

# **PUBLIC NOTICE POSTING REQUEST TO OFFICE OF THE LEICESTER TOWN CLERK**

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 TOWN CLERK'S OFFICE  
 LEICESTER, MASS.  
 TIME STAMP

## **ORGANIZATION: MOOSE HILL WATER COMMISSION**

XX MEETING PUBLIC HEARING

**DATE: Thursday, February 25, 2021**

**TIME: 6:00p.m.**

**LOCATION:** Please join the meeting from your computer, tablet or smartphone.  
<https://global.gotomeeting.com/join/739484485>  
 You can also dial in using your phone.  
 United States (Toll Free): 1 877 309 2073  
**Access Code: 739-484-485**

### **SIGNATURE or**

**Requested by: Michael J. Shivick, Chair**

*ALL MEETING NOTICES MUST BE FILED AND TIME STAMPED IN THE TOWN CLERK'S OFFICE AND POSTED ON THE MUNICIPAL BULLETIN BOARD 48 HOURS PRIOR TO THE MEETING. (in accordance with Chapter 303 Acts of 1975)*

#### **I. Call to Order**

- a. Pledge of Allegiance

#### **II. Correspondence**

- a. Town of Spencer
- b. City of Worcester
- c. Water Districts
- d. Rate Study/Other

#### **III. Moose Hill Water Commission**

- a. Meeting Rules & Regulations

#### **IV. 2003 Intermunicipal Agreement**

- a. Annual Convention of the Water Boards
- b. Water Treatment Facility

#### **V. Draft Moose Hill Protection Bylaw**

#### **VI. Adjourn**

"The listings of matters are those reasonably anticipated by the chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

**From:** [Buck, Michelle](#)  
**To:** [Parliment, Kurt](#); "[twistedchefjay@gmail.com](#)"  
**Cc:** "[Attorney Michael J. Shivick](#)"  
**Subject:** Moose Hill Water District Meeting 2/25/2021  
**Date:** Tuesday, February 23, 2021 5:32:00 PM  
**Attachments:** [Weston & Sampson Task 1 Document.pdf](#)  
[moosehillwatercomm\\_02-25-2021.pdf](#)  
[2021-02-17, Letter from CVRWD.pdf](#)

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Please see correspondence below and attached for consideration at Thursday's Moose Hill Water Commission meeting. Meeting login information is below:

**Moose Hill Water Commission**

**Thu, Feb 25, 2021 6:00 PM**

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/739484485>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

**Access Code: 739-484-485**

I've also attached the agenda and correspondence from the Cherry Valley Rochdale Water District.

Michelle R. Buck, AICP

Leicester Town Planner/Director of Inspectional Services

508-892-7007

[buckm@leicesterma.org](mailto:buckm@leicesterma.org)

*Please note that Leicester Town Hall is closed on Fridays.*

---

**From:** Mike Shivick <michael.shivick@live.com>  
**Sent:** Tuesday, February 23, 2021 5:18 PM  
**To:** Buck, Michelle <BuckM@leicesterma.org>  
**Subject:** Fwd: Weston & Sampson Task One Document

Hi Michelle,

Can you please forward this to the other MHWC commissioners for consideration at Thursday's meeting?

Sincerely,

**Michael J. Shivick, Esq.**

(From my mobile handset)



Begin forwarded message:

**From:** "Genereux, David" <[genereuxd@leicesterma.org](mailto:genereuxd@leicesterma.org)>  
**Date:** February 23, 2021 at 4:40:26 PM EST  
**Cc:** "Forsberg, Kristen" <[forsbergk@leicesterma.org](mailto:forsbergk@leicesterma.org)>, Bryan Milward  
 <[Milwardb@leicesterma.org](mailto:Milwardb@leicesterma.org)>, "McGinn, Joseph" <[McGinnJ@wseinc.com](mailto:McGinnJ@wseinc.com)>  
**Subject: Weston & Sampson Task One Document**

All,

Please see attached Task One Document from Weston & Sampson regarding the water/sewer analysis. There are no recommendations discussed at the level of documentation. Please review your sections for accuracy. It is important that we move along the schedule in order to stay compliant with the grant funding. Please review and direct all comments to Joe McGinn at [McGinnJ@wseinc.com](mailto:McGinnJ@wseinc.com).

I would like to have the Board review this document at their March 8 meeting, which requires me to have a document approved by representatives of the districts and Moose Hill by March 2, 2021 at 1:00 pm. The original is on file in the office.

Regards,

David A. Genereux

David A. Genereux  
 Town Administrator  
 Town of Leicester  
 3 Washburn Square  
 Leicester, MA 01524  
 Telephone: (508) 892-7000  
 Fax: (508) 892-7070  
 Email: [genereuxd@leicesterma.org](mailto:genereuxd@leicesterma.org)

"Please remember that the Secretary of State has determined that email is a public record"

-----Original Message-----

From: Bryan Milward <[Milwardb@leicesterma.org](mailto:Milwardb@leicesterma.org)>  
 Sent: Tuesday, February 23, 2021 11:39 AM  
 To: Genereux, David <[genereuxd@leicesterma.org](mailto:genereuxd@leicesterma.org)>; Forsberg, Kristen  
 <[forsbergk@leicesterma.org](mailto:forsbergk@leicesterma.org)>  
 Subject: FW: Message from "RNP002673F68392"

Water/Sewer Study

Bryan Milward  
Assistant to the Town Administrator  
Town of Leicester  
508-892-7077

-----Original Message-----

From: [Ricoh-MP2555@leicesterma.org](mailto:Ricoh-MP2555@leicesterma.org) <[Ricoh-MP2555@leicesterma.org](mailto:Ricoh-MP2555@leicesterma.org)>  
Sent: Tuesday, February 23, 2021 11:16 AM  
To: Bryan Milward <[Milwardb@leicesterma.org](mailto:Milwardb@leicesterma.org)>  
Subject: Message from "RNP002673F68392"

This E-mail was sent from "RNP002673F68392" (MP 2555).

Scan Date: 02.23.2021 11:16:19 (-0500)  
Queries to: [Ricoh-MP2555@leicesterma.org](mailto:Ricoh-MP2555@leicesterma.org)

February 18, 2021

David Genereux  
Town Administrator  
3 Washburn Square  
Leicester, MA 01524

Re: Transmittal of Task 1 Draft Report – Leicester Water & Sewer District Study

Dear David:

I am pleased to submit herewith one hard copy of the Draft Task 1 Report under our Comprehensive Analysis of Current Conditions of Six Water & Sewer District, Leicester Massachusetts. A separate complete copy of the draft report excluding the appendices will be provided via email. The analyses presented in this draft report will set the stage for our consideration of the available options for consideration for the future provision of water and sewer services to customers of the Town of Leicester. We look forward to discussing our findings with you in the near future.

Please feel welcome to contact my office so that we can schedule a date and time for meeting with you and the rest of the project team. The Project Team includes both myself and Leah Stanton for Weston & Sampson; Dave Fox for Raftelis Financial Systems; Kristen Berger for Resilient CE; and David Colton and Sarah Concannon for the UMASS Boston Collins Center, all of whom contributed to the draft report.

We look forward to proceeding to the consideration of management options portion of this comprehensive analysis.

Sincerely,

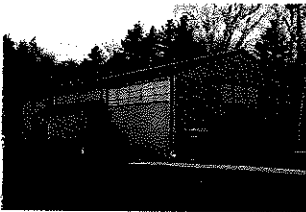
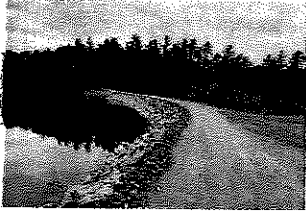
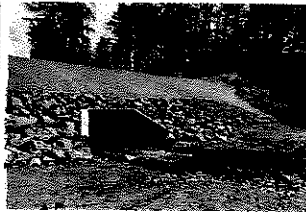
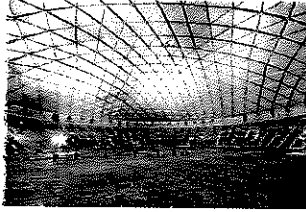
WESTON & SAMPSON ENGINEERS, INC.



Joe McGinn  
Senior Project Manager

Cc: Project Team Partners  
Project file





# DRAFT TASK 1 REPORT

February 2021

TOWN OF  
**Leicester**  
MASSACHUSETTS

Comprehensive Analysis of Current  
Conditions of Six Water & Sewer Districts,  
Leicester, Massachusetts

restore

enhance

sustain

maintain

Weston & Sampson transform your environment

[westonandsampson.com](http://westonandsampson.com)

427 Main Street, Suite 400  
Worcester, MA 01608  
tel: 508 762.1676



LIST OF FIGURES

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Figure 2..... Sewer Districts Map

Figure 3..... Rock Well No. 1 Pump Station

Figure 4..... Rock Well No. 2 Pump Station

Figure 5..... Water Treatment Facility

Figure 6..... Treatment Systems

W&S INFRASTRUCTURE REVIEW

LIST OF APPENDICES

Appendix A ..... Organization Materials

Appendix A-1 ..... Enabling Acts

Appendix A-2 ..... Bylaws

Appendix A-3 ..... Regulations

Appendix A-4 ..... HR Policies

Appendix A-5 ..... Financial Policies

Appendix B ..... Moose Hill Documents

Appendix B-1 ..... Authorizing Agreements

Appendix B-2 ..... Leicester-SCS-WRC O&M Agreement

Appendix B-3 ..... Leicester-LWSD IMA

Appendix B-4 ..... Feasibility Study, SEA, 2008

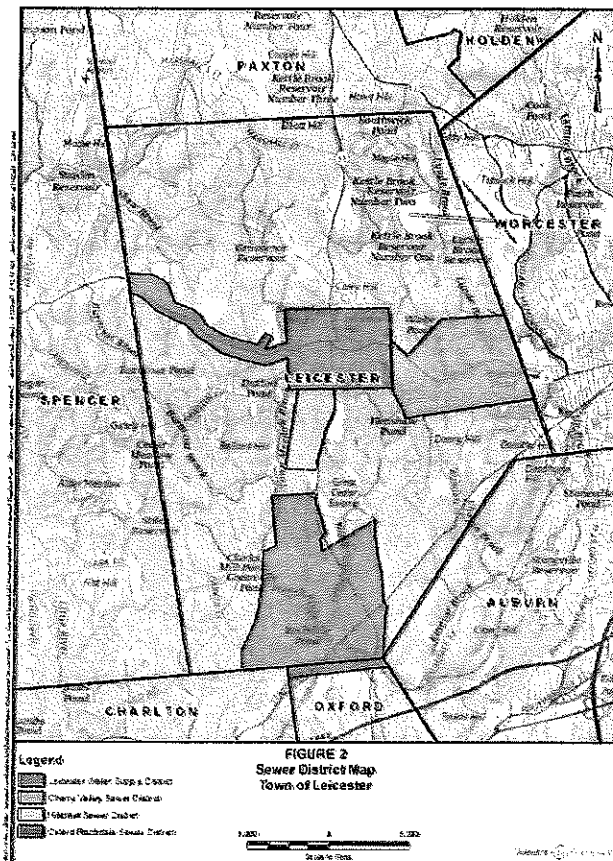
Appendix B-5 ..... Feasibility Study, Whitewater Consultants, 2017

Appendix B-6 ..... DEP Correspondence

Appendix C ..... Financial Metrics

[https://westonandsampson-my.sharepoint.com/personal/gracianosmith\\_elizabeth\\_wseinc\\_com/Documents/Downloads/Leicester Review of Technical Status of Water Sewer District Infrastructure - Draft Phase I Report\\_02.15.21.docx](https://westonandsampson-my.sharepoint.com/personal/gracianosmith_elizabeth_wseinc_com/Documents/Downloads/Leicester%20Review%20of%20Technical%20Status%20of%20Water%20Sewer%20District%20Infrastructure%20-%20Draft%20Phase%20I%20Report_02.15.21.docx)

There are four sewer districts operating within designated service areas in Leicester including the Cherry Valley Sewer District (CVSD); the sewer district operated by the LWSD; the Hillcrest Sewer District and the Oxford-Rochdale Sewer District (ORS). Figure 2 shows the approximate service areas of each sewer district.



This section is further broken down into three subsections including:

- Water Districts
- Sewer Districts
- Moose Hill Reservoir – Potential for Development as a Public Water Supply

### 1.1 Assessment Process

A Request for Information was distributed to each district for response covering a wide range of information including technical data, historical demand and flow data, treatment operations, permitting status and compliance, past five years of Annual Statistical Reports (Water Districts) and Massachusetts Department of Environmental Protection (MassDEP) Wastewater Reports called Discharge Monitoring Reports (DMRs) asset management reports, emergency response plans, capital improvement plans and overall financial information (O&M budgets, rates, debt service). Additional information was also



## 2.0 STAKEHOLDER CHARACTERIZATIONS

### Overview

Each district was established by a separate special act of the Massachusetts Legislature over a 118-year period beginning in 1888 with the creation of the Leicester Water Supply District.<sup>1</sup> See table 2.1 for a list of the primary enabling legislation for each district. All of the districts are governed in a manner similar to the open town meeting form of government in Massachusetts with an elected executive (i.e. Board of Commissioners) and legislative body that is open to all voters residing in the district. Initially, managing officers for most of the districts were elected by the annual meeting but recent changes to by-laws allow the appointment of clerk, treasurer, and superintendent by the Board of Commissioners. Some of the districts have executed inter-agency agreements providing for shared management and operation.

The Board of Commissioners convene an annual meeting. A Moderator selected by the voters present at that meeting presides over the annual meeting. Annual meetings are generally not well-attended. Membership on the boards of each district is characterized by low turn-over with little or no competition for positions and the same is true for most managing officers. None of the districts formally plan for succession of Commissioners or other officers.

Each district has adopted by-laws and all, but the Oxford-Rochdale Sewer District have rules and regulations in place. By-laws are essential to the administration of the districts while rules and regulations are essential to the proper operation of the systems. Both should undergo periodic review to ensure consistency with law, regulation, and actual practice. See Table 2.2 for a list of bylaws and regulations by date of adoption<sup>1</sup>. Although there is no standard timeframe for review they should be reviewed every 5 years and anytime a significant regulation or permit condition is changed by federal or state authorities.

While the districts have taken steps towards professional management of their finances by appointing rather than electing treasurers, none appear to have job descriptions that would describe the necessary skills, education, experience, and work performance for these positions. It is not clear what the recruitment and selection process has looked like in the past for these positions. The project team noted that although there is no certification process that is entirely applicable to district treasurers, certification and professional development through the Massachusetts Collectors & Treasurers Association (MCTA) is likely substantially relevant. The districts would likely benefit from further professionalization of these positions through job descriptions, a rigorous recruitment and selection process, and more support for training and ongoing professional development of individuals holding the position.

All of the districts have very limited and basic human resources and financial management structures. For example, it does not appear that any district has formal HR policies, job descriptions, employee performance evaluations, formal finance policies and procedures. Additionally, some of the districts do not have a debt management plan or a robust capital planning process.

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<sup>1</sup> See Appendix A for copies of by-laws and rules and regulations.

