

port being submitted. No such ordinance as proposed to be originally established or changed as aforesaid shall be adopted until after the city council or a committee designated or appointed for the purpose by it has held a public hearing thereon, at which all interested persons shall be given an opportunity to be heard. At least twenty days' notice of the time and place of such hearing before the city council or committee thereof shall be published in an official publication, or a newspaper of general circulation, in the municipality. After such notice, hearings and report, or lapse of time without report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. No change of any such ordinance or by-law shall be adopted except by a two thirds vote of all the members of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two thirds vote of a town meeting; provided, that in case there is filed with the city clerk prior to the close of the first hearing before the city council or committee thereof a written protest against such change, stating the reasons, duly signed by the owners of twenty per cent or more of the area of the land proposed to be included in such change, or of the area of the land immediately adjacent, extending three hundred feet therefrom, or of the area of other land within two hundred feet of the land proposed to be included in such change, no such change of any such ordinance shall be adopted except by a unanimous vote of all the members of the city council, whatever its form, if it consists of less than nine members or, if it consists of nine or more members, by a three fourths vote of all the members thereof where there is a commission form of government or a single branch, or of each branch where there are two branches.

When such by-laws or any changes therein are submitted to the attorney general for approval as required by section thirty-two, there shall also be furnished to him a statement explaining clearly the by-laws or changes proposed, together with maps or plans, when necessary.

*Approved May 26, 1941.*

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AN ACT RELATIVE TO THE WATER SUPPLY OF THE AMHERST WATER COMPANY, AND ITS PURCHASE AND OPERATION BY THE TOWN OF AMHERST. *Chap. 321*

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

SECTION 1. Chapter one hundred and ninety-eight of the acts of nineteen hundred and three is hereby amended by striking out section six, as amended by section one of chapter seven hundred and six of the acts of nineteen hundred and fourteen, and inserting in place thereof the following section:— *Section 6.* Said town, for the purpose of paying the necessary expenses and liabilities incurred or to

be incurred under this act, and chapter one hundred and seventy-nine of the acts of eighteen hundred and eighty and all acts in amendment thereof and in addition thereto, other than expenses of maintenance and operation, may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, the amount that may be borrowed under authority of section eight of chapter forty-four of the General Laws, as amended, for water supply purposes; or, if the compensation to be paid shall be determined by the department of public utilities as provided in section five of chapter one hundred and ninety-eight of the acts of nineteen hundred and three, as amended and as affected by section five of chapter one hundred and sixty-five of the General Laws, then said town may issue from time to time bonds or notes to an amount not exceeding, in the aggregate, the sum determined upon by said department. Such bonds or notes shall bear on their face, the words, Town of Amherst Water Loan, Act of 1941. 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, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 2. Said chapter one hundred and ninety-eight is hereby further amended by striking out section seven and inserting in place thereof the following section:— *Section 7.* Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section six; 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 its water works, 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 this act, shall without further vote be assessed by the assessors of said town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 3. Section nine of said chapter one hundred and ninety-eight is hereby repealed, but such repeal shall not affect any act done, ratified or confirmed, any liability incurred or any right accruing or established before this repeal takes effect.

SECTION 4. Said chapter one hundred and ninety-eight is hereby further amended by striking out section eight and inserting in place thereof the following section:— *Section 8.* The selectmen of said town shall serve as water commissioners until the qualification of water commissioners elected at the annual town meeting of said town in nineteen hundred and forty-two or at such later date, if any, as the town may elect water commissioners, as hereinafter provided. Whenever the phrase "said board of water commissioners" or "said board" or "said commissioners" occurs in this act it shall mean and include the board of water commissioners or the selectmen acting as such, as the case

may be. Said town may, at the annual town meeting in nineteen hundred and forty-two, or at such later date, if any, as it may vote, at a town 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 the annual town meeting held on the day on which the shortest of such terms expires, 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 town by this act, except sections six, seven and eight A, and not otherwise specially provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. After the election of a board of water commissioners under authority of this section, any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual town meeting of said town or until another person is qualified.

SECTION 5. Said chapter one hundred and ninety-eight is hereby further amended by inserting after section eight the following new section: — *Section 8A.* Said commissioners shall fix just and equitable prices and rates for the use of water, subject to the approval of said town, 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 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 the water commissioners, with the approval of the town, may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section shall be subject to section eight. 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 the receipts and expenditures.

SECTION 6. This act shall take effect upon its passage.

*Approved May 26, 1941.*