

acceptance by the town of Greenfield of an act passed by the General Court in the year nineteen hundred and sixty-seven, entitled 'An Act providing for the establishment of the selectmen-administrator form of government in the town of Greenfield', be revoked?" If such revocation is favored by a majority of the voters voting thereon, this act shall cease to be operative on and after the next annual town election, except as hereinafter provided. All general laws respecting town administration and town officers, and any special laws relative to the town of Greenfield, the operation of which has been suspended or superseded by the acceptance of this act, shall be revived forthwith for the purpose of the next following election and shall be revived fully on and after said election. By-laws in force when such revocation takes effect, so far as they are consistent with general laws respecting town administration and town officers and with special laws relating to said town, shall not be affected thereby, but any other by-laws inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section oftener than once in every three years thereafter.

Approved November 18, 1967.

Chap. 742. AN ACT AUTHORIZING THE JOINT OWNERSHIP AND OPERATION OF CERTAIN MUNICIPAL WATER SUPPLIES BY THE TOWNS OF ASHBURNHAM AND WINCHENDON.

Be it enacted, etc., as follows:

SECTION 1. The towns of Ashburnham and Winchendon, for the purpose of increasing their joint municipal water supply in the manner herein provided, may jointly take, by purchase or otherwise, and hold and separately convey into said towns from some convenient point north of Route 12 at or near its intersection with Depot road the water of the Millers river in the towns of Ashburnham and Winchendon and the waters which flow into the same or any part thereof; and may also take, by purchase or otherwise, and hold any water rights connected therewith and all land, rights of way and easements necessary to hold and preserve such waters, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures and may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of a complete and effective joint water supply system; provided that no source of water supply and no lands necessary for preserving the quality of the water shall be taken or used without first obtaining the advice and approval of the state department of public health and that the design and location of all dams, reservoirs, wells, treatment works, standpipes and other related facilities to be used for collecting, storing, treating or distributing the water shall be subject to the approval of said department.

SECTION 2. The authority given to the towns of Ashburnham and Winchendon by this act to take said waters, water rights, lands, easements and all other interests necessary to carry out the same shall be exercised under and governed by the provisions of chapter seventy-nine of the General Laws in so far as the same are applicable; provided that no right of damages shall accrue for the taking or control of any water,

water right, or any injury thereto until the water is actually withdrawn or diverted or its impounding controlled by said towns.

SECTION 3. The ownership of the dam and water rights of the Burrageville Mill, so-called, acquired by the town of Ashburnham from Weyerhaeuser Company by deed dated January twenty-six, nineteen hundred and sixty-six and duly recorded with Worcester Northern District Registry of Deeds in Book 984, Page 168, shall hereafter be vested jointly in the towns of Ashburnham and Winchendon. The town of Ashburnham shall, within thirty days after the acceptance of this act by both towns, as hereafter provided, be reimbursed by the town of Winchendon for one half of its expenditures in acquiring said property and for one half of the interest paid or to be paid by the town of Ashburnham on the notes given to finance its acquisition.

SECTION 4. In order to further preserve, maintain and increase the water source contemplated by this act said towns may hereafter from time to time enter into agreements for the joint ownership and control of any lakes and ponds presently existing or which may be hereafter established on the tributaries of the Millers river in the towns of Ashburnham and Winchendon north of Route 12, at or near its intersection with Depot road, including the right to control the flooding or letting down of the same and the recreational use thereof. Said agreements may also provide for the sale of water by either town through its own distribution system to other cities and towns and to individuals or firms located outside their boundaries. Such control shall be exercised subject to the authority given county commissioners over such lakes and ponds by chapter two hundred and fifty-three of the General Laws. In order to accomplish the purpose of this section said towns may jointly contract with the owners of the dam and water rights of such lakes and ponds for the management and control thereof.

SECTION 5. The rights of the town of Ashburnham and the town of Winchendon as previously authorized by chapter three hundred and thirty-eight of the acts of nineteen hundred and fifty to take water from Upper Naukeag Lake are hereby modified so that neither town may take from the combined water source composed of said Upper Naukeag Lake and any new water source authorized by this act more than fifty per cent thereof, except as may hereafter be agreed. Each town shall have the right, within the limits hereinbefore set forth, to sell water to their respective inhabitants, and to use the same for municipal purposes, all without payment therefor except for their respective contributions, as herein provided for the acquisition and erection of the new water source and the maintenance, management and control of the combined water source.

SECTION 6. All authority granted to said towns, and not otherwise specifically provided for, shall, for the purpose of taking waters, lands, rights of way and easements and for the construction of the joint water system and appurtenances, be vested in a joint water board, which shall consist, in the case of the town of Ashburnham, of the members of its board of water commissioners and, in the case of Winchendon, of the members of its board of public works. If the number of members of either such board shall exceed three it shall designate three of its members who shall serve on said joint board. The joint board shall contract for and have supervision, management and control of the construction of such joint water system and appurtenances and all matters

appertaining thereto. When such joint water system is completed, all authority jointly granted to said towns shall be vested in said joint water board which shall have the supervision, management and control of the waters jointly taken and held by said towns under this act, and the letting down or impounding of the same, and for all water works, property and appurtenances jointly owned or held by said towns.

In case the said joint water board is evenly divided on any matter arising in carrying out the purposes of this act, excepting only the exercise of the power of eminent domain, which shall be exercised only with the majority vote of the members from each town, the matter shall be determined by a single arbitrator appointed by the justice of the superior court sitting in equity in and for the county of Worcester upon the petition of any three members of said joint board.

SECTION 7. All takings and purchases made under the authority of this act shall be made in the name of both towns by said joint water board.

SECTION 8. The damages arising from the joint takings or purchases by said towns of any waters, lands, rights of way or easements or from any other thing done by such towns acting jointly and the costs, charges, and expenses of the construction, maintenance and operation of the joint water supply and appurtenances shall be paid equally, and said towns shall jointly own, hold and use the same.

SECTION 9. Said towns acting jointly through said joint water board are specifically authorized to contract for necessary engineering surveys to carry out the purpose of this act and to apply for and receive state and federal monies by loan or grant to help defray the expenses thereof, and to repay either town or to pay in behalf of either town any monies paid or undertaken to be paid by either town for such engineering surveys. Said towns are also authorized to apply for and receive state and federal monies by loan or grant to help defray the cost of the construction of the new water source and all necessary buildings, fixtures, pumps, pipeline and equipment necessary for the joint water source.

SECTION 10. Each of said towns may for the purpose of paying the necessary liabilities incurred under the provisions of this act separately issue from time to time bonds or notes, the amount and terms of which shall be governed by the provisions of chapter forty-four of the General Laws, as they relate to borrowing by municipalities for water supply purposes, and shall be further subject to approval by the emergency finance board. Such bonds or notes shall bear on their face the words, Ashburnham Joint Water Loan, Act of 1967 or the words, Winchendon Joint Water Loan, Act of 1967, respectively.

SECTION 11. Each town shall raise annually by taxation or by appropriation from its water department receipts a sum sufficient to pay the interest as it accrues on the notes or bonds it issues under authority of this act, the principal as it becomes due on all bonds it issues under authority of this act, and one half of any costs which it hereafter agrees shall be jointly met.

SECTION 12. The towns of Ashburnham and Winchendon shall be jointly liable for all things jointly done under the authority of this act. Employees of either town while acting for the joint effort may by agreement be considered employees of both towns and their remuneration and pension contributed in such case shall be borne equally by said towns.

SECTION 13. The selectmen of the town of Ashburnham and the selectmen of the town of Winchendon shall each cause to be presented for determination by vote, with printed ballots at an annual town meeting or a special town meeting called for the purpose in each of said towns, the question of accepting the provisions of this act, which question shall be in substantially the following form: — “Shall the town accept the provisions of an act passed by the General Court in the year nineteen hundred and sixty-seven, entitled ‘An Act authorizing the joint ownership and operation of certain municipal water supplies by the towns of Ashburnham and Winchendon?’” If two thirds of the voters of the towns of Ashburnham and Winchendon present and voting in each of said towns shall vote in the affirmative, this act shall thereupon take full effect, but not otherwise. *Approved November 18, 1967.*

Chap. 743. AN ACT PROVIDING THAT THE LAW PROVIDING FOR MOTIONS FOR SUMMARY JUDGMENTS BE APPLICABLE TO CERTAIN CIVIL ACTIONS IN THE DISTRICT COURTS.

Be it enacted, etc., as follows:

Section 141 of chapter 231 of the General Laws is hereby amended by inserting after the words “fifty-eight A”, in line 10, as appearing in section 4 of chapter 616 of the acts of 1954, the words: —, fifty-nine, excepting so much thereof as pertains to suits in equity or petitions for declaratory judgment. *Approved November 18, 1967.*

Chap. 744. AN ACT AUTHORIZING THE TOWN OF GREENFIELD TO PAY CERTAIN SUMS OF MONEY TO CERTAIN RETIRED EMPLOYEES OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Greenfield is hereby authorized to pay to each of the following named retired employees of said town the several sums set forth opposite their names, representing additional amounts of pensions or retirement allowances to which they were severally entitled for periods prior to August twenty-second, nineteen hundred and sixty-six, but which were not paid to them: —

William J. O’Connell	\$1,164.39
Clifford W. Kirkwood	687.52
George Herzig	574.04

SECTION 2. This act shall take effect upon its passage.

Approved November 20, 1967.

Chap. 745. AN ACT EXTENDING THE ROOM OCCUPANCY EXCISE LAW TO INCLUDE ROOMS IN PRIVATE CLUBS AND IN HOTELS, LODGING HOUSES AND MOTELS WHICH ARE REQUIRED TO BE LICENSED BUT WHICH ARE NOT LICENSED AS SUCH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to redefine the words “hotel”, “lodging house” and “motel”, as used in the room occupancy excise law, so as to include