## W&amp;S INFRASTRUCTURE REVIEW

Table 2.3. Water District Comparison Table

| DESCRIPTION   | CV-R WD   | LEICESTER WSD                | HILLCREST WSD                        |
|---|-----------|------------------------------|--------------------------------------|
| # OF SERVICE CONNECTIONS  | 1244      | 707                          | 393                                  |
| % METERED   | 100       | 100                          | 100                                  |
| Sources of Supply   | Worcester | 6 wells, not all operational | 1 well and LWSD to supplement        |
| Available Design Supply Capacity with currently operating wells (MGD)   |           | 0.387                        | 0.086                                |
| Available Supply Capacity with wells at current reduced pumping rates (MGD)   |           | 0.288                        | 0.086                                |
| Available Supply with Largest Source off-line (MGD)   |           | 0.243                        | Get water from LWSD if well off line |
| Storage Capacity (MG)   | 1.02      | 1.2                          | 0.37                                 |
| Usable Storage (MG)   | 0.924     | 1.1                          | 0.135                                |
| Miles of Water Main   | 19        | 25.15                        | 6.5                                  |
| Winter Population   | N/R       | 3200                         | 1500                                 |
| Summer Population   | N/R       | 2700                         | 1250                                 |
| Residential Service Connections   | 1167      | 608                          | 387                                  |
| Residential Institutional Service Connections   | 4         | 32                           | 1                                    |
| Commercial/Business Service Connections   | 60        | 59                           | 2                                    |
| Municipal Service Connections   | 10        | 8                            | 3                                    |
| Other Service Connections   | 3         |                              |                                      |
| Total Service Connections   | 1244      | 707                          | 393                                  |
| Residential Gallons per Capita per Day  | 33        | 47                           | 75 (est.)                            |
| Population Served   | 3,685     | 1,900                        | 1,000                                |
| Unaccounted for Water in 2019   | 13.50%    | 3%                           | N/R                                  |
| WMA Registered Volume (MGD)*  | 0.27      | 0.19                         | Below WMA threshold                  |
| WMA Permitted Volume (MGD)*   | 0         | 0                            | Below WMA threshold                  |
| WMA Authorized Volume (MGD)*  | 0.27      | 0.19                         | Below WMA threshold                  |
| *Note Registration is for wells in Blackstone Basin, District has additional wells in French Basin not large enough to trigger WMA thresholds |           |                              |                                      |
| Average Daily Use (MGD)   | 0.205     | 0.11                         | 0.08                                 |

## W&S INFRASTRUCTURE REVIEW

Department of Environmental Protection (MassDEP) to stop using the Henshaw Pond surface water supply. As of October 2016, CVRWD stopped all operation of both sources and began purchasing water from the City of Worcester.

The water distribution system has three water storage facilities, one permanent interconnection with Worcester, two emergency interconnections, and includes approximately 26 miles of water mains ranging in diameter from 1 inch to 12-inch.

### Water Sources

The CVRWD owns two permitted sources, the Grindstone Well (bedrock well) and Henshaw Pond (surface water supply) neither of which are currently utilized as all water supply is purchased from the City of Worcester.

The Grindstone Well is an 8-inch diameter bedrock well-constructed to a depth of approximately 483 feet that is located adjacent to the western edge of Henshaw Pond. The well has a MassDEP approved pumping rate of 80 gallons per minute (gpm) or 0.11 mgd. The well was activated in June 2005 and is equipped with a 10 HP submersible pump capable of pumping 80 gpm. When in service, the well is pumped through the treatment facility for the removal of arsenic, uranium, and radon. Water quality from this well meets all other state and federal requirements with the exception of pH, which is adjusted prior to its entry into the distribution system. The Grindstone Well is currently an inactive source. CVRWD would have to obtain permission from MassDEP to return the well to active status. CVRWD would also need to review the operating and maintenance cost to produce and treat the water from this source to determine if it is cost effective to operate this well versus purchasing the 0.11 mgd from the City of Worcester.

Henshaw Pond had been the primary source of potable water for the CVRWD since 1912. It has a storage capacity of 97 mg and a safe yield of 0.375 mgd. When in use, the reservoir was pumped through a slow sand filtration system prior to entering a 0.1 mg water storage clearwell. As stated, this supply is currently not in service and the CVRWD would have to construct a new water treatment facility to utilize the pond as a water supply source.

CVRWD currently purchases all potable water from the City of Worcester through a metered interconnection. The water purchase agreement allows for a maximum of an annual average day of 270,000 gallons.

### Treatment

The CVRWD has two water treatment facilities. The Grindstone Well Treatment Plant (Grindstone WTP) and Henshaw Pond Treatment Plant (Henshaw WTP) are located adjacent to each other on the North side of Henshaw Pond.

Untreated water from the Grindstone Well was pumped to the treatment building through approximately 1,000 feet of 6-inch ductile iron transmission main. The treatment train consists of a granular ferric hydroxide ion exchange filter for the removal of arsenic, followed by an ion exchange filter for the removal of uranium, and a low profile bubble aeration unit for radon reduction. Treated water was blended with treated water from Henshaw Pond.

## W&amp;S INFRASTRUCTURE REVIEW

Table 2.4. Cherry Valley Water District Finished Water Distribution 2015 – 2019 (MG)

| Year | Jan    | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Nov   | Dec   | Total   |
|------|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|
| 2015 | 7.6    | 7.419 | 8.312 | 7.951 | 9.815 | 8.595 | 8.065 | 8.101 | 7.511 | 7.237 | 6.578 | 6.688 | 93.601  |
| 2016 | 6.956  | 7.128 | 7.889 | 7.951 | 9.43  | 9.745 | 9.378 | 9.103 | 8.732 | 8.893 | 6.635 | 8.554 | 100.344 |
| 2017 | 10.771 | 5.884 | 9.263 | 5.546 | 6.519 | 6.413 | 6.413 | 5.743 | 5.558 | 5.743 | 5.558 | 5.743 | 79.153  |
| 2018 | 6.045  | 6     | 6.045 | 5.85  | 6.045 | 5.85  | 6.045 | 6.045 | 5.85  | 6.229 | 6.631 | 6.627 | 73.263  |
| 2019 | 5.801  | 5.791 | 5.952 | 5.809 | 6.75  | 6.508 | 6.571 | 6.834 | 6.427 | 6.071 | 6.071 | 6.219 | 74.71   |

Staffing

The CV-RWD includes a Superintendent who serves as the operations head over both the Water and Sewer Districts. He meets the DEP requirements for a Grade 2T Treatment license and a 2D Distribution license.

In addition to the Superintendent there are two distribution operators who also hold 2D Operators licenses.

The operations staff divide their time between the water district and sewer districts with about 80% of their time devoted to water operations and the remaining 20% focused on sewer system operations.

It is important to note that there is a considerable commitment to mutual support shared by each of the districts in their respective day to day operations, even in the absence of formal mutual aid agreements. This has been a long-standing practice which the districts confirm remains firmly embedded in the informal established working relationships among the various Districts serving Leicester water and sewer customers.

The district staffing also includes a Treasurer and a Clerk both of whose time is also generally split in a similar division as the operations staff between the water district and the sewer district functions. The Clerk also serves as the Billing Clerk and Secretary to the District Boards of Directors.

The Directors are each paid a stipend.

Capital Improvement Plans

A "Water Distribution System Study" was prepared for the CV-RWD by Tata & Howard dated September 2018 which included recommendations for two phases of hydraulic system improvements. Phase 1 included seven specific recommended improvements with a total estimated cost of \$6,742,000. Phase 2 included six action items with a total estimated cost of \$3,421,000.

## W&amp;S INFRASTRUCTURE REVIEW

Rock Well No. 2 is located just west of Rock Well No. 1 and has not been used as a source of supply since 2001 because it greatly impacts the available water in Well No. 1. Currently the submersible pump and steel column pipe have been removed from this well. Table 2.5 provides information on these two water supply sources.

Figure 4. Rock Well No. 2  
Pump Station



| Table 2-5. Water Supply Sources |              |              |
|---------------------------------|--------------|--------------|
| Source                          | Rock Well #1 | Rock Well #2 |
| DEP ID                          | 2151002-01G  | 2151002-02G  |
| Status                          | Active       | Inactive*    |
| Location                        | Leicester    | Leicester    |
| Basin                           | French       | French       |
| Type                            | Bedrock Well | Bedrock Well |
| Date Installed                  | 1955         | 1975         |
| Maximum Pump Rate               | 60 gpm       | --           |
| Approved Pumping Volume         | 86,000 GPD   | --           |
| Well Depth                      | 550 ft       | 592 ft       |
| Pump Setting Depth              | 504 ft       | No pump      |
| Pump Type                       | Submersible  |              |
| Pump Motor Size                 | 20 HP        |              |
| VFD                             | Yes          |              |

\*Well has been offline since 2001 because it is interconnected with the aquifer that supplies water to Well No. 1.

## W&amp;S INFRASTRUCTURE REVIEW

Distribution

The HWSD water system is operated as a single pressure zone with normal pressures generally ranging from 35 psi to 110 psi depending upon the specific geographical location. The distribution system is comprised of approximately 6.5 miles of water main ranging in size from 1-inch to 8-inches in diameter.

Interconnections

The HWSD has one interconnection with the LWSD equipped with a meter and pressure reducing valve. They are located in a vault just off the pavement at the corner of Pleasant Street and Newfield Street. There is a 3-inch meter in the interconnection vault that is used for measuring LWSD water that is transferred to the HWSD distribution system. The piping to and from the interconnection vault is 6-inch ductile iron pipe. The pressure reducing valve between the two systems is currently inoperable, therefore flows are directed to the HWSD system by manually throttling a 6-inch gate valve just after the interconnection vault. Currently, the gate valve is opened or closed depending on water needs of the HWSD.

The interconnection is only used seasonally to supplement water supplied by Rock Well No. 1.

Operations

The hydraulics of the HWSD is primarily controlled by the water level in the storage tank. Levels typically fluctuate between 100 feet and 110 feet. The tank water level controls the operation of the well and the water treatment plant. The facilities are programmed to turn on when the water level in the tank reaches 103 feet and turn off when the water level reaches 108 feet to 110 feet.

Table 2.5. Hillcrest District Finished Water Distribution 2015 – 2019 (MG)

| Year | Jan   | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Nov   | Dec   | Total  |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| 2015 | 1.773 | 1.755 | 1.921 | 1.745 | 1.882 | 1.757 | 2.121 | 2.772 | 2.49  | 2.132 | 2.008 | 2.122 | 24.481 |
| 2016 | 2.239 | 2.216 | 2.327 | 2.197 | 2.478 | 2.819 | 2.533 | 2.179 | 2.056 | 2.075 | 2.092 | 2.267 | 27.478 |
| 2017 | 2.413 | 2.284 | 2.557 | 2.405 | 2.532 | 2.61  | 2.413 | 2.43  | 2.304 | 2.347 | 2.209 | 2.295 | 28.801 |
| 2018 | 2.573 | 2.278 | 2.518 | 2.455 | 2.509 | 2.455 | 2.133 | 1.931 | 1.854 | 1.905 | 1.87  | 2.427 | 26.908 |
| 2019 | 2.517 | 2.348 | 2.618 | 2.375 | 2.421 | 2.511 | 2.565 | 2.309 | 2.457 | 2.33  | 2.325 | 2.581 | 29.357 |

Staffing

MassDEP allows the same operators that work for the LWSD to conduct operations of the HWSD. MassDEP has classified LWSD as a 2T and 1D system and HWSD as a 1T and Very Small System (VSS) D system. Acknowledging that the LWSD operators maintain the HWSD system, MassDEP allows a minimum of 2 full time drinking water licensed operators for treatment and distribution of both systems. The LWSD staff keep track of their hours worked on the HWD system to bill the HWSD accordingly.

to Becker College, increasing their winter demands. Becker College's water use decreases in the summer when other customer's demand increases.

The existing water system includes six water supply wells, five MassDEP designated water treatment facilities, a transmission main booster pump station, two water storage tanks, one system booster pump station and about 25 miles of water main ranging in size from 2-inch to 16-inch diameter. The LWSD is classified as a Treatment T-2 and Distribution D-2 system.

### Wells

The LWSD has six groundwater supply wells as listed in **Table 2.6**. The oldest sources (Jim Dandy Well and Pierce Spring) date to the time of the founding of the water system. The actively used sources include Paxton Wells No. 2 and 3 and Rawson Well.

Paxton Well No. 1 is located off of Grove Street in Paxton. This well can only be pumped in the summer since the well pump discharge exits the building above grade, is exposed for about five linear feet of pipe and then continues below grade to Pierce Spring. Currently, Paxton Well No. 1 is off-line since this well pumps directly to the Pierce Spring Reservoir, bypassing disinfection treatment.

Paxton Wells No. 2 and No. 3 are also located off of Grove Street in Paxton. Both wells receive treatment for the removal of arsenic.

Jim Dandy Well is located 550 feet north of Well 3. This well is a 9-foot hand dug well and is classified as groundwater under the direct influence (GWUDI) of surface water. It requires treatment in compliance with the Surface Water Treatment Rule (SWTR) and is currently off-line.

Whittemore Street Rock Well No. 4 is located off Whittemore Street in Leicester and is currently off-line due to elevated levels of arsenic, uranium, radium, and radon.

Rawson Rock Well No. 5 is located off Rawson Street in Leicester and receives treatment for the removal of manganese, arsenic, uranium and radon.

Pierce Spring is located at the Grove Street well field. It acts as a water storage reservoir for the wells in Paxton. The spring is octagonal in shape, the walls are constructed of stone laid in cement and covered with a wooden structure and shingled roof. With a storage volume of approximately 60,000 gallons, the spring is about 30 ft diameter and 12 ft deep. Water from Paxton Well No. 1 discharges directly to the spring before flowing to the distribution system. Water from Paxton Wells No. 2, No. 3 and Jim Dandy Well each discharge to the 12-inch transmission main that routes water from the Paxton well fields to the water tanks in Leicester. The transmission main is also connected to Pierce Spring. Finished well water can either fill Pierce Spring or fill the water tanks at Carey Hill in Leicester.

The water level in Pierce Spring controls the operation of the Paxton Wells. The bottom of the spring is not watertight so in times of high groundwater, a small amount groundwater can flow into the spring, while in times of low groundwater, a small amount of water can be lost to the surrounding ground.

There are no standby power facilities at the Paxton well field. The LWSD uses a trailer mounted portable generator to service the well field if there is an extended power outage. The main power panel adjacent to Pierce Spring has a three-phase weatherproof receptacle to connect the stand-by generator to the

## W&amp;S INFRASTRUCTURE REVIEW

Treatment Facility 02T is located at the Whittemore Street Rock Well Pump Station. Previously, this facility housed chemical feed equipment for the addition of polyphosphate for corrosion control. At present, the chemical feed equipment has been removed and this facility is off-line.

Treatment Facility 03T is the Rawson Street Water Treatment Facility located adjacent to the Rawson Street Rock Well Pump Station. This facility provides treatment for the removal of manganese, arsenic, uranium, and radon along with disinfection. The following treatment processes are in use at this facility:

- Chemical feed systems are provided for addition of sodium hypochlorite ahead of the greensand filters and for post treatment disinfection. Polyphosphate is also added for corrosion control.
- Manganese is removed using pressure filtration with manganese oxide coated media, (GreensandPlus by Inversand). Three filters are provided, each rated for 67 gpm. All three filters operate in parallel. Raw well water flows are automatically reduced to less than 140 gpm when a filter is backwashing.
- Uranium and arsenic are removed using Purolite's A300E resin, a strongly basic gel anion exchange resin designed for the removal of alkalinity, uranium, arsenic, and nitrate. This resin is regenerated on-site with a sodium chloride (salt) brine solution. Two 4-ft diameter x 6-ft side wall vessels are provided. There are two treatment trains each with a rated capacity of 100 gpm.
- Each A300E vessel is followed by vessels containing A33E resin. A33E resin is a highly porous hybrid anion ion exchange resin infused with iron oxide, making the media selective for arsenic. Since there is almost no arsenic that leaves the A300E vessels, it is anticipated that the A33E media will last over 10 years before it will need to be removed for regeneration offsite. Vessels containing A33E media are 4-ft diameter with a 6 ft side wall. There are two vessels; one for each 100 gpm treatment train.
- Radon is removed at the WTP through aeration using the Lowry Fine Bubble Aeration Unit. Outside air is used for aeration of the finished water and radon gases are also exhausted outside the north side of the WTP building.
- Disinfection is achieved through the addition of sodium hypochlorite just after the Lowry aerator. Finished water is stored in a below grade 6,000 gallon clearwell at the treatment facility.
- Finished water from the clearwell is pumped into the distribution system via a 200 gpm vertical turbine water pump operating at 250 feet of total dynamic head.
- The operation of the Rawson facilities are controlled by the level of the water in the water tanks at Carey hill.

Treatment Facility 04T is the Jim Dandy Water Treatment Facility located at the Jim Dandy Pump Station. In 2002, cartridge filters and sodium hypochlorite feed equipment were installed since the source is designated as GWUDI of surface water. Three cartridge filters are provided in series to provide filtration from 5 micron, 1 micron to 0.35 micron pore sizes. When in operation, sodium hypochlorite was injected before the filters. A turbidimeter and residual chlorine analyzer are also provided for this facility. The turbidimeter is physically located at the Paxton Rock Well No. 3 Pump Station. This source and treatment facility are currently off-line.

Treatment Facility 05T is the Grove Street Water Treatment Facility. The WTP treats water from Paxton Rock Wells No. 2 and No. 3. This facility is located as an addition to the Paxton Rock Well No. 3 Pump Station. This facility provides treatment for the removal of arsenic along with disinfection. The following treatment processes are in use at this facility:



### Paxton Street Booster Station

Adjacent to the water storage tanks is the Paxton Street Booster Station constructed in the 1960s. This facility houses the booster pumps that are used to increase transmission main flows to 130 gpm to assist in keeping the water tanks full. Two constant speed end suction centrifugal pumps are provided. Each pump is a Goulds Model 3656 pump with 3 HP WEG motor. Only one pump operates at a time. Finished Paxton well water flows through either of the booster pumps when on. When the pumps are off, water flows through a silent check valve and by-pass piping to the booster pump discharge piping and on to the water tanks at a flow of approximately 40 gpm, depending on the water level in Pierce Spring. The booster pumps operate on a lead and stand-by basis.

The Booster Station houses a residual chlorine analyzer to monitor the chlorine residual in the water from Pierce Spring and Paxton Rock Wells after the water has traveled through the 8 & 12-inch diameter water transmission main and disinfection pipe loop. The water from Paxton is treated with sodium hypochlorite at the Paxton Water Booster Station. In 2016 a new water main loop line was constructed at the water storage tanks just before the Booster Station. The loop line is 500 linear feet and constructed of 12-inch diameter Class 52 cement lined ductile iron pipe. The purpose of the loop is to provide 4-log disinfection for viruses for the water from the Paxton wells prior to entry into the distribution system.

Disinfection 4-log certification monitoring and alarm requirements are achieved through use of residual chlorine analyzers and SCADA programming. Residual chlorine analyzers continuously monitor chlorine to verify levels remain above the minimum needed to achieve 4-log compliance (greater than 0.3 mg/L) and below high levels that would indicate an overfeed event. The chemical feed pump rates are paced by the Paxton Booster Station flow meter. Should the residual chlorine level decrease below 0.3 mg/L, the chemical pump rate would be increased by the operator. Note that the current low-level alarm is set for 0.5 mg/L. High level alarms are also provided to notify operators of a potential overfeed event; a high high level alarm will trigger an alarm and shut down the facility.

Chemical feed equipment is also provided for the addition of polyphosphate for corrosion control.

The Hyland Booster Pump skid is in a room adjacent to the main booster pump room. The booster pump provides domestic water to the Carey Hill Estates Subdivision. This booster pump skid has four vertically oriented centrifugal pumps. Two pumps are variable speed with 2 HP motors and two pumps are variable speed with 15 HP motors. This system can pump from 0 to 290 gpm. Flows from the booster station are controlled by discharge system pressure. Insufficient pressure is alarmed by the SCADA system.

The Booster Station also houses an emergency generator and transfer switch. The generator is capable of supplying emergency power for operation of both booster pump systems.

### Mount Pleasant Booster Station

The Mount Pleasant Booster Station is located at 1350 Main Street (Rte. 9) just east of Tractor Supply Co. Constructed in 2004, this station has three pumps, two for domestic flows and one for fire flows. These pumps boost water pressure to the west end of the system to keep pressures between 60 to 100 psi. The domestic pumps are Grundfos CR 16 Model vertical multi-stage pumps capable of approximately 85 gpm at 112 feet of head. They have 5 HP motors and variable frequency drives (VFDs). The pumps operate lead-lag, with the lead pump starting when the pressure decreases to 50 psi and

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200,000 gallons per day (gpd) or 0.2 million gallons per day (mgd). Note that the District currently holds a water withdrawal registration amount of 0.19 mgd for the supplies located in Paxton.

- Subsequently, c. 230 of the Acts of 1895 authorized the District to take and hold the waters of Asnebumskit Pond in the Town of Paxton and water sources connected therewith, subject to the conditions and restrictions named in the enabling, c. 171, Acts of 1888.
- In a July 19, 2019 letter to the Office of Water Resources, Department of Conservation and Recreation (DCR), a request was made for a streamlined and expedited permitting process for the proposed purchase of water from the City of Worcester. On September 9, 2019, Ms. Michele Drury confirmed that the DCR legal counsel had reviewed the July 19, 2019 request and the supporting documents and concluded that there would be no increase in the interbasin transfer so that an interbasin transfer permit application would not be required. Additionally, legal counsel had determined that based on the enabling acts the District had rights to 0.2 mgd from the Blackstone Basin and no restrictions on the amount from the Nashua Basin.
- The District's request was formally presented and discussed at the October 10, 2019 Water Resources Commission (WRC) meeting. The WRC determined that the Interbasin Transfer Act does not apply to the proposed water purchase from the City of Worcester since there is no increase in the present rate of interbasin transfer. These findings were documented by DCR in a letter dated October 16, 2019.
- The District is in communications with the City of Worcester to purchase 0.3 mgd from the City. The District proposes to convey treated water from the City's water system to the District's water system through the construction of an interconnection at Bailey Street/Mulberry Street with a metered booster pumping station and approximately 2 miles of 8 or 12-inch diameter water main. This infrastructure would be installed within existing disturbed areas (ie. along/within paved roadways).
- The District's intent is for the interconnection to serve as a supplemental source with flow rates similar to those obtained from the Paxton Wells. The interconnection supply and Rawson Wells will be used to fill the water storage tanks. The water from the storage tanks will be used for domestic, fire and emergency demands.
- A flow test was conducted by the City on their system at Bailey Road near Fox Meadow Drive using hydrants located near 92 Bailey Road and 126 Bailey Road. The results of the flow test indicate that flows of approximately 600 – 650 gallons per minute (gpm) have a pressure drop of 0 – 2 pounds per square inch (psi), a negligible pressure drop that would not impact the pressure within the City's system.
- Once the interconnection is operational, the District will remove the Paxton Wells from its operations. The interconnection supply, Rawson Well and Whittemore Well (currently off-line well) will be used to fill the District's water storage tanks. The water from the storage tanks will be used for domestic, fire and emergency demands. Conceptually, the booster pumping system will be designed to withdraw flows in the range of 100 – 600 gpm from the City's system which would have no impact on the City's water pressures on the suction side of the pump. The design flow rates will be determined during the conceptual design process including evaluation of the number of pumps and if a fire pump should be included.
- The District is proceeding with the design of the proposed interconnection as described concurrently to efforts with the City to formalize a water purchase agreement during 2021.

Table 2.8. Leicester District Finished Water Distribution 2015 – 2019 (MG)

| Year | Jan   | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Nov   | Dec   | Total  |
|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| 2015 | 5.710 | 5.595 | 6.292 | 6.094 | 6.801 | 6.084 | 6.093 | 6.195 | 6.271 | 5.824 | 5.284 | 5.234 | 71.478 |
| 2016 | 5.501 | 5.473 | 5.600 | 5.616 | 5.714 | 5.287 | 5.149 | 5.214 | 5.192 | 5.290 | 4.915 | 4.776 | 63.727 |
| 2017 | 4.832 | 4.671 | 5.073 | 5.152 | 4.914 | 4.778 | 4.772 | 4.844 | 4.726 | 5.031 | 4.786 | 4.502 | 58.082 |
| 2018 | 4.668 | 4.072 | 4.511 | 4.712 | 4.986 | 5.002 | 4.749 | 4.619 | 4.476 | 4.537 | 4.240 | 4.300 | 54.873 |
| 2019 | 4.400 | 4.035 | 4.278 | 4.300 | 4.768 | 4.437 | 4.510 | 4.671 | 4.340 | 4.570 | 4.262 | 4.093 | 52.662 |

### Staffing

District required to have a minimum of 4 fully licensed operators (2 wastewater and 2 drinking water) for both the LWSD and HWSD. The licensed operators are cross trained to cover for water/wastewater in an emergency. Refer to the MassDEP letter dated August 26, 2015 for the minimum requirements.

The LWSD has one full-time Superintendent who manages both water and wastewater operations and holds operator licenses that are higher grades of the other operator licenses since this position has responsible charge of operations. The Superintendent divides time between water and wastewater to support both since 4 operators is the minimum required. The Superintendent spends more time supporting wastewater operators than drinking water operators due to the complexity of the WWTP. The LWSD has two full-time licensed wastewater operators and two full-time licensed drinking water operators (one handles treatment and the other distribution) and both service the LWSD and HWD systems.

The LWSD employs a part-time treasurer and billing position with duties averaging about 21.5 hours per week. Currently the treasurer is at the LWSD office from 9:30 am to 2 pm Monday through Thursday and 9:30 am to 1 pm on Friday. The LWSD employs a clerk position with duties averaging about 24 hours per week. The LWSD also has three Commissioners which are stipend positions.

## 2.2 Sewer Districts

Information common to all four sewer districts is presented in Table 2.9. Table 2.10 provides a summary of the monthly and annual sewage flows reported for each sewer district from 2016 thru 2019. Note that the monthly data for the CVSD is reported in terms of Total Flow in Million Gallons (MG). The annual totals for the CVSD were divided by 365 to derive the daily flow in Million Gallons Per Day (MGD) for demonstrating the comparative information across all district flow reporting.

Presenting the information for each district provides a helpful reference for considering possible combinations of systems in any of a variety of future organizational options. Average daily flows for example can be added to estimate the total flows from any proposed combination of sewer districts that might be considered under alternative district or town consolidation options.

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*The complete sewer system summaries for the Cherry Valley, Leicester, Hillcrest and Oxford-Rochdale Sewer District are presented in the following sections.*

### 2.2.1 Cherry Valley Sewer District

The Cherry Valley Sewer District (CVSD) is currently enabled by Chapter 33 of the Acts of 1988 (the CVSD Act). The CVSD Act provides for a three-member Board of Sewer Commissioners to be elected at the annual meeting to three-year staggered terms. The Board is responsible for creating a warrant for the annual meeting and appointing a district clerk and district treasurer who hold office until a successor is chosen. The meeting Moderator is elected at the beginning of each annual meeting.

The by-laws for the district are out of date as they refer to enabling legislation that was repealed by the CVSD Act, however the Board has adopted a comprehensive set of rules and regulations.

The CVSD is managed in all "physical and administrative" aspects by the CVRWD under an agreement last executed in 2015 which can be terminated only after a 2/3rds vote of both Boards. The districts' officers and staff are fully integrated; they share a Treasurer, Clerk, Superintendent, and operations staff. The CVSD continues to operate independently in all other respects and holds an annual meeting to approve appropriations and take other action.

The Superintendent indicated that the administrative staff is adequate, but that the operations are understaffed. The project team concurs but points out that the Superintendent splits time between the office and the field leaving little time for planning improvements to the system, financial planning, or organizational management. For example, there is little in the way of capital planning, financial policies, or written job descriptions.

The Cherry Valley Sewer District (CVSD) was officially formed in 1963 through Chapter 729 of the Acts of 1963. In 1995, as part of the reconstruction of Route 9, the Commissioners obtained funding for the Route 9 Interceptor Sewer which would anchor the full build-out of the sewer system. In 1998 the District successfully amended chapter 729 as amended and was replaced by Chapter 33 of the Acts of 1998.

The main provision of chapter 729 was the revision of the District boundaries which led to the reduction in the size of the District to its current configuration. In 1999 the District was successful in securing USDA-RD for the funding of the full build-out of the District. The build-out would include three Phases spanning from 2000 through 2004.

In Phase I, the project included the design and construction of sanitary sewer service to 573 dwelling units connecting this system to the existing Route 9 Interceptor Sewer.

In Phase II, the project included the design and construction of the McCarthy Avenue pump station, Redfield Road Pump Station and the connection of the associated streets in the McCarthy Avenue neighborhood.

In Phase III, the project included the design and construction of the following pump stations: McCarthy Avenue, Church Street and Willow Hill Road and the connection of the remainder of the streets within the Cherry Valley Sewer District.

Currently the District has 5 pump stations and 9.8 miles of collection pipe. The District currently services 437 homes.

Both administrative and operational staff appears to be adequate, but as is the case in the Chery Valley districts, Superintendent splits time between the office and the field leaving little time for planning improvements to the system, financial planning, or organizational management. For example, there is little in the way of capital planning, financial policies, or written job descriptions.

The LWSD supplies water to the Hillcrest Water Supply District and provides wastewater treatment to a portion of the Hillcrest Sewer District. The details of these inter-agency agreements are discussed in subsequent sections of this report.

The Leicester Water Supply District (LWSD) operates a sewer collection and treatment system which serves approximately 683 customers. The LWSD accepts flow from an additional 131 customers within the Hillcrest Sewer District (HSD). Flow from both the LWSD and HSD customers is treated at the LWSD wastewater treatment facility (WWTF).

The LWSD sewer system consists of about 15 miles of gravity sewer, 3.2 miles of force main, 8 pump stations and a 0.35 MGD wastewater treatment facility. The LWSD WWTF was originally constructed in the early 1900's. The plant has been upgraded several times with the last major upgrade completed in 1988. The 2011 average daily flows to the facility were estimated to be 0.24 MGD during dry weather conditions. The plant discharges to nearby Town Meadow Brook.

Leicester Water Supply District is permitted (NPDES permit issued 6/22/05, MA0101796) to discharge 0.35 MGD (average monthly) of treated municipal wastewater via outfall 001 to the French River (Note: the outfall previously discharged to Dutton Pond (Segment MA42015) but was relocated to Town Meadow Brook -- downstream from Dutton Pond Dam. The permit incorrectly states the discharge is to the French River.)

The facility is required to monitor acute whole effluent toxicity quarterly and chronic whole effluent toxicity twice a year using *Ceriodaphnia dubia*. The facility's maximum daily permit limits for whole effluent toxicity are LC50 $\geq$ 100% and CNOEC $>$ 62%.

A wastewater treatment facility upgrade is being planned for the facility according to an Environmental Notification Form (ENF) filed in December 2008. The ENF (#14352) indicates that a draft CWMP has been developed and an expansion and upgrade of the facility was recommended (0.732 MGD). I/I estimates at the facility were estimated to account for 42% of the total flow. The permit includes seasonal limits on BOD, total suspended solids (TSS), fecal coliform bacteria, total residual chlorine, total ammonia-nitrogen (NH<sub>3</sub>-N), total phosphorus (TP), as well as limits on total copper. This permit has expired and the District is waiting for EPA to issue a revised NPDES permit. The District has held off on WWTP upgrades until the permit is revised and discharge limits identified.

The LWSD currently owns and operates eight (8) Wastewater Pump Stations (WWPS) for the LWSD and operates three (3) WWPS Pump Stations for the Hillcrest Sewer District. The 8 sewer pumping stations within the district were constructed from the mid 1990's to early 2000's.

The LWSD sewer system generally consists of the following components:

1. Wastewater Treatment Facility with 0.35 MGD approved flows, located at 124 Pine Street, Leicester

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6. Rehabilitation of the Sand Filter, and
7. Increase in the size of the Chlorine Contact Tank.

Per the WWTF operator, the engineer that envisioned the above changes estimated the project to cost approximately \$10M, ten years ago. ENR projections alone would drive this project cost up to \$14M to \$15M (in 2025 dollars).

During the brief tour of the facility, the following observations/potential projects were identified:

- The headworks facility is tight and does not do a good job removing rags. A new larger headworks facility with mechanical screening and improved grit removal should be provided. - \$2M +/- to \$2.5M +/-,
- Mechanical surface aerators should be replaced with diffused aeration - \$1.5M +/-,
- New larger diameter (40-foot) clarifiers are desired for improved surface overflow rates - \$2M +/- to \$3M +/-
- Improved solids dewatering and conveying should be provided - \$1.5M +/- to \$2M +/-,
- Underground fuel storage tank needs to be replaced with compliant dual walled UST or AST - \$0.1M +/-
- Blast and Re-Coat structural elements on ABW Sand Filter - \$0.1M +/-
- Provide Containment for Ferric Chloride (may require modifications to shed roof) - \$0.05M +/-
- Future Total Nitrogen Upgrade - \$1.5M +/- to \$3M +/-
- Future Phosphorous Removal upgrades - \$0.5M +/- to \$1.0M +/-
- Unscheduled Repair Allowance and Contingency (20%) - \$1.8M +/- to \$2.6M +/-
- Total - \$11M +/- to \$15.8M +/-

Any project moving forward should have established goals with respect to the ability to handle increases in flow in a phased approach. Tankage should be designed for ultimate flow projections, while equipment that may be in use for 20+ years prior to an ultimate flow increase can be replaced as part of a larger upgrade project in the future.

It should be noted that data from an Asset Management Plan for the LWSD contained 103 items related to Treatment which are recommended for completion over a 30-year period. The Total Value assigned to these improvements was \$5,154,000. Additionally, as part of a Draft CWMP completed by SEA Consultants, Inc. in 2007, the LWSD WWTF was recommended to be expanded to 0.732 mgd of capacity and converted to a Sequencing Batch Reactor (SBR) facility over a five (5) phase project. Back in 2007, SEA estimated the project to cost \$12,800,000 (inclusive of 35% engineering and contingencies). With an ENR projection of the 2007 cost to 2025 costs, it is estimated that this project could cost on the order of \$20M-\$25M. The review completed on 12/9/20 cannot be viewed to be as comprehensive and complete as other previously completed studies, including the Asset Management planning.

3. Fox Run Lane Pump Station
4. About 4.5 miles of 8-inch gravity sewer.
5. About 0.25 miles of 4-inch force main.

The 3 pump stations were all constructed in the early 2000's.

HSD has approximately 210 customer connections. Flow from 131 customers discharges to the LWSD for treatment at the LWSD WWTP. Flow from 79 customers discharges to the ORSD for treatment at the ORSD WWTP. As sewer flows are not metered at the source, the flows from the HSD customers are reflected in the flows reported for the LWSD and ORSD respectively.

The HSD is headquartered at the LWSD office located at 124 Pine Street, Leicester, MA.

#### Staffing

Operations for the HSD are handled by the LWSD. The LWSD staff keep track of their hours worked on the HSD system to bill the HSD accordingly. The HSD has a part-time treasurer and billing position averaging about 15 hours per month (note more hours during the billing months and less during non-billing months so 15 hours per month is an average). The HSD pays the ORSD \$4,500 per year to complete the billing for HSD. The HSD clerk is a stipend position for recording meeting minutes. The HSD has Three Commissioners, separate from the LWSD commissioners which are also stipend positions.

#### *2.2.4 Oxford Rochdale Sewer District*

The Oxford Rochdale Sewer District (ORS D) is enabled by Chapter 250 of the Acts of 1957 (the ORSD Act). The ORSD Act provides for a three-member Board of Water Commissioners to be elected at the annual meeting to three-year staggered terms. The Board is responsible for creating a warrant for the annual meeting and appointing a district clerk and district treasurer who hold office for one year or until a successor is chosen. The meeting Moderator is elected at the beginning of each annual meeting.

Oxford-Rochdale Sewer District (ORS D) currently serves 1,021 customer connections. The ORSD owns, operates and maintains approximately 15 miles of gravity sewer, 1.7 miles of sewer force main, 4 pump stations, and a 0.50 MGD wastewater treatment facility. The system serves about 3% of the Town of Oxford's population or approximately 300 residents who discharge wastewater flows to the treatment facility along with about 79 customers within the Hillcrest Sewer District (HSD). The ORSD is operated in an office building located at the wastewater treatment facility at 28 Comins Road, North Oxford, MA

The ORSD system includes a wastewater treatment plant (WWTP), 4 sanitary sewer pump stations and 14.5 miles of sewer pipe with approximately 381 manholes.

The original wastewater treatment facility was built in 1971 and has been upgraded in 1996 and 2010 to increase plant capacity. The WWTP is an aerated lagoon WWTP with advanced treatment, mechanical screen, two lined 180,000-gallon lagoons with floating aerators, two 45-foot diameter final clarifiers, 180 square foot ABW filter, chlorine gas; chlorine contact tank; discharges to French River and permitted for 0.50 MGD. The WWTP has chemical feed systems for PAC, sodium aluminate, chlorine gas and bisulfite. There are rotary lobe pumps for RAS and WAS and three 10,000-gallon sludge holding tanks. The

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- SC #2 – Corrosion was noted on the clarifier mechanism. Recommend blasting and re-coating – \$60,000+/-
- MCCs in RAS Building – The MCCs in the RAS Building are outdated and difficult to service. Replace with newer technology - \$150,000+/-
- Painting in RAS Pump Room – RAS piping should be prepped and re-coated - \$10,000+/-
- Demolish old "Constant Chlor" Disinfection System - \$5,000+/-
- Future Total Nitrogen Upgrade - \$1.5M +/- to \$3M +/-
- Future Phosphorous Removal upgrades - \$0.5M +/- to \$1M +/-
- Unscheduled Repair Allowance and Contingency (20%) - \$0.5M +/- to \$0.9M +/-
- TOTAL - \$2.75M +/- to \$5.2M +/-

*It should be noted that data from an Asset Management Plan for the ORSD contained 89 items related to Treatment which are recommended for completion over a 50+ year period. The Total Value assigned to these improvements was \$2,614,500. The review completed on 12/9/20 cannot be viewed to be as comprehensive and complete as other previously completed studies, including the Asset Management planning.*

Table 2.13. 2014 – 2019 ORSD Flow Data (Total Flow Treated (MG/MGD))

| Month     | 2014          | 2015          | 2016          | 2017          | 2018          | 2019          |
|-----------|---------------|---------------|---------------|---------------|---------------|---------------|
| January   | 9.905 / .320  | 7.686 / .248  | 7.656 / .247  | 10.220 / .330 | 9.670 / .312  | 12.950 / .418 |
| February  | 7.002 / .250  | 5.188 / .185  | 9.304 / .321  | 8.443 / .302  | 10.58 / .378  | 10.12 / .361  |
| March     | 11.870 / .383 | 8.968 / .289  | 10.450 / .337 | 9.150 / .295  | 12.320 / .397 | 11.460 / .370 |
| April     | 11.460 / .382 | 11.620 / .387 | 9.565 / .319  | 13.570 / .452 | 12.670 / .422 | 14.150 / .472 |
| May       | 9.044 / .292  | 6.200 / .200  | 7.314 / .236  | 10.240 / .330 | 9.749 / .314  | 11.950 / .385 |
| June      | 5.369 / .192  | 6.683 / .239  | 5.044 / .168  | 8.429 / .281  | 6.102 / .204  | 7.735 / .258  |
| July      | 4.265 / .138  | 5.49 / .177   | 4.204 / .136  | 6.531 / .211  | 6.935 / .224  | 6.636 / .214  |
| August    | 3.877 / .125  | 4.170 / .135  | 4.563 / .147  | 5.114 / .165  | 9.573 / .309  | 6.246 / .201  |
| September | 3.952 / .132  | 4.072 / .136  | 4.224 / .141  | 4.855 / .162  | 9.765 / .329  | 5.573 / .191  |
| October   | 5.061 / .163  | 4.738 / .153  | 5.514 / .178  | 5.514 / .178  | 11.350 / .366 | 7.299 / .235  |
| November  | 5.4564 / .182 | 4.876 / .163  | 5.825 / .194  | 8.147 / .272  | 14.250 / .475 | 9.089 / .303  |
| December  | 10.800 / .348 | 6.140 / .198  | 8.095 / .261  | 8.247 / .266  | 13.160 / .424 | 13.370 / .431 |
| TOTAL     | 88.059        | 75.831        | 81.758        | 98.460        | 126.124       | 116.578       |
| Daily Avg | .241          | .208          | .224          | .270          | .346          | .319          |



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capacities for water and sewer are limited and will only provide an interim solution. Therefore, the long-range goal of the Town and the District shall be the development of the Moose Hill Reservoir and/or Shaw Pond as a primary water source for the entire Town."

The IMA includes 18 numbered paragraphs describing the actions taken or to be taken by the District and the Town respectively. Specific water and sewer lines listed to be financed by the Town and constructed under a Massachusetts Highway Project 600858-02 include a water line in Route 9 and water booster station as part of a joint Town/District construction project; a sewer line in Route 9 and West Main Street and Sewer Pump Station on or adjacent to Town Beach Road (IMA paragraphs 4 and 5). Paragraph 10 calls for the District to construct and own a water storage tank at the District's expense "at a later date to provide fire flow storage and future water storage from the Moose Hill Reservoir facility."

Paragraph 13 states: "Once Moose Hill Reservoir facility water is provided to the water mains; the water mains shall also become a distribution/transmission main from the Moose Hill Reservoir facility. The booster pump station shall become a standby station in the event the Moose Hill Reservoir facility is taken offline or place out of service. Any connections made to the water main between the facility and the Route 9/Route 56 intersection shall be metered for water and the District shall compensate the Town for the water used. The rate for water so metered shall be determined by the formula described on "Exhibit 3" attached hereto." A file search has been unable to locate a copy of the referenced Exhibit 3. It remains unclear as to whether the Town or the District initially drafted the referenced formula which presumably describes the basis of compensation from the District to the Town for the purchase of the water delivered to the District from the Moose Hill Reservoir facility. The complete Agreement for Expansion of Water and Sewer Service Along Route 9 Between Leicester Water Supply District and Town of Leicester is included in Appendix B-3.

#### Feasibility Studies

Subsequent to the execution of the IMA between the Town and LWSD, LWSD engaged the services of SEA Consultants, Inc. to produce the first of two studies to evaluate the feasibility and costs required to develop Moose Hill as a source of public water supply.

Two studies were conducted to evaluate the feasibility and costs to develop Moose Hill as a source of public water supply. The first of these was prepared by SEA Consultants, Inc. (SEA) dated June 2008. This study considered that Moose Hill was capable of supplying up to 1.5 Million Gallons per Day (MGD) based on the reliable watershed yield of the reservoir. This would be subject to review and approval of the MassDEP and treatment requirements under the Safe Drinking Water Act. The study estimated the cost for development of a drinking water supply at Moose Hill Reservoir at \$8,886,000 (in 2008 dollars), including costs for the following listed items:

|  |                            |
|--|----------------------------|
| 1A 1.5 MGD Surface Water Treatment Plant | \$4,500,000 (2008 dollars) |
| 1B Land Acquisition/Site Development     | Not Specified              |
| 2 Transmission Main (16" DI Pipe)        | \$1,375,000 (2008 dollars) |
| 3 0.50 MGD Elevated Storage Tank         | \$1,530,000 (2008 dollars) |
| 4 Surface Water Intake                   | Not Included               |

The study also included a projected cost forecast for 2025 of \$27,609,076.

Table 5 of this study also estimated the annual operation and maintenance costs for a 1.5 MGD water treatment plant at \$796,072 (2017 dollars).

The referenced feasibility studies are provided as Appendices B-4 and B-5, respectively.

Water Supply Approval Process – Massachusetts Department of Environmental Protection (MassDEP)  
MassDEP has provided the Moose Hill Water Commission with two letters providing documentation of the process required for Leicester to develop Moose Hill Reservoir as a source of public drinking water. The first such letter is dated November 9, 1987 from James Fuller, then Deputy Regional Environmental Engineer for the Department of Environmental Quality Engineering (DEQE), forerunner to MassDEP. Mr. Fuller indicates that engineers from his office completed a review of the SEA report "Preliminary Design Report, Moose Hill Reservoir Water Treatment Facility, March 1986" and states that: "Based on this report, this office approves the Moose Hill Reservoir as a source for a public water supply."

The letter goes on to require that plans and specifications of treatment facilities to address drinking water regulations are required to be submitted and approved by this office prior to use of this supply and prior to construction of the treatment facilities. The letter further points out the obligation of other required permits and approvals including the Interbasin Transfer Act, Water Management Act and MEPA. Finally, the letter indicates that "the Moose Hill Reservoir presently does not serve any customers. Steps should then be taken to enter into agreements with any or all of the three water districts in the Town of Leicester to provide them with this water."

The second correspondence from DEP to the Moose Hill Commission is dated November 3, 2008, from Marielle Stone, Section Chief of the Central Regional Office Drinking Water Program of the MassDEP. This 5-page letter outlines in detail the process and procedures required to be met in order to establish a new drinking water source and treatment facility in order for the Moose Hill Reservoir to be used as a source of public drinking water. Included among an extensive list of studies and reports is a water quality sampling program covering a minimum of one year of sampling for some eleven categories of water quality parameters.

MassDEP letters are included in Appendix B-6

#### Current Status

Since the submission of the Draft Final Moose Hill Reservoir Feasibility Study Update, dated July 27, 2017, no further action has been taken by the Town of Leicester or the Moose Hill Commission towards recognition of Moose Hill Reservoir as an approved source of public water supply. No water quality sampling of the reservoir has been initiated. No further discussions appear to have taken place between the Town through the Moose Hill Commission with any of the water districts serving portions of the Town. No specific budget requests appear to have been made or acted upon in the context of town meeting actions with reference to determining the suitability of Moose Hill Reservoir as a new water source or how water drawn from Moose Hill Reservoir would be made available to the Districts providing drinking water within their respective service areas.

For the purposes of the current assignment to evaluate the potential options for restructuring the delivery of water and sewer services within the Town of Leicester, Moose Hill Reservoir continues to represent a potential source of drinking water, subject to the approval of MassDEP and *determination of treatment and distribution system requirements in the amount of 1.5 MGD. The current average daily demand total for the three current water districts is about 1.2 MGD. As such, it is possible to envision a future scenario*

### 3.0 CURRENT ASSESSMENT OF DISTRICT CONDITIONS - SUMMARY

#### 3.1 Financial

In addition to current technical and regulatory assessments of each of the Districts it is important to understand their current financial conditions. These financial condition assessments are important to paint a full picture of the Districts currently but are critical to understanding the financial and customer impacts associated with the consideration and analysis of any future consolidation options. In order to perform an initial financial assessment, the following information was requested of and reviewed for each District.

- Historical and current operating budgets, in as much detail as possible for categorization and planning purposes;
- Annual debt service schedules for outstanding debt;
- Historical comprehensive annual financial reports (CAFRs) or other audited or unaudited annual financial reporting documents;
- Annual reserve fund balances, restricted and unrestricted, and any policed sources and uses;
- Future capital expenditures and any know sources of funding;
- Existing rates, user charges, and miscellaneous fees; and
- Detailed historical customer and billing information.

The following sections present an existing snapshot of the rate and financials of each of the Districts.

##### 3.1.1. Cherry Valley – Rochdale Water District

The Cherry Valley – Rochdale Water District (CV-RWD) has an annual operating budget of approximately \$1.9 million. The CV-RWD's largest cost drivers currently include payroll and related expenses, an intermunicipal agreement payment to the City of Worcester, and annual debt service payments. These three annual cost items alone account for over 80% of the CV-RWD's current annual revenue requirements.

The CV-RWD's total annual revenue is currently \$1.6 million; made up predominantly by user charges to customers through monthly water rates. The District currently employs a four-tier inclining block rate structure along with a monthly fixed charge. Other miscellaneous, and comparatively small, sources of revenue for the CV-RWD include customer penalties, tower rental payments, interest income, etc.

The CV-RWD is currently operating in a structural cash deficit. This means that on an annual basis, currently, the CV-RWD is spending more money than it is collecting through revenues. Although the District has a healthy unrestricted fund balance of \$1.6 million, without future rate increases, and not assuming any additional capital expenditures, the District would run out of money within 5 years. Although an increase could be phased-in over a number of years to mitigate rate shock, the District would require a rate increase of approximately 19% to remove its existing structural deficit. Again, this 19% increase does not consider the additional revenues needed to adequately support future capital expenditures, which are presented in Section 2 of this report.

## W&amp;S INFRASTRUCTURE REVIEW

Table 3.1. CV – RWD Key Financial Metrics

|  |                                       |                                    |
|--|---------------------------------------|------------------------------------|
| Typical Annual Bill<br>\$998               | Annual Cost per Connection<br>\$1,415 | Cost per Billable Unit<br>\$26.70  |
| Annual Revenue Requirements<br>\$1,862,182 | MHI Burden<br>1.64%                   | % of HH Living in Poverty<br>4.1%  |
| Total Annual Revenue<br>\$1,563,382        | LQI Burden<br>2.12%                   | Bill in Hours of Min. Wage<br>74.0 |

Table Note: MHI = Median Household Income; LQI = Lowest Quintile Income; HH = Households

## 3.1.2. Hillcrest Water District

The Hillcrest Water District (HWD) has an annual operating budget of approximately \$299 thousand. The HWD's largest cost drivers currently include payroll and related expenses, annual professional services, and debt service. These three annual cost items account for almost half of the HWD's current annual revenue requirements.

The HWD's annual revenue is currently \$296 thousand; made up predominantly by user charges to customers through quarterly water rates. The District currently employs a two-tier inclining block rate structure along with a quarterly minimum charge which includes 5 hundred cubic feet (Ccf) of usage. The HWD has other miscellaneous revenue sources but are negligible in its grand total of revenue.

The HWD is currently operating an about break-even operation from a revenue versus costs standpoint. The District has a healthy unrestricted fund balance of about 60% of its annual revenue stream. Assuming adequate financing of the HWD's future capital expenditure needs, future rate increases will be required, albeit to a manageable degree.

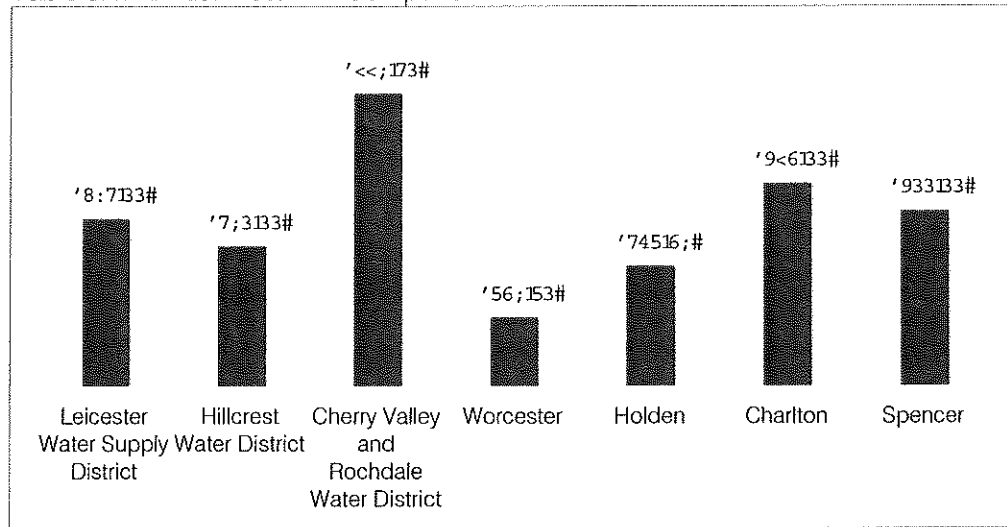
In order to understand on a deeper level, the financial and rate situation currently faced by the HWD and its customers, the following metrics have been compiled in tabular format. These data will be relied upon as needed for comparison purposes as consolidation options are considered.

Table 3.2. HWD Key Financial Metrics

|  |                                     |                                    |
|--|-------------------------------------|------------------------------------|
| Typical Annual Bill<br>\$480             | Annual Cost per Connection<br>\$761 | Cost per Billable Unit<br>\$13.46  |
| Annual Revenue Requirements<br>\$298,950 | MHI Burden<br>0.79%                 | % of HH Living in Poverty<br>4.1%  |
| Total Annual Revenue<br>\$295,811        | LQI Burden<br>1.02%                 | Bill in Hours of Min. Wage<br>35.6 |

Table Note: MHI = Median Household Income; LQI = Lowest Quintile Income; HH = Households

Table 3.4. Annual Water Bill Comparison based on Current Rates



### 3.1.5. Cherry Valley Sewer District

The Cherry Valley Sewer District (CVSD) has an annual operating budget of approximately \$894 thousand. CVSD's largest cost drivers currently include payroll and related expenses, wholesale wastewater costs, and debt service. These three annual cost items account for over 80% of the CVSD's current annual revenue requirements. Cherry Valley's annual debt service requirements alone account for almost half of its annual revenue requirement.

The CVSD's annual revenue is currently \$760 thousand; made up predominantly by user charges to customers through monthly sewer rates. The District currently employs a four-tier inclining block rate structure along with a monthly fixed charge. Other miscellaneous, and comparatively small, sources of revenue for the CVSD include betterments, liens, and interest income.

The CVSD is currently operating in a structural cash deficit. Although the District has a healthy unrestricted fund balance of \$897 thousand, without future rate increases, and not assuming any additional capital expenditures, the District would run out of money within 7 years. Although an increase could be phased-in over a number of years to mitigate rate shock, the District would require a rate increase of approximately 18% to remove its existing structural deficit. This would be on top of recent rate increases of significant magnitudes, as well as future required rate increases to support inflationary changes and capital expenditures, bringing the District's bills even more significantly higher than comparative customer bills as other surrounding sewer utilities. Please see section 3.2.2.5 for a chart of comparisons.

In order to understand on a deeper level the financial and rate situation currently faced by the CVSD and its customers, the following metrics have been compiled in tabular format. These data will be relied upon as needed for comparison purposes as consolidation options are considered.

## W&amp;S INFRASTRUCTURE REVIEW

## 3.1.7. Leicester Water Supply District - Sewer

The Leicester Water Supply District's sewer operations (LWSD-S) has an annual operating budget of approximately \$657 thousand. Its largest cost drivers currently include payroll and related expenses, and engineering and capital related costs.

The LWSD-S's annual revenue is currently \$671 thousand; made up predominantly by user charges to customers through quarterly sewer rates. The District currently employs a two-tier inclining block rate structure along with a quarterly fixed charge. The LWSD-S has other miscellaneous revenue sources, such as interest income, connection fees, and assessments and betterments.

The LWSD-S is currently operating a structural cash surplus with a healthy unrestricted fund balance of over 100% of its annual revenue stream. Assuming adequate financing of the LWSD-S's future capital expenditure needs, future rate increases will be required, albeit to a manageable degree.

In order to understand on a deeper level the financial and rate situation currently faced by the LWSD-S and its customers, the following metrics have been compiled in tabular format. These data will be relied upon as needed for comparison purposes as consolidation options are considered.

| Table 3.7. LWSD-S Key Financial Metrics  |                                     |                                    |
|--|-------------------------------------|------------------------------------|
| Typical Annual Bill<br>\$551             | Annual Cost per Connection<br>\$837 | Cost per Billable Unit<br>\$10.46  |
| Annual Revenue Requirements<br>\$657,042 | MHI Burden<br>0.91%                 | % of HH Living in Poverty<br>4.1%  |
| Total Annual Revenue<br>\$671,706        | LQI Burden<br>1.17%                 | Bill in Hours of Min. Wage<br>40.8 |

Table Note: MHI = Median Household Income; LQI = Lowest Quintile Income; HH = Households

## 3.1.8. Oxford-Rochdale Sewer District

The Oxford-Rochdale Sewer District (ORSD) has an annual operating budget of approximately \$546 thousand. The ORSD's largest cost drivers currently include payroll and capital related investments and maintenance.

The ORSD's annual revenue is currently \$610 thousand; made up predominantly by sewer user charge revenue. The District currently employs a flat annual charge for sewer, irrespective of the amount of water a customer uses, or its meter size or customer classification. The ORSD has other miscellaneous revenue sources but are negligible in its grand total of revenue.

The ORSD is currently operating a structural cash surplus with a healthy unrestricted fund balance of approximately 60% of its annual revenue stream. Assuming adequate financing of the ORSD's future capital expenditure needs, future rate increases will be required, albeit to a manageable degree.

### 3.2 Structure and Organization

Each of the 6 districts were established by separate special acts of the Massachusetts Legislature over a 118-year period beginning in 1888 with the creation of the Leicester Water Supply District. [1] All of the districts are governed in a manner similar to the open town meeting government in Massachusetts with an elected executive (i.e. Board of Commissioners) and legislative body that is open to all voters residing in the district. Initially, managing officers for most of the districts were elected by the annual meeting but recent changes to by-laws allow the appointment of clerk, treasurer, and superintendent by the Board of Commissioners. Some of the districts have executed inter-agency agreements providing for shared management and operation.

The Board of Commissioners convene an annual meeting. A Moderator selected by the voters present at that meeting presides over the annual meeting. Annual meetings are generally not well-attended. Membership on the boards of each district is characterized by low turn-over with little or no competition for positions and the same is true for most managing officers. None of the districts formally plan for succession of Commissioners or other officers.

Each district has adopted by-laws and all but the Oxford-Rochdale Sewer District have rules and regulations in place [2]. By-laws are essential to the administration of the districts while rules and regulations are essential to the proper operation of the systems. Both should undergo periodic review to ensure consistency with law, regulation, and actual practice. See Table Y for a list of bylaws and regulations by date of adoption. Although there is no standard timeframe for review, they should be reviewed every 5 years and anytime a significant regulation or permit condition is changed by federal or state authorities.

While the districts have taken steps towards professional management of their finances by appointing rather than electing treasurers, none appear to have job descriptions that would describe the necessary skills, education, experience, and work performance for these positions. It is not clear what the recruitment and selection process has looked like in the past for these positions. The project team noted that although there is no certification process that is entirely applicable to district treasurers, certification and professional development through the Massachusetts Collectors & Treasurers Association (MCTA) is likely substantially relevant. The districts would likely benefit from further professionalization of these positions through job descriptions, a rigorous recruitment and selection process, and more support for training and ongoing professional development of individuals holding the position.

All the districts have very limited and basic human resources and financial management structures. For example, it does not appear that any district has formal HR policies, job descriptions, employee performance evaluations, formal finance policies and procedures. Additionally, some of the districts do not have a debt management plan or a robust capital planning process.

[1] See table X Primary enabling Legislation

[2] See Table Y for the status of by-laws, rules, and regulations.

## W&amp;S INFRASTRUCTURE REVIEW

means to develop and implement policies, procedures, and instruments that are taken for granted in most towns. Imagine for a moment that every town department had to develop its own financial and human resources infrastructure and the inefficiency becomes apparent.

These weaknesses are evidenced by a lack of formal financial or personnel policies, no written job descriptions or qualifications, and limited strategic planning. Even the smallest organizations need to concern themselves with a myriad of personnel policies from access to communication technology to workplace violence prevention. Financial policies are also of paramount importance in assuring accuracy and accountability. Appendix A contains lists of recommended financial and personnel policies. The districts should conduct audits of the extent to which they meet the recommendations.

The size of the districts can also lead to financial stress. The provision of water and sewer service is highly regulated with increasingly stringent standards. Capital improvements and replacements bring significant cost of construction and financing. Wastewater and drinking water treatment facilities, for example, are made up of a system of components that are necessary whether the facility is large or small. In this way, the costs are, to a degree, fixed. Systems must spread these costs over time and their base of customers. High fixed costs spread over a small customer base will result in higher per unit user fees. The recent experience of the Cherry Valley Sewer District should be a cautionary tale for the other districts. [DC1]



## 6.0 RECOMMENDATIONS FOR LONG-TERM MANAGEMENT OF WATER & SEWER SERVICES

[https://westonandsampson-my.sharepoint.com/personal/gracianosmith\\_elizabeth\\_wseinc\\_com/Documents/Downloads/Leicester Review of Technical Status of Water Sewer District Infrastructure - Draft Phase I Report\\_02.15.21.docx](https://westonandsampson-my.sharepoint.com/personal/gracianosmith_elizabeth_wseinc_com/Documents/Downloads/Leicester%20Review%20of%20Technical%20Status%20of%20Water%20Sewer%20District%20Infrastructure%20-%20Draft%20Phase%20I%20Report_02.15.21.docx)



APPENDIX A  
Organization Materials

## APPENDIX A-1

## Enabling Acts

## Appendix A Governing Documents

### A-1 Enabling Legislation and Relevant Special Acts – Water Supply & Sewer Districts – Leicester MA<sup>1</sup>

|                      |  |
|----------------------|--|
| c.171, Acts of 1888  | An Act to Supply the Centre Village of Leicester with Water.   |
| c.181, Acts of 1893  | An Act to Authorize the Leicester Water Supply District to construct and maintain a system of sewerage and drainage.   |
| c.230, Acts of 1895  | An Act to Authorize the Leicester Water Supply District to increase its water supply and make an additional water load. Amends c.171 of 1888.                                    |
| c.351, Acts of 1902  | An Act to Authorize the City of Worcester to increase its water supply. Section 2 subjects Worcester's rights to rights granted LWSD by c.230 of 1895.                           |
| c.381, Acts of 1910  | Act to Supply w/ Water the Villages of Cherry Valley, Rochdale in the Town of Leicester and to Incorporate the Cherry Valley/Rochdale Water District. Repealed by c.105 of 1996. |
| c.358, Acts of 1950  | An Act Establishing the Hillcrest Water District in the Town of Leicester.   |
| c.612, Acts of 1954  | An Act Establishing the Hillcrest Sewer District in the Town of Leicester.   |
| c. 112, Acts of 1954 | An Act Relative to the Cherry Valley/Rochdale Water District. Amends c.381 of 1910 and repealed by c.105 of 1996.  |
| c. 250, Acts of 1957 | An Act Authorizing the Establishment of the Oxford-Rochdale Sewer District in the Towns of Oxford and Leicester.   |
| c. 729, Acts of 1963 | An Act Authorizing the Establishment of the Cherry Valley Sewer District in the Town of Leicester. Repealed by c.33 of 1998.   |
| c. 105, Acts of 1996 | An Act Relative to the Boundaries of the Cherry Valley-Rochdale Water Supply District in the Town of Leicester. Replaces c.381 of 1910.  |
| c.33, Acts of 1998   | An Act Relative to the Boundaries of the Cherry Valley Sewer District in the Town of Leicester. Replaces c.729 of 1963.  |
| c.112, Acts of 2006  | An Act Relative to the Boundaries of the Cherry Valley-Rochdale Water Supply District in the Town of Leicester. Amends Chapter 105 of 1996.                                      |

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<sup>1</sup> Acts that have been repealed are not included in the Appendix.

## Chapter 33 of the Acts of 1998

### AN ACT RELATIVE TO THE BOUNDARIES OF THE CHERRY VALLEY SEWER 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.** Chapter 729 of the acts of 1963 is hereby repealed.

**SECTION 2.** The inhabitants of the town of Leicester liable to taxation in said town, and residing within the territory enclosed by the following boundary lines shall constitute a sewer district:

Beginning at the Southeast corner of the Leicester Water Supply District as shown on the Leicester, Massachusetts Sewerage Plan prepared by William E. Stanley, Sanitary Engineer, Belmont, MA, dated May 21, 1959;

Thence extending approximately 2,700  $\pm$  feet in the northerly direction along the easterly boundary of the Leicester Water Supply District to a point located at the junction of the northern line of Main Street and western line of Waite Street;

Thence extending approximately 300 feet  $\pm$  in a northeasterly direction along the western line of Waite Street to a point;

Thence extending approximately 1,875  $\pm$  feet in an easterly direction along a line parallel to the center line of Main Street to a point;

Thence extending approximately 3,300  $\pm$  feet in a northeasterly direction to a point;

Thence extending approximately 3,150  $\pm$  feet in an easterly direction to a point;

Thence extending approximately 5,600  $\pm$  feet to a stone monument identified as the boundary marker for the Cherry Valley and Rochdale Water District;

Thence extending approximately 4,208  $\pm$  feet in a southwesterly direction to a point;

Thence extending approximately 3,920  $\pm$  feet west to a point located on the westerly line of Henshaw Street;

Thence extending in a northerly direction along a line parallel to the center line of Henshaw Street to the point of beginning.

Said sewer district is hereby made a body corporate by the name of the Cherry Valley Sewer District, hereinafter called the district, for the purpose of laying out, constructing, maintaining and operating a system or systems of common sewers for a part or the whole of the territory herein described with such connections and other works as may be required for a system of sewage disposal and may construct such sewers in said district as may be necessary, and for the purpose 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 said 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.

**SECTION 3.** The commissioners of the Cherry Valley Sewer District elected prior to the effective date of this act shall by warrant call a special district meeting within 60 days following the effective date of this act for the purpose of electing their successors. At the special district meeting, the district shall elect by ballot a board of three sewer commissioners who shall be registered voters of the town of Leicester and residents of the district, to hold office, one until the expiration of one year, one until the expiration of two years, and one until the expiration of three years, from the next succeeding annual district meeting, and until their successors are qualified, and thereafter, at each annual district meeting when the term of a member expires, the district shall elect one member of the board to serve for three years or until his successor is qualified.

**SECTION 4.** Thereafter meetings of the district shall be called by warrant of the commissioners at the time stated in the warrant, or on petition of voters of the town of Leicester residing within the district addressed to the commissioners, as specified in section 119 of chapter 41 of the General Laws. The clerk of the district shall give notice of the meeting by posting copies of the warrant in two or more public places in the district and by delivering a copy to the town clerk of said town of Leicester, seven days at least before the time of the meeting. At all district meetings the district clerk shall preside until a moderator is chosen. The meeting may then proceed to act on the articles contained in the warrant.

**SECTION 5.** All the authority granted to the district by this act, and not otherwise specifically provided for, shall be vested in the board of sewer commissioners, who shall be subject however to such instructions, rules and regulations as the district has previously or may impose by its vote. A majority of the board of sewer commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in the board of sewer commissioners 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 district treasury except by a written order of a majority of the board of sewer commissioners. The board of sewer commissioners shall annually make a full report to the district in writing of their doings and expenditures.

**SECTION 6.** The board of sewer commissioners shall annually appoint a clerk and a treasurer and may appoint a superintendent of sewers who shall not be a member of the board, and shall define their duties. It may remove the clerk, treasurer or superintendent at its pleasure. The

treasurer shall not be a sewer commissioner, and shall give bond to the district in such amount as may be approved by said sewer commissioners and with a surety company authorized to transact business in the commonwealth as surety.

**SECTION 7.** The board of sewer commissioners may, in its discretion, prescribe for the users of said sewer system such annual use charges based on the benefits derived therefrom as it may deem proper, subject, however, to such rules and regulations as may be fixed by vote of the district.

**SECTION 8.** For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, the district may borrow such sums as may be necessary and may issue from time to time bonds or notes in accordance with the General Laws.

**SECTION 9.** The district shall raise annually by taxation a sum which, with the income derived from user and connection fees, shall be sufficient to pay the current annual expenses of operating its sewer works and the interest accruing on any bonds or notes issued by the district, together with such payments of the principal thereof as may be required. The district is further authorized by a majority vote of its voters, present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging, repairing, maintaining, or extending its sewer works or of providing additional equipment and fixtures connected therewith.

**SECTION 10.** Whenever a tax is duly voted by the district for the purpose of this act, the district clerk shall deliver a certified copy of the vote to the assessors of the town of Leicester, who shall assess the same in the manner in which town taxes are required by law to be assessed; provided, however, that no estate shall be subject to any tax assessed on account of the system of sewer supply under this act, if, in the judgment of the board of sewer commissioners hereinbefore provided for, after a hearing, due notice of which shall have been given, such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with sewer connections from the 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 the tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by the board of sewer commissioners to the assessors, at the same time at which the district clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to tax collectors for the town of Leicester, who shall collect the tax in the manner provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on taxes when overdue in the manner in which interest is authorized to be collected on town taxes.

**SECTION 11.** The receipts from sewer assessments and from payments made in lieu thereof shall be applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal or to the extension thereof, to the payment of interest upon bonds or notes issued for sewer purposes or to the payment or redemption of such bonds or notes.



**SECTION 12.** Said board of sewer commissioners, acting for and on behalf of said district, may take by eminent domain under chapter 79 of the General Laws or acquire by purchase or otherwise, any lands, sewer rights, rights of way or easements, public or private, in said district, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, however, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

**SECTION 13.** Any person injured in his property by any action of said board of sewer commissioners under this act may recover damages from said district under chapter 79 of the General Laws.

**SECTION 14.** All contracts made by the board of sewer commissioners shall be made in the name of the district and shall be signed by the board, and the district may enter into agreements and contracts with other districts, sewer departments, municipalities or individuals for the purpose of making connections for the collection, purification and disposal of sewage.

**SECTION 15.** The by-laws and rules and regulations of the former Cherry Valley Sewer District, which were in effect at the time of the effective date of this act shall remain in full force and effect upon the passage of this act. The board of sewer commissioners may, from time to time, prescribe new rules and regulations for the connection of estates and buildings with main drains and sewers, and for inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may prescribe penalties, for each violation of any such rule or regulation.

**SECTION 16.** Owners of real estate in areas previously located within the district boundaries under chapter 729 of the acts of 1963, if not served by a suitable means of sewerage disposal, may reenter the district by submitting a petition to the board of sewer commissioners to have their real estate included within the district. The petition shall be in writing, accurately describing the land and signed by the owners, or a majority of the owners, of the land. The commissioners shall allow the petition within 30 days of receipt and the district clerk shall within ten days thereafter file with the town clerk of Leicester and with the secretary of state an attested copy of said petition and the commissioners vote and, thereupon said real estate shall become and be part of the district and shall be holder under this act in the same manner and to the same extent as the real estate described in section 1. Petitioners reentering the district shall pay no fee for reentry, however, they shall bear all costs associated with the annexation, including but not limited to permit and connection fees, engineering and legal costs, installation of pipes and other equipment, and alterations to the existing distribution system necessitated by the annexation, but excepting increases in the capacity of the district's inceptor and lateral sewers which may be necessitated by such reentry. The applicant shall also comply with all rules and regulations

governing annexations as may be promulgated by the board of sewer commissioners, from time to time.

**SECTION 17.** Owners of real estate not previously located within the district, but abutting in said district may submit a petition in writing addressed to said board of sewer commissioners requesting that certain real estate, accurately described therein, located in said town of Leicester and abutting on said district and not otherwise served by a suitable means of sewerage disposal be included within the limits thereof. The petition shall be signed by the owners of such real estate, or a majority thereof, and within 30 days of receipt thereof the sewer 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 1.

Notwithstanding the foregoing, the board of sewer commissioners shall have no obligation to call a meeting, unless the petitioner first demonstrates to the board of sewer commissioners that the real estate to be annexed can be supplied by the district in an ordinary and reasonable manner without adverse impact on the district's existing sewerage system, and that sufficient capacity, allotted to the district, exists at the waste water treatment plant to supply the real estate.

Petitioners seeking entry into the district shall bear all costs associated with the annexation, including but not limited to permit and connection fees, engineering and legal costs, installation of pipes and other equipment, and alterations to the existing distribution system necessitated by the annexation, including increases in the capacity of the district's inceptor and lateral sewers which may be necessitated by the entry. The applicant shall also comply with all rules and regulations governing annexations as may be promulgated by the board of sewer commissioners, from time to time.

**SECTION 18.** The provisions of chapters 41, 44, and 83 of the General Laws shall, so far as apt, apply to the district.

**SECTION 19.** This act shall take effect upon its passage.

Approved February 20, 1998.

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List of Laws passed in 1998 Session

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Commonwealth of Massachusetts home page.

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of lot #10, Block B, Assessors Map 1; thence, southeasterly across Stafford Street 50.00 +/- feet to the south side of Stafford Street at the northeast corner of Lot #10, Block B, Assessors Map 1; thence, southeasterly 747 feet along Lot #10, to the Providence Worcester Railroad; thence, northeasterly along the north line of said railroad 2,284 +/- feet to the Leicester Town Line; thence, west along the Town Line 358.09 feet to the point of beginning, shall constitute the Cherry Valley and Rochdale Water District, a water district and body corporate for the purpose of supplying themselves with water for the extinguishing of fires and for domestic, manufacturing and other purposes; with power to establish hydrants, and to relocate and discontinue the same, and to take or acquire property by purchase or otherwise, and to hold the same for the purposes mentioned in this act; and to prosecute and defend in all actions relating to the property and affairs of the district.

**SECTION 3.** 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 it may require, authority to furnish same being hereby granted. The district may take or acquire by purchase, or otherwise, water bodies, land, water and water rights connected with such water bodies or lands and any springs and streams percolating through the land or into the water bodies, for the purpose of increasing the water supply and protecting the quality of new and existing water sources. The district may also take or acquire easements, restrictions and reservations to protect the water quality and negotiate options and rights of first refusal to assist in the development or protection of new or existing water supplies.

**SECTION 4.** All contracts entered into between the towns of Leicester and Oxford and the district for installation and maintenance of new and existing hydrants in the district shall be upon such terms as the parties thereto may agree upon.

**SECTION 5.** The district may also take or acquire by purchase or otherwise, and hold all lands, rights of way, and easements necessary for laying, constructing and maintaining aqueducts, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, discharging, conducting and distributing water within the district; and may erect upon the land thus taken and held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and equipment as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, railways, or other public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act. The district may dig up any such lands, and, subject to the direction of the selectmen of the towns in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon; provided, however, that no source of water supply and no lands necessary for preserving the quality of such water shall be taken or used without first obtaining the advice and approval of the

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Lot #5 to Lot #7, Block A, Assessors Map 2B; thence, northeasterly 150 feet along said Lot #7 to Lot #1, Block A, Assessors Map 2; thence, northeasterly 1016.92 feet in a straight line to an angle point on the south side of Mill Street at the intersection of the 1963 layout of Route 56; thence, southeasterly 121.87 feet across Route 56 to the east side of Route 56 where it intersects the south side of Cominsville Road and the northwest property corner of Lot 12, Block B, Assessors Map 2B; thence, southeast 388 feet along Mill Street (old Route 56) and Lot #12 to Lot #11, Block B, Assessors Map 2B; thence, easterly 46 feet along Lot #11 to the high water line of Thayer Pond a.k.a. Comins Pond; thence southerly along the normal edge of said pond 325 +/- feet to where it meets the French River; thence southerly along the normal west edge of the French River 1570 +/- feet to the Massachusetts Turnpike (Route 90) thence; northeasterly along the curve of Route 90 with a radius of 10,460 feet for a distance of 136 +/- feet; thence, southeasterly along Route 90 a distance of 50.00 feet to a point; thence, northeasterly 874.15 feet to a point; thence, southeast along Rte. 90 a distance of 40.00 feet to Lot #3, Block F, Assessors Map 2; thence, northerly along Lot #3 to Lot #1, Block F, Assessors Map 2; thence, northeast 155.76 feet along Lot #3, to a point; thence, northerly two courses along said Lot #1: 219.78 feet to a point and 209.46 feet to Lot #2.10, Block F, Assessors Map 2, thence; southwest along Lot #2.10, 89.32 feet to Lot #1, Block F, Assessors Map 1; thence, northerly along Lot 1, 373.94 feet to an angle point at Lot #1 and Lot #2.11; thence, northeasterly along Lot #2.11 and 2.1, a distance of 446.82 feet to the west sideline of Cominsville Road; thence, southeasterly along Cominsville Road three courses: 124.58 feet, 255.60 feet, and 168.55 feet to a point of tangency of a curve in Cominsville Road with a radius of 250.0 feet; thence, easterly along said curve a length of 141.38 feet to a point at a compound curve; thence along a curve in Cominsville Road with a radius of 340.00 feet an arc distance of 48.19 feet to the Auburn Town Line; thence, northwest 215 +/- feet along the Auburn Town Line to the Providence and Worcester Railroad; thence, northwesterly along the curve in said railroad 780 +/- feet to Assessors Lot 3, Block C, Map 2; thence, southwest along said Lot 149 feet to Assessors Lot 3, Block D, Map 2B; thence, northwest in a straight line 325.60 feet along said Lot 3 to Lot 3, Block C, Map 2; thence, northwest in the same direction as the last course 40.0 feet, to Lot 2, Block D, Assessors Map 2B; thence, northwest in the same direction as the last course 273.35 feet along said Lot 2 then Lot 1 to a point; thence, southwest 309.10 feet along said Lot 3 to the east normal edge of the French River; thence, northwesterly along the east edge of said river 100 +/- feet to Lot 1, Block C, Assessors Map 2; thence, northwesterly 290 +/- feet along said Lot 1 to the 1963 layout of Route 56; thence, westerly 126 +/- feet across Route 56 to a point where the westerly side of Route 56 intersects with the normal west edge of the French River; thence, northerly along the west edge of said river 1,325 +/- feet to the point of beginning.

A fifth (5th) area beginning at a point on the north side of Stafford Street where it intersects the Leicester and Oxford Town Line; thence, westerly along the Town Line 1250 +/- feet to the northwest corner of Lot #3, Block A, Assessors Map 1; thence, southerly along Lot #3, 1,035.89 feet to the north side of Stafford Street; thence southwest along the north side of Stafford Street 175 +/- feet to a point opposite the northeast corner

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Street at the center of a brook running between Waite Pond and City Pond; thence, northerly 65 +/- feet along Chapel Street then Pine Avenue to the northwest property corner of Lot 9, Block A, Assessor Map 22; thence, southeasterly 1081 +/- feet along said Lot 9 to the eastern most property corner of said Lot 9 and on the west boundary of Lot 1, Block A, Assessor Map 22B; thence, northeast in a straight line 875 +/- feet to the east side of Woodland Road at the intersection of the north side of Marion Avenue; thence, southeast in a straight line 3440 +/- feet to the Worcester City and Leicester Town Line; thence, southeast along the Town Line 6690 +/- feet to the point of beginning; being the intersection at the Town Line with the south side of the 1937 State layout of Stafford Street.

A third (3rd) area beginning at the intersection of the east side of Peter Salem Road and the south side of Pitcairn Avenue; thence, northeast 366.9 feet along Pitcairn Avenue and Lot 7, Block E, Assessor Map 31A to the southeast corner of said Lot 7; thence, northeast 907.25 feet in a straight line to the southeast corner of Lot 3, Block D, Assessor Map 31A, also being the northwest corner of Lot 12 of Block B and said Map; thence, northwest 820.66 feet to the northeast corner of Lot 21, Block B, Assessor Map 31A; thence, southwest 855.15 feet to a point 200.00 feet west of Peter Salem Road; thence, southeast along a line that is parallel to and westward of the west side of Peter Salem Road 305.00 feet to the northwest property corner of Lot 1, Block A, Assessor Map 31A; thence, southeast 295.14 feet along the rear property line of Lots 1, 2 and 3 to an angle point; thence, southeast 691.51 feet along a line that is parallel to 200 feet westward of the west side of Peter Salem Road; thence, northeast 240 feet to the point of beginning.

A fourth (4th) area beginning at a point where the Leicester and Oxford Town Line intersects with the western normal edge of the French River; thence, southwesterly along the Oxford Town Line 2,100 +/- to a point where the rear lot line of Lot #1, Block A, Assessors Map 2A intersects the Town Line; thence, southerly along said rear lot line 70 +/- feet to Lot #2 of said Block and Map; thence, westerly 104 +/- feet to Lot #1, Block C, Assessors Map 1; thence, southerly along said lots 244 feet to a corner; thence, northeasterly along said lot 117.7 feet to Lot #3, Block A, Assessors Map 2A; thence southerly along Lot #3 180.6 feet to Lot #1, Block C, Assessors Map 1; thence, northeasterly 182.8 feet to the west sideline of Pleasant Street; thence, northeasterly across Pleasant Street to the east side of said street and southwest corner of Lot #1; thence, southerly along Pleasant Street 1713.3 feet to the northwest property corner of Lot #2, Block A, Assessors Map 2, thence, northeasterly along Lot #2, 250 feet to the northeast corner of Lot #2; thence, two courses southerly along Lot #2, 233.3 and 150 feet along Lot #3 to the corner of Lot #1; thence, southwesterly 250 feet along Lot #3 to Pleasant Street; thence, southerly along Pleasant Street 740.24 feet to the point of curvature in Pleasant Street with a radius of 60.00 feet; thence, along the curve in Pleasant Street for said radius and a length of 74.73 feet to the point of tangency; thence, easterly along the north side of Pleasant Street 881.78 feet to the southeasterly property corner of Lot #1.1, Block A, Assessors Map 2; thence, northwesterly along Lot #1, 274.30 feet to the corner of Lot #2, Block A, Assessors Map 2B; thence, northerly 200.98 feet along said Lot #2 to Lot #5, Block A, Assessors Map 2B; thence, southwesterly 149.40 feet along Lot #5 to Lot #1, Block A, Assessors Map 2; thence, northeasterly 412.84 feet along said

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Road; thence, southeast 219 feet along Cemetery Road to the southeast corner of said Lot 14 and then southwest 252 feet along the south boundary of said Lot 14 to the east boundary of Lot 11, Block F, Assessor Map 34B; thence, southeast 181 feet along said Lot 11 to a point; thence, southwest 212 feet to the southeast corner of Lot 10, Block F, Assessor Map 34B; thence, southwest 164.02 feet along said Lot 10 to the southwest corner of said Lot 10; thence, northwest 432.32 feet to the south side of the 1937 site layout of Stafford Street; thence, northwest 60.00 feet to the north side of Stafford Street; thence, southwesterly 172 +/- feet along the curve of Stafford Street to the southwest property corner of Lot 11, Block A, Assessor Map 34A; thence, northerly 742.70 feet along Lot 11 and Lot 12, Block A, Assessor Map 34A to the northwest corner of said Lot 12; thence, southeast 65 feet to Lot 2, Block A said point also being the south corner of Lot 6, Block A, Assessor Map 33; thence, northwest 1729 +/- feet along Lot 6 to the southwest corner of Lot 8, Block J, Assessor Map 33A; thence, southwest 2900 +/- feet to the east side of Auburn Street at the northwest corner of Lot 5, Block A, Assessor Map 33; thence, westerly 4000 +/- feet to the east side of Henshaw Street at the southwest corner of Lot 1, Block C, Assessor Map 24; thence, westerly along the same direction as the last course 33 +/- feet to the west side of Henshaw Street; thence, northerly 2345 +/- feet to a point where the prolongation of the north side of Willow Street intersects with the west side of Henshaw Street; thence, northeasterly 270 +/- feet across Henshaw Street and continuing along the north side of Willow Street to the southwest corner of Lot 7.1, Block D, Assessor Map 24A; thence, northerly 542.40 feet to the south side of Roosevelt Street at the northwest corner of Lot 7, Block D, Assessor Map 24A; thence, easterly 242 +/- feet along Roosevelt Street across Harding Street to the east side of Harding Street at the corner of Lot 13, Block A, Assessor Map 24A; thence, northeast 731.88 feet along said Lot 13 and Harding Street then along Lot 34 to the northwest corner of Lot 34, Block A, Assessor Map 24A; thence, southeast 562.39 feet along Lots 34, 35 and 36 to the common corner of Lots 36, 37, 59 and 62, Block A, Assessor Map 24A; thence, northeast in a straight line 330 +/- feet to the intersection of the east side of Main Street and the north side of Maple Street; thence, northeast 660 +/- feet in a straight line to the intersection of the north side of Oak Street and the west side of Grand View Avenue; thence, easterly 136 feet to the southeast corner of Lot 24, Block B, Assessor Map 21B, said point also being on the west boundary of Lot 7, Block C, Assessor Map 21; thence, four courses along Lot 7: northwest 320 +/- feet, northwest 326.53 feet, northeast 38.75 feet and 101.53 feet to the southeast corner of Lot 10, Block B, Assessor Map 21B; thence, northwest 713.9 feet along Lot 10 to the southeast corner of Lot 9, Block B, Assessor Map 21B; thence, southwest 171.49 feet to the southwest corner of said Lot 9; thence, northwest 247.03 feet along said Lot 9 to the south side of Waite Street; thence, northwest 40 feet to the north side of Waite Street; thence, southwest 95 +/- feet along the north side of Waite Street to the southwest corner of Lot 38, Block A, Assessor Map 21A; thence, northwest 123 +/- feet along said Lot 38 to Waite Pond; thence, easterly 479 +/- feet along the edge of Waite Pond to the northwest corner of Lot 43, Block A, Assessor Map 21A; thence, southeast 232 feet along the north property line of Lot 43 to the west side of Chapel Street; thence, easterly 40 +/- feet to the east side of Chapel

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98.14 feet to the corner of said Lot 11; thence, northeasterly 161.00 feet to the south side of King Street; thence, southeasterly along King Street 295 +/- feet; thence, northeasterly across King Street 40 +/- feet to the southeast corner of Assessors Lot 14, Block A, Map 37A, northeasterly along said lot 150.00 feet to the rear corner; thence, northwesterly 388.14 feet along the rear lot line of Assessor Lots 14 through 11 of said Map and Block to Assessors Lot 9 of said Map and Block A; thence, northerly on said lot line two courses 80 +/- feet and 268.00 feet to the rear lot corner; thence, northwesterly by two courses along said lot; 280.00 feet and 124.1 feet to the lot corner; thence, northwesterly to the point of tangency located at Station 102 + 76.13 of the east side of the 1963 Route 56 layout; thence, northerly along Route 56 a distance of 623.87 feet to a point, northwesterly along Route 56, 226.56 feet to a point of curvature; thence, northwesterly along the curve in Route 56, 146.71 feet to a point of tangency at Station 110 + 69.77; thence, northwesterly along Route 56 a distance of 52 feet; thence, southwesterly 62 +/- feet across Route 56 to the intersection of the west side of Route 56 and the lot corner of Assessors Lots 8.14 and 1, Block B; thence, southwesterly 221.03 feet along said Lot 1 and Lot 2 to Assessors Lot 5, Block B, Map 37A; thence, along said Lot 5 southeasterly 52.50 feet to the lot corner; thence, southwesterly 306.00 feet along lots 5, 7 and 8 to Assessors Lot 3, Block C, Map 37A; thence, southeasterly 90.00 feet to the corner of Lot 3 and lot 8.12; thence, southwesterly 438.32 feet along Lots 8.12, 8.11 and 8.1, Block B, Assessors Map 37A, to Lot 8.3, Block B, Assessors Map 37A; thence, southeasterly along said Lot 8.3, 44.58 feet to Lot 9; thence, northeasterly 100.00 feet to a point and then southwesterly 137.86 feet to the north line of King Street; thence, southwesterly 52.10 feet in the same direction as the last course across King Street to the south side of the 33 feet layout of King Street; thence, southwest 264 +/- feet to the northeast property corner of Assessors Lot 1, Block E, Map 37A; thence, southerly 120 +/- feet along said Lot 1 to the northerly line of the Cherry Valley & Rochdale easement; thence, southwesterly along said easement 965 +/- feet to the east side of the 1963 layout of Pleasant Street; thence, southerly along Pleasant Street 980 +/- feet to the northwest property corner of Lot 1, Block B, Assessors Map 43; thence, westerly 2040 +/- feet to the south side of Green Street at a point where the centerline of the Town Meadow Brook flows beneath Green Street; thence southerly 2580 +/- feet to the south side of River Street at the northwest corner of Lot 4, Block D, Assessors Map 43; thence southerly 1965 +/- feet to the south side of Charlton Street at the northwest corner of Lot 8, Block A, Assessors Map 47; thence, southeasterly 3995 +/- feet to a point on the Leicester/Oxford Town Line where it intersects with the rear (west boundary) property line of Assessors Lot 5, Block C, Map 47B; thence, easterly 5030 +/- feet along the Town Line to the point of beginning marked with a granite corner monument at the Leicester, Oxford and Auburn Town corner.

A second (2nd) area beginning at the intersection of the south side of the 1937 state layout of Stafford Street with the Leicester Town and Worcester City Line, thence, southeast 351 +/- feet to the south lot line of Lot 4.1, Block G, Assessor Map 34B; thence, two courses: southwest 36 feet along said Lot 4.1 to Lot 2 and southwest 346 feet along Lot 2 to the southwest lot corner of Lot 2, Block G, Assessor Map 34B; thence, northwest 49 feet to the northeast corner of 14, Block G, Assessor Map 34B at the west side of Cemetery

**Chapter 104. AN ACT FURTHER REGULATING THE DISTRIBUTION OF CERTAIN COSMETIC SAMPLES.**

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

Chapter 111 of the General Laws, as appearing in the 1994 Official Edition, is hereby amended by adding the following section:-

Section 216. All fragrance advertising inserts contained in a newspaper, magazine, mailing, or other periodically printed material shall contain only microencapsulated oils. Glue tabs or binders shall be used to prevent premature activation of the fragrance advertising insert. Fragrance advertising insert shall mean a printed piece with encapsulated fragrance applied to it which is activated by opening a flap or removing an overlying ply of paper. Paperstocks employed in the manufacture of fragrance advertising inserts shall have a maximum porosity of twenty Sheffield units or one hundred and seventy-two Gurley Hill units.

Any person who distributes fragrance advertising inserts in violation of this section shall be guilty of an infraction and shall, if convicted, be subject to a fine of one hundred dollars for each such distribution. The fine shall apply to each mass mailing or distribution and to each mass publication of a magazine or newspaper in violation of this section. The fine shall not apply, however, to each individual letter, magazine, newspaper or fragrance advertising insert so distributed.

Approved May 24, 1996.

**Chapter 105. AN ACT RELATIVE TO THE BOUNDARIES OF THE CHERRY VALLEY AND ROCHDALE WATER DISTRICT.**

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

**SECTION 1.** Chapter three hundred and eighty-one of the acts of nineteen hundred and ten is hereby repealed.

**SECTION 2.** The inhabitants of the towns of Leicester and Oxford liable to taxation in towns, and residing within the territory enclosed by the following boundary lines to wit:

Beginning at a point at the intersection of the Leicester, Auburn and Oxford Town Lines; thence, northeasterly along the Leicester and Auburn Town line 1590 feet to a point; thence, northerly a distance approximately 2,750 +/- feet to a point on the south side of Stafford Street, being station 139 + 00 of the 1936 county layout; thence, northerly in the same direction as the last course, 230.00 feet to a point; thence, southwesterly 1820 +/- feet at a right angle from the last course, to a line parallel with and 350 feet distant and eastward from the east side of the 1963 layout of Route 56; thence, northerly 5020 +/- feet by this line running parallel and 350 foot distance from the east line of Route 56 to a point where the line intersects the property line of Assessors Lot 7, Block F, Map 37A said point being 350 feet distance and east the east line of the 1963 layout of Route 56; thence, northeasterly 113 +/- feet to the property corner of Assessor Lots 8, 10 & 11 on said Map; thence, southeasterly



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Massachusetts department of environmental protection if required by the General Laws or any regulations promulgated under the General Laws, or any successor agency, and that the situation of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of the department. The district shall not enter upon, construct or lay any conduits, pipes 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 so to agree, as may be approved by the board of railroad commissioners.

**SECTION 6.** In taking of any lands, rights of way, waters, water rights, water sources or easements, as aforesaid, otherwise than by purchase, the district shall comply with all applicable provisions of the General Laws.

**SECTION 7.** The district may make such contracts with individuals, corporations, other water districts, water companies, and municipalities for transmitting water as may be agreed upon, and may extend its pipes for that purpose, subject to approval of the governing boards of the municipalities, districts, companies and corporations. New service connections shall be limited to areas within the towns of Leicester and Oxford and, if located outside of the district boundaries set forth in section two, shall conform to the procedure and criteria set forth in section fifteen. All existing contracts of the district shall remain in full force and effect and shall not be effected by the passage of this act.

**SECTION 8.** Meetings of the district shall be called by warrant of the commissioners at the time stated in the warrant, or on petition of ten or more legal voters addressed to the commissioners within thirty days of receipt of certification. The clerk of the district shall give notice of the meeting by posting copies of the warrant in three or more public places in the district and by delivering copies to the town clerks of Leicester and Oxford, seven days at least before the time of the meeting. At all district meetings the district clerk shall preside until a moderator is chosen. The meeting may then proceed to act on the articles contained in the warrant.

**SECTION 9.** The board of water commissioners shall consist of three persons, each to hold office for a term of three years, one to be elected by ballot at every annual district meeting. There shall at all times be one resident from the Cherry Valley service area, the Rochdale/Oxford service area, and the Greenville service area, all service areas as shown on a map entitled "District Boundaries, Cherry Valley & Rochdale Water District in Leicester and Oxford, MA, May 18, 1995" prepared by Bruce Saluk & Associates, Inc. on file at the district office. However, the commissioners elected at the nineteen hundred and ninety-four annual district meeting from Greenville and the nineteen hundred and ninety-five annual meeting from Cherry Valley shall continue to hold office until the expiration of their terms, notwithstanding the reconfiguration of their service areas. All the authority granted to the district by this act, and not otherwise specifically provided for, shall be vested in the board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district has previously or may impose by its vote. A majority of the board of water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in the board of water commissions from any cause may be filled for the

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remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the district treasury except by a written order of a majority of the board of water commissioners. The board of water commissioners shall annually make a full report to the district in writing of their doings and expenditures. The district shall also, at a legal meeting called for the purpose, elect by ballot a district clerk and a treasurer, to hold office for the term of one year and until their successors are chosen and qualified. There shall at all times be one resident from each of the Rochdale, Greenville and Cherry Valley service areas, as delineated on a map of the district prepared by Bruce Saluk & Associates dated April 10, 1995, serve as a water commissioner.

**SECTION 10.** For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, the district may issue from time to time bonds or notes in accordance with the General Laws.

**SECTION 11.** The district shall raise annually by taxation a sum which, with the income derived from the sale of water, shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on any bonds or notes issued by the district, together with such payments of the principal thereof as may be required under the provisions of this act. The district is further authorized by a majority vote of its voters, present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging, repairing, maintaining, or extending its water works or of providing additional equipment and fixtures connected therewith:

**SECTION 12.** Whenever a tax is duly voted by the district for the purpose of this act, the district clerk shall deliver a certified copy of the vote to the assessors of the towns of Leicester and Oxford, who shall assess the same in the manner 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 hereinbefore provided for, after a hearing, due notice of which shall have been given, such estate is so situated that it can either receive no aid in the extinguishment of fire from the system of water supply, or is so situated that the buildings thereon, or the buildings that might be constructed thereon could not be supplied with water from the system in any ordinary or reasonable manner; but all other estates in the district shall be deemed to be benefitted and shall be subject to the tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by the board of water commissioners to the assessors, at the same time at which the district clerk shall send a certified copy of the vote as aforesaid. The assessment shall be committed to tax collectors for the towns of Leicester and Oxford, who shall collect the tax in the manner provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on taxes when overdue in the manner in which interest is authorized to be collected on town taxes.

**SECTION 13.** The by-laws of the district in effect at the time of the passage of this act shall remain in full force and effect upon the passage of this act. The district may adopt new by-laws or amend its existing by-laws by vote of a majority of its voters present and

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voting at a district meeting. The district's rules and regulations for the management of its waterworks in effect prior to the adoption of this act shall remain in full force and effect upon the passage of this act. The district may adopt new regulations for the management of its waterworks or amend its existing regulations upon the majority vote of the board of water commissioners. The district may choose other officers not provided for in this act as the board of water commissioners, by majority vote, shall deem necessary and proper.

**SECTION 14.** Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken under this act, or wilfully or wantonly injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by the district for the purpose of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, and shall also be subject to such penalties as may be provided in the General Laws, as in effect from time to time.

**SECTION 15.** Upon a petition in writing addressed to the board of water commissioners requesting that certain real estate, accurately described therein, located in the towns of Leicester or Oxford and abutting on the boundaries of the district and not otherwise served by a public water supply, be included within the boundaries of the district, and signed by the owners of such real estate, or a major portion of such real estate, the board of 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 the 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 clerks of Leicester and Oxford and with the state secretary an attested copy of the petition and vote; and thereupon the 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 two. Notwithstanding the forgoing, the board of water commissioners shall have no obligation to call a meeting unless the petitioner can first demonstrate to the board of water commissioners that the real estate can be supplied by the district in an ordinary and reasonable manner without adverse impact on the district's existing distribution system, and that sufficient water supply exists to supply the real estate.

Petitioners seeking entry into the district shall bear all costs associated with the annexation, including but not limited to: permit and connection fees, engineering and legal costs, installation of pipes and other equipment, and alterations to the existing distribution system necessitated by the annexation. The applicant must also comply with all rules and regulations governing annexations as may be promulgated by the board of water commissioners, from time to time.

**SECTION 16.** The powers conferred upon the district by the following special acts of the general court, insofar as they confer power upon the district which the district would not otherwise hold under the provisions of this act, the General Laws or otherwise, are hereby retained; otherwise they are hereby repealed, it being the explicit intention of this section that provisions of any special acts retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that the powers so conferred are to be exercised in accordance with the terms of this act:

Chapter one hundred and fifty-two of the acts of nineteen hundred and eleven, chap-

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ter sixty-eight of the acts of nineteen hundred and twenty-five, chapter seventy-one of the acts of nineteen hundred and thirty-nine, chapter one hundred and ninety-eight of the acts of nineteen hundred and forty-seven, chapter four hundred and thirty-seven of the acts of nineteen hundred and forty-nine and chapter one hundred and twelve of the acts of nineteen hundred and fifty-four.

**SECTION 17.** This act shall take effect upon its passage.

Approved May 29, 1996.

**Chapter 106. AN ACT PROVIDING FOR THE RETAIL PURCHASE OF  
ELECTRICITY IN THE TOWN OF BRAINTREE.**

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

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, the town of Braintree is hereby authorized to permit the retail purchase of electricity within said town from an entity other than the Braintree electric light department by a vote of its town meeting.

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

Approved May 30, 1996.

**Chapter 107. AN ACT VALIDATING A CERTAIN VOTE PASSED BY THE TOWN  
OF COHASSET.**

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

**SECTION 1.** The vote passed by the voters of the town of Cohasset at the election held on April sixth, nineteen hundred and ninety-six to exempt from the provisions of section twenty-one C of chapter fifty-nine of the General Laws the amounts required to pay for the bonds to be issued in order to finance planning, designing and constructing an elementary school on land owned by the town off Sohier street and known as "Deer Hill" is hereby ratified, validated and confirmed, notwithstanding any defect or omission in the calling of said election as it relates to said vote.

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

Approved May 31, 1996.

## Chapter 112 of the Acts of 2006

### AN ACT RELATIVE TO THE BOUNDARIES OF THE CHERRY VALLEY AND ROCHDALE 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:*

The first paragraph of section 2 of chapter 105 of the acts of 1996 is hereby amended by striking out the first 3 subparagraphs and inserting in place thereof the following 3 subparagraphs:-

Beginning at a point at the intersection of the Leicester, Auburn and Oxford town lines; thence, northeasterly along the Leicester and Auburn Town line 1590 feet to a point; thence, northerly along the Leicester and Auburn Town line 2,100 +/- feet to the southernmost lot corner of Lot 1, Block B, Map 45; thence, northeast along said Lot 1, 222 +/- feet to Lot 2, Block B on Assessors Map 45; thence, along said Lot 1, 353 +/- feet to Stafford Street; thence, northeast along Stafford Street 150 +/- feet to a point on Stafford Street, being station 139 + 00 of the 1936 county layout; thence, northerly in the same direction as the last course, 230.00 feet to a point; thence, southwesterly 1730 +/- feet at a right angle from the last course, to Assessors Lot 6.4, Block B, Map 44; thence, northerly 130 +/- feet along said Lot 6.4 to Assessors Lot 6, Block B on Map 44; thence, 127 +/- feet, to a line parallel with and 350 feet distant and eastward from the east side of the 1963 layout of Route 56; thence, northerly 5020 +/- feet by this line running parallel and 350 foot distance from the east line of Route 56 to a point where the line intersects the property line of Assessors Lot 7, Block F, Map 37A said point being 350 feet distance and east the east line of the 1963 layout of Route 56; thence, northeasterly 113 +/- feet to the property corner of Assessors Lots 8, 10 & 11 on said Map; thence, southeasterly 98.14 feet to the corner of said Lot 11; thence, northeasterly 161.00 feet to the south side of King Street; thence, southeasterly along King Street 295 +/- feet; thence, northeasterly across King Street 40 +/- feet to the southeast corner of Assessors Lot 14, Block A, Map 37A, northeasterly along said lot 150.00 feet to the rear corner; thence, northwesterly 388.14 feet along the rear lot line of Assessors Lots 14 through 11 of said Map and Block to Assessors Lot 9 of said Map and Block A; thence, northerly on said lot line two courses 80 +/- feet and 268.00 feet to the rear lot corner; thence, northwesterly by two courses along said lot; 280.00 feet and 124.1 feet to the lot corner; thence, northwesterly to the point of tangency located at Station 102 + 76.13 of the east side of the 1963 Route 56 layout; thence, northerly along Route 56 a distance of 623.87 feet to a point, northwesterly along Route 56, 226.56 feet to a point of curvature; thence, northwesterly along the curve in Route 56, 146.71 feet to a point of tangency at Station 110 + 69.77; thence, northwesterly along Route 56 a distance of 52 feet; thence, southwesterly 62 +/- feet across Route 56 to the intersection of the west side of Route 56 and the lot corner of Assessors Lots 8.14 and 1, Block B; thence, southwesterly 221.03 feet along said Lot 1 and Lot 2 to Assessors Lot 5, Block B, Map 37A; thence, along said Lot 5 southeasterly 52.50 feet to the lot corner; thence, southwesterly 306.00 feet along lots 5, 7 and 8 to Assessors Lot 3, Block C, Map 37A; thence, southeasterly 90.00 feet to the corner of Lot 3 and Lot 8.12; thence, southwesterly 438.32 feet along Lots 8.12, 8.11 and 8.1, Block B, Assessors Map 37A, to Lot 8.3, Block B, Assessors Map 37A; thence, southeasterly along said Lot 8.3, 44.58 feet to Lot 9; thence, northeasterly 100.00 feet to a point and then southwesterly 137.86 feet to the north line of King Street; thence, southwesterly 52.10 feet in the same direction as the last course across King Street to the south side of the 33 feet layout of King Street; thence, southwest 264 +/- feet to the northeast property corner of Assessors Lot 1, Block E, Map 37A; thence, southerly 120 +/- feet along said Lot 1 to the northerly line of the Cherry Valley & Rochdale Water District easement; thence, southwesterly along said easement 965 +/- feet to the east side of the 1963 layout of Pleasant Street; thence, crossing Pleasant Street to a point on the west side of Pleasant Street. Said point being 1022.4 ft

from the intersection of the west sideline of Pleasant Street with the north sideline of Green Street as measured along Pleasant Street. Said point also being the northeast property corner of land shown as Assessors Lot 9, Block A, of Map 38; thence, northwest 515 +/- feet to Lot 7.5, Block A on Map 38; thence, 473 +/- feet to Lot 8.2, Block A, Map 38; thence, 716 +/- feet to Green Street; thence crossing Green Street to the south sideline of Green Street; thence, westerly 1170 +/- feet along the south side of Green Street to a point where the centerline of the Town Meadow Brook flows beneath Green Street; thence, southerly 2580 +/- feet to the south side of River Street at the northwest corner of Lot 4, Block D, Assessors Map 43; thence, southerly 1965 +/- feet to the south side of Charlton Street at the northwest corner of Lot 8, Block A, Assessors Map 47; thence, southeasterly 3995 +/- feet to a point on the Leicester/Oxford Town Line where it intersects with the rear (west boundary) property line of Assessors Lot 5, Block C, Map 47B; thence, easterly 5030 +/- feet along the Town Line to the point of beginning marked with a granite corner monument at the Leicester, Oxford and Auburn Town corner.

A second (2nd) area beginning at the intersection of the south side of the 1937 state layout of Stafford Street with the Leicester Town and Worcester City Line, thence, southeast 351 +/- feet to the south lot line of Lot 4.1, Block G, Assessors Map 34B; thence, two courses: southwest 36 feet along said Lot 4.1 to Lot 2 and southwest 346 feet along Lot 2 to the southwest lot corner of Lot 2, Block G, Assessors Map 34B; thence, northwest 49 feet to the northeast corner of Lot 14, Block G, Assessors Map 34B at the west side of Cemetery Road; thