa Lewand, Todd Mealson, Attorney John Barrette, Paul Rafuse and Brenda Boudreau.
- 1.3 MM announced that the meeting is being tape recorded
- 1.4 Chairman's additions or deletions. None

II. **DISCUSSION:**

- 2.1 Discuss hiring legal counsel for the Water Department. Atty Stephen Doucette discussed an ongoing effort for the Board of Water Commissioners to have the power to run the Water Department as it had always been in the past. Atty. Doucette stated that he believed that the Acts of 1920 was approve by the state on April 30, 1920 and the town voted that act in sometime in 1933. He is sure that he Board of Water Commissioners are the only entity that can dictate how the water department should be run, including the hiring, firing, budgets, attorneys, contractors etc. LL stated in addition he that he felt the following duties should be at the direction of the BOWC 1.) Red Flag reporting should have gone through the BOWC. 2.) Superintendent's duties should be given by the BOWC. 3.) Filling the positions of the water tech and office assistant.
- 2.2 Discuss removing the Superintendent from the Supervisory union and the impact on the Water Department. Attorney Doucette suggests that the superintendent opt out of the supervisory union. Atty Doucette also stated that Mike MacEachern would still be able to serve on the BOWC, however he would need to abstain from any employee issue and recommends that he leaves the room entirely.  
**LL made a motion to hire Attorney Stephen Doucette and his firm to represent the Townsend water department in matters related to the water department. NM seconded. Unanimous vote.**

III. Sign Bills payable warrants. None.

IV. Adjournment. **MM made a motion to adjourn at 6:35 P.M. LL seconded. Unanimous vote.**

Respectfully submitted,

Brenda Boudreau, Office Administrator

WATER DEPARTMENT MEETING

DATE February 22, 2017

| NAME             | ADDRESS                    | PH/EMAIL |
|------------------|----------------------------|----------|
| STEPHEN DOUCETTE | DOUCETTE/LA ROSE, LLC      |          |
| LISA LEWAND      |                            |          |
| John Barrett     | 38 Highland St<br>Townsend |          |
| Todd Melanson    | 79 Clement Rd              |          |
|                  |                            |          |
|                  |                            |          |
|                  |                            |          |
|                  |                            |          |

# Annual-Special Town Meeting

## May 4, 2004

The Annual Town Meeting began at 7:11P.M. with a quorum present. There were 155 voters in attendance. The Moderator, Gene Rauhala, explained the meeting would be conducted according to "Town Meeting Time". Individuals must stand and be recognized before speaking. You may ask about procedure at anytime. All motions must be in writing and handed up to the Town Clerk. Motions will be read in their entirety once and may not be read again before there is a vote. If you have a point of order you must be recognized by the Moderator before you speak. Town Clerk Daniel J. Murphy read the return of the warrant. Peter H. Collins motioned to dissolve the meeting at 11:25 P.M.

The motion passes and Town Meeting with all business complete was dissolved.

### ATM ARTICLE 1:

Moved that the town vote to authorize the Board of Selectmen to appoint all Town Officers unless other provisions are made by M.G.L., by Town Charter, or by vote of the town.

Submitted By: Town Clerk

Read By: Daniel J. Murphy

Voice Vote: Unanimous yes Pass

### ATM ARTICLE 2:

Moved that the town vote to hear reports of any Committees, Boards, Commissions, and other Town Officials.

Submitted By: Board of Selectmen

Read By: Peter H. Collins

Voice Vote: Unanimous yes Pass

### ATM ARTICLE 3:

Moved that the Town take no action on Article 3.

Submitted By: Police Chief

Read By: Erving M. Marshall JR

### ATM ARTICLE 3 READ:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of \$27,500.00 for the purpose of replacing and equipping one front line Ford Crown Victoria Police Cruiser with a similar vehicle, or take any action in relation thereto.

### ATM ARTICLE 4:

Moved that the Town take no action on Article 4.

Submitted By: Ambulance Director

Read By: Donald Girard

Voice Vote: Unanimous yes Pass

### ATM ARTICLE 4 READ:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of \$\_\_\_\_\_, for the purpose of making the first payment for the 2004 Ambulance, or take any action in relation thereto.

### ATM ARTICLE 5:

Moved that the Town take no action on Article 5.

Submitted By: Fire Chief

Read By: John F. Collins III

Voice Vote: Unanimous yes pass

### ATM ARTICLE 5 READ:

I move that the Town vote to raise and appropriate, from available funds in the treasury, the sum of \$40,476.00 for the purpose of making an annual payment for the 2001 Fire Engine Truck.

### ATM ARTICLE 6:

Moved that the Town take no action on Article 6.

Submitted By: Board of Selectmen

Read By: Paul T. Concemi Sr

Voice Vote: Unanimous yes pass

### ATM ARTICLE 6 READ:

To see if the town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, such sums totaling \$48,933.00, for the purpose of defraying costs for reclassification of certain salary increases for matrix employees with said appropriation contingent upon the passage of a override referendum question pursuant to the provisions of Section 21C (Proposition 2 ½) of Chapter 59 of the General Laws at a Special Election held on April 26, 2004, or take any other action in relation thereto.

**ATM ARTICLE 7:**

Moved that the town vote to accept the provisions of Massachusetts General Laws Chapter 44 Section 53 F1/2 relative to establishing the Water Department as an enterprise fund effective July 1, 2004.

Submitted By: Board of Selectmen

Read By: Peter H. Collins

Voice Vote: Majority yes pass

**ATM ARTICLE 8:**

Moved that the Town take no action on Article 8.

Submitted By: Police Chief

Read By: Erving M. Marshall Jr

Voice Vote: Unanimous yes pass

**ATM ARTICLE 8 READ:**

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of \$30,000.00 for the purpose of replacing and equipping the 1998 Ford Explorer currently in use by the Police Department with similar 4x4 utility vehicle, or take any action in relation thereto.

**ATM ARTICLE 9:**

Moved that the Town vote to raise or appropriate, borrow or transfer from available funds the sum of \$61,745.84 to re-align the non-union hourly employee matrix and fund re-classification.

Submitted By: Employee Group

Read By: Susan A. Funaiole

Voice Vote: Majority no does not pass

**ATM ARTICLE 10:**

Moved that the Town vote to raise or appropriate, borrow or transfer from available funds the sum of \$47,403.72 to fund re-classification for non-union hourly employees.

Submitted By: Employee Group

Read By: Susan A. Funaiole

Voice Vote: Majority no does not pass

**ATM ARTICLE 11:**

Moved that the Town vote to raise or appropriate, borrow or transfer from available funds the sum of \$14,559.48 to re-align the non-union hourly employee matrix.

Submitted By: Employee Group

Read By: Susan A. Funaiole

Standing Vote: 83 yes 59 no 2/3 does not pass

**ATM ARTICLE 12:**

Moved that the Town vote to transfer from the Comcast Government Access Account the sum of \$14,000.00 to supplement the FY05 operating budget Line Item #01-155-5300-000.

Submitted By: Board of Selectmen

Read By: Peter H. Collins

Voice Vote: Majority yes pass

**ATM ARTICLE 13:**

Moved that the town vote to continue the Wetlands Protection Revolving Fund in accordance with M.G.L. Chapter 131, Section 40 as voted in order to place revenue collected from NOI Applications, which shall be used for carrying out the duties under the Wetlands Protection Act for the Conservation Commission to be authorized by the Conservation Commissioners, of which expenditures shall not exceed \$2,200.00.

Submitted By: Finance Committee

Read By: Donald E. Klein

Voice Vote: Unanimous yes pass

**ATM ARTICLE 14:**

Moved that the Town vote to transfer from the Stabilization Account the sum of \$213,476 to supplement the FY05 operating budget.

Submitted By: Finance Committee

Read By: Andrea Wood

Voice Vote: Unanimous yes pass

**ATM ARTICLE 15:**

Moved that the Town vote to transfer from the Ambulance Reserve Account the sum of \$335,000.00 to supplement the Ambulance Department's FY05 operating budget.

Submitted By: Finance Committee

Read By: Bruce N. Beauchesne

Voice Vote: Majority yes pass

**ATM ARTICLE 16:**

Moved that the Town vote to transfer from the West Townsend Reading Room Receipts Reserved for Appropriation Account the sum of \$4,271.00 into the West Townsend Reading Room Expense Account, for the purpose of funding expenses for the FY05 operating budget.

Submitted By: Finance Committee

Read By: William G. Wilkinson

Voice Vote: Unanimous yes pass

ACTS OF 1920

**CHAPTER 391. AN ACT TO AUTHORIZE THE TOWN OF TOWNSEND TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.**

Be it enacted, etc., as follows:

**Section 1.** The town of Townsend may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water, and fix and collect rates to be paid therefor.

**Section 2.** Said town, for the purpose aforesaid, may lease, 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 limits of the town, and the water rights connected with any such water sources, and may also take or acquire by purchase or otherwise and hold all lands, rights of way and easements necessary for collecting, storing, purifying and preserving the water, and for conveying the same to any part of said town; provided, however, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken without first obtaining the advice and approval of the department of public 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 department. The town may construct on the lands taken or 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 and over any land, water courses, railroads, railways and public or other ways, and along such ways in the town of Townsend, 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 other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel on suchways. The town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such times and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities.

Section 3. The town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently specific 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 purchased or taken under the provisions of this act shall vest in the town of Townsend, and the land so acquired may be managed, improved and controlled by the said water commissioners, in such manner as they shall deem for the best interest of said town.

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 source, water right or easement, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the town 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 anytime within the period of 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 the said two years. No application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, and said period of two years shall not begin to run until the water is actually withdrawn or diverted by the town under authority of this act. Said town 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 caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said town shall be further liable only for the

Br. & Ragley Attys.  
LAST PEPPERELL, MASS.

additional damages caused by such additional taking.

Section 5. Said town, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provision of this act, may issue from time to time bonds or notes to an amount not exceeding in the aggregate one hundred and fifty thousand dollars. Such bonds, or notes shall bear on their face the words, Town of Townsend Water Loan, Act of 1920, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear such rates of interest, payable semi-annually, as the treasurer of the town and the selectmen shall determine; and shall be signed by the treasurer of the town and countersigned by the selectmen. The town may sell such securities at public or private sale upon such terms and conditions as it may deem proper, but not for less than their par value.

Section 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section fourteen of chapter seven hundred and nineteen of the acts of nineteen hundred and thirteen, and all acts in amendment thereof and in addition thereto, in such manner that any loans issued under authority of this act, shall be paid within the period above specified; and when a vote to that effect has been passed, a sum, which with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works or the purchasing of water and the maintenance of its pipe lines, as the case may be, and the interest as it accrues on the bonds or notes issued as aforesaid, 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 the town annually thereafter, in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

Section 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structures, work or other property owned, held or used by said town under authority of this act, shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Section 8. Said town shall, after its acceptance of this act at the same meeting at which the act is accepted or at a meeting called for the purpose, 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 town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such instructions, rules and regulations as the town

may impose by vote. A Majority of said 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 town at any meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the manner provided herein.

Section 9. 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 or notes issued under authority of this act. If there should be a net surplus remaining after providing 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 reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town 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 10. This act shall take effect upon its acceptance

by a majority of the voters of the town of Townsend present and voting thereon at a meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage. ( Approved April 30, 1920.

# Chapter A195: Acceptances of General Laws

Table of Contents

## A195-1 Enumeration.

Following is a chronological list of votes taken at Town Meeting relating to acceptance of General Laws and Acts of the State. Consult municipal records for a more detailed description of each action.

| Accepted                                                                 | Adoption Date         | Subject                                                                           |
|--------------------------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------|
| Chapter 431, Acts of 1888                                                | 4-3-1893 ATM Art. 19  | Superintendent of Schools                                                         |
| Statutes Ch. 50, §§ 22 and 23                                            | 4-2-1894 ATM Art. 23  | Sidewalk construction                                                             |
| Chapter 264, Acts of 1890                                                | 4-1-1895 ATM Art. 31  | Public cemeteries                                                                 |
| Chapter 433, Acts of 1897                                                | 9-20-1897 STM Art. 6  | Employment of Superintendent of Schools with Town of Ashby                        |
| Chapter 190, Acts of 1896                                                | 4-3-1899 ATM Art. 14  | Preservation of shade trees; election of Tree Warden                              |
| Chapter 28, §§ 1 to 14                                                   | 9-27-1902 STM Art. 7  | Public parks                                                                      |
| Chapter 101, §§ 1 to 5                                                   | 4-1-1907 ATM Art. 9   | Burnt, dilapidated or dangerous buildings                                         |
| Chapter 209, Acts of 1908                                                | 4-5-1909 ATM Art. 24  | Protection of forest lands from fire                                              |
| Chapter 514, § 42, Acts of 1909, as amended by Chapter 494, Acts of 1911 | 3-2-1914 ATM Art. 21  | Eight-hour workday for town employees                                             |
| Chapter 148, § 6                                                         | 3-2-1925 ATM Art. 18  | Inspection and cleaning up of fire hazards                                        |
| Chapter 391, Acts of 1920, as amended by Chapter 304, Acts of 1923       | 3-2-1925 ATM Art. 20  | Water supply                                                                      |
| Chapter 94, § 120                                                        | 3-5-1934 ATM Art. 16  | Annual fee for license for slaughtering neat cattle, sheep and swine              |
| Chapter 403, Acts of 1936                                                | 3-1-1937 ATM Art. 22  | Firemen and policemen excluded from benefits under the Workmen's Compensation Act |
| Chapter 41, § 100A                                                       | 3-1-1937 ATM Art. 23  | Indemnification of officers and employees                                         |
| Chapter 131, § 105B                                                      | 3-4-1940 ATE          | Traps for fur-bearing animals                                                     |
| Chapter 807, Acts of 1913                                                | 3-4-1940 ATM Art. 19  | Workmen's compensation                                                            |
| Chapter 40, §§ 42A to 42F                                                | 3-3-1941 ATM Art. 15  | Liens for nonpayment of water charges                                             |
| Chapter 94, § 120A                                                       | 3-5-1945 ATM Art. 13  | Additional fees for slaughtering neat cattle, sheep and swine                     |
| Chapter 136, §§ 21 to 25                                                 | 12-30-1946 STM Art. 2 | Sundays and holidays                                                              |
| Chapter 723, Acts of 1945                                                | 3-3-1947 ATM Art. 26  | Department of Veterans' Service                                                   |
| Chapter 41, § 108                                                        | 3-1-1948 ATM Art. 25  | Compensation of town officers                                                     |
| Chapter 85, § 11A                                                        | 11-10-1948 STM Art. 1 | Registration and operation of bicycles                                            |
| Chapter 71, §§ 16 to 16I                                                 | 1-18-1956 STM Art. 1  | Regional school district                                                          |
| Chapter 40, § 8A                                                         | 3-7-1960 ATM Art. 20  | Development and Industrial Commission                                             |
| Chapter 493, Acts of 1959                                                | 3-7-1960 ATM Art. 22  |                                                                                   |
| Chapter 647, Acts of 1960                                                | 3-6-1961 ATM Art. 25  | Increasing pension and retirement allowances                                      |
| Chapter 40, § 8C                                                         | 3-16-1966 ATM Art. 22 | Conservation Commission                                                           |
| Chapter 40, § 15C                                                        | 4-23-1974 ATM Art. 31 | Scenic Roads Act                                                                  |
| Chapter 40, §§ 42G, 42H and 42I                                          | 4-25-1977 ATM Art. 55 | Collection of water charges                                                       |
| MGL c. 90, § 20C                                                         | 4-24-1978 ATM Art. 18 | Noncriminal disposition of parking violations                                     |

| Table of Contents | Adopted                                 | Adoption Date            | Subject                                                                           |
|-------------------|-----------------------------------------|--------------------------|-----------------------------------------------------------------------------------|
|                   | § 41, § 100I                            | 6-24-1978 STM Art. 1     | Defense and indemnification                                                       |
|                   | § 258, § 13                             | 4-27-1981 ATE Question 1 | Defense and indemnification                                                       |
|                   | § 39, § 20                              | 9-28-1981 STM Art. 12    | Precinct voting                                                                   |
|                   | § 32B, § 7A                             | 4-27-1982 ATM Art. 29    | Insurance for town employees                                                      |
|                   | § 59, § 5, cl. 17C                      | 10-19-1982 STM Art. 8    | Exemption for certain elderly persons, surviving spouses and minors               |
|                   | § 90, § 20A 1/2                         | 4-26-1983 ATM Art. 12    | Enforcement of parking regulations                                                |
|                   | § 597, Acts of 1982 (amends MGL c. § 1) | 4-24-1984 ATM Art. 31    | Exemption from motor vehicle excise for vehicles owned by former prisoners of war |
|                   | § 148, § 26G                            | 4-23-1985 ATM Art. 34    | Automatic sprinklers                                                              |
|                   | § 64G, § 3A                             | 4-29-1986 ATM Art. 55    | Local room occupancy excise on hotels and motels                                  |
|                   | § 59, § 5, cl. 37A                      | 4-29-1986 ATM Art. 57    | Real estate exemption for blind persons                                           |
|                   | § 59, § 5, cl. 41B                      | 4-29-1986 ATM Art. 58    | Qualifications for elderly persons                                                |
|                   | § 598, § 57A, Acts of 1985              | 4-29-1986 STM Art. 9     | Interest on unpaid taxes                                                          |
|                   | § 40, § 4G                              | 11-17-1986 STM Art. 3    | Bid requirements for contracts                                                    |
|                   | § 41, § 97A                             | 5-4-1987 ATM Art. 40     | Police Department                                                                 |
|                   | § 59, § 5, cl. 41C                      | 5-4-1987 ATM Art. 53     | Qualifications for elderly persons                                                |
|                   | § 59, § 5, cl. 17D                      | 5-4-1987 ATM Art. 54     | Increase for surviving spouses, minors and persons over 70                        |
|                   | § 41, § 41B                             | 12-3-1987 STM Art. 21    | Direct deposit of employee payroll                                                |
|                   | § 143, § 3(y)                           | 4-26-1988 ATM Art. 51    | Term of office of Inspector of Buildings                                          |
|                   | § 188, § 12, Acts of 1985               | 4-25-1989 ATM Art. 20    | School Improvement Act grant for 1988-1989 school year                            |
|                   | § 188, § 12, Acts of 1985               | 4-28-1990 ATM Art. 23    | School Improvement Act grant for 1989-1990 school year                            |
|                   | § 291, Acts of 1990                     | 4-27-1991 ATM Art. 24    | Enhanced 911 service                                                              |
|                   | § 188, § 12, Acts of 1985               | 4-29-1991 ATM Art. 47    | School Improvement Act grant for 1990-1991 school year                            |
|                   | § 188, § 12, Acts of 1985               | 6-2-1992 ATM Art. 6      | School Improvement Act grant for 1991-1992 school year                            |
|                   | § 53, § 9A                              | 6-2-1992 ATM Art. 12     | Nomination papers                                                                 |
|                   | § 188, § 12, Acts of 1985               | 10-20-1992 STM Art. 2    | School Improvement Act grant for 1992-1993 school year                            |
|                   | § 44, § 53D                             | 6-5-1993 ATM Art. 22     | Revolving fund for Recreation Department                                          |
|                   | § 32B, § 18                             | 9-28-1993 STM Art. 32    | Medicare extension plans                                                          |
|                   | § 41, § 91A                             | 9-28-1993 STM Art. 33    | Constables                                                                        |
|                   | § 48, § 42                              | 9-19-1995 STM Art. 5     | Fire Department                                                                   |
|                   | § 32B, § 15, Subsection a               | 9-9-1997 STM Art. 14     | Dental benefits                                                                   |
|                   | § 59, § 57C                             | 5-2-2000 ATM Art. 16     | Implementation of quarterly tax payment system                                    |
|                   | § 41, § 108L                            | 5-1-2001 ATM Art. 5      | Police career incentive pay program (Quinn Bill)                                  |
|                   | § 59, § 5K                              | 5-1-2001 ATM Art. 12     | Senior citizens property tax work-off program                                     |



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. 59, § 2A

Table of Contents

: 59, § 5, cl. 17E

: 59, § 5, cl. 41D

: 41, § 45

: 40, § 8G

: 44, § 53F 1/2

: 32, § 7, Subsection (2)(e)

: 39, § 23D

: 64L, § 2(a)

: 143 § 3Z

: 138 § 33B

: 41, § 110A

: 44, § 65

: 200A, § 9A

**Adoption Date**

5-1-2001 ATM Art. 13

5-7-2002 ATM Art. 5

5-7-2002 ATM Art. 9

11-12-2002 STM Art. 14

5-6-2003 ATM Art. 26

5-4-2004 ATM Art. 7

5-2-2006 ATM Art. 26

11-14-2006 STM Art. 3

11-15-2011 STM Art. 10

5-17-2013 ATM Art. 29

11-19-2013 STM Art. 14

5-6-2014 ATM Art. 25

1-7-2015 STM Art. 14

1-7-2015 STM Art. 15

**Subject**

Assessment of local taxes - determination and classification of real property; mortgages

Assessors authorized to adjust maximum qualifying value of estate

Assessors authorized to adjust maximum qualifying gross receipts and value of estate

Board of commissioners of trust funds; membership; powers and duties

Mutual aid programs for police departments

Water Department enterprise fund

Additional yearly retirement allowance for veterans who retire for accidental disability

Adjudicatory hearings; attendance by municipal board, committee and commission members; voting disqualification

Local meals excise tax

Inspector of Buildings and regulation of

Sale of alcoholic beverages by on-premises licensees on Sundays and certain legal holidays

Office hours on Saturdays

Vacation pay; advances to employees

Disposition of abandoned funds

**Andy Sheehan**

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**From:** Brian Riley <BRiley@k-plaw.com>  
**Sent:** Friday, April 25, 2014 2:42 PM  
**To:** Andy Sheehan  
**Subject:** RE: Water Department collections

Andy: I have researched this question. The statutes that govern the committing, collecting and abating water rates are worded so as to give the same board authority to perform all three functions, so it is my opinion that the Board of Selectmen cannot just vote to take collection authority from the Board of Water Commissioners ("BWOC") and transfer it to the Tax Collector. This could be accomplished, however, by Town Meeting adopting a by-law pursuant to G.L. c.41, §38A as described below.

The Town initially acquired the authority to establish a water system pursuant to a special act, Chapter 391 of the Acts of 1920. This act does not specifically deal with collection, but does state that the BWOC "shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment." The Town later adopted the General Laws governing water charges and rates [G.L. c.40, §§42A – 42I]. These statutes appear to give all authority over rate setting, assessment, collection and abatement to "the board or officer in charge of the water department," however. For example, G.L. c.40, §42C provides that the board in charge of the water department "shall certify such [overdue] rate or charge to the assessors, who shall forthwith add such rate or charge to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as a part of such tax." While collection is essentially in the Tax Collector's hands at that point, the BWOC would have collection authority prior to that. As a result, in my opinion, the authority to perform collection of water rates could not be changed from the BWOC to another Town office or officer simply by a Board of Selectmen vote.

In my further opinion, however, there is a method that would not involve a further special act. General Laws Chapter 41, §38A states as follows:

**A city or town may by ordinance, by-law or vote, notwithstanding any other provision of law, general or special, provide that the collector of taxes shall collect, under the title of city or town collector, all accounts due the city or town, and may in like manner define his powers and duties in relation to the collection of such accounts, but no such ordinance, by-law or vote, heretofore or hereafter passed, shall limit such collector in the exercise of the remedies hereinafter conferred. Such a collector shall in the collection of such accounts have all the remedies provided by sections thirty-five, thirty-six and ninety-three of chapter sixty for the collection of taxes on personal estate. This section shall not apply to the collection of interest on investments of sinking or trust funds. All bills for accounts due the city or town shall state that all checks, drafts or money orders shall be made payable to or to the order of the city or town and not to or to the order of any officer, board or commission.**

This statute seems to be designed for just the situation you describe. In general, a town by-law does not "trump" a General Law or a special act of the Legislature; with the underlined phrase, however, the by-law would indeed take precedence over the 1920 special act and the other accepted General Laws and would give the Collector defined powers to collect charges other than taxes.

If you and the Board of Selectmen would like to consider proposing a by-law for a future Town Meeting, just let me know. I would think most voters would favor it if it is explained that both the DOR and the Town's auditors recommend this as a sound financial practice.

Very truly yours

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**From:** Andy Sheehan [mailto:[asheehan@townsend.ma.us](mailto:asheehan@townsend.ma.us)]  
**Sent:** Friday, April 18, 2014 9:54 AM  
**To:** Brian Riley  
**Subject:** Water Department collections

Hi Brian,

In 2011 the Department of Revenue undertook a financial management review for Townsend. Among other things, they recommended that Water Department collections be transferred from the Water Department to the Collector at Town Hall. They were concerned that the same agency commits, collects, and abates water bills and they wanted to segregate the duties to restore the check and balance. Our auditors, Melanson & Heath, identified Water collections as a material weakness, raising the same concerns about segregation of duties. The material weakness would be resolved by transferring Water collections to Town Hall. To date, the Board of Water Commissioners (BOWC) has resisted the recommended actions and there is no indication that they will change their stance. Melanson & Heath is presenting the FY13 audit to the Board of Selectmen on April 22 and I suspect the issue will come up.

Does the Board of Selectmen have the authority to transfer Water collections to Town Hall or does that authority rest solely with the BOWC? Thanks.

Andy

**Andrew J. Sheehan**  
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February 22, 2017

Townsend Water Department  
540 Main Street  
West Townsend, MA 01474  
Attention: Paul Rafuse

Re: Legal Services from Doucette & LaRose, LLC

Dear Paul:

This letter will confirm our agreement regarding legal services to be provided by Doucette & LaRose, LLC to the Townsend Water Department. Under the terms of our representation we will charge you \$250 per hour for our services, plus reasonable expenses. Doucette & LaRose, LLC will be responsible for ordinary costs such as copying, routine postage and long distance telephone calls. We will provide you with a bill for our services on a monthly basis and you will be responsible for payment of that bill within 30 days.


Please note that Doucette & LaRose, LLC has a policy of maintaining its files on all matters for seven years after the conclusion of the matter. Unless otherwise directed by you to have the file returned to you at the conclusion of the matter, Doucette & LaRose, LLC will destroy its files seven years after the matter has concluded.

Thank you for allowing us the opportunity to provide you with legal services. We look forward to working with you.

Very truly yours,

  
Stephen G. Doucette

The Department hereby agrees to the terms of this letter of representation.

  
Townsend Water Department  
Date 2-22-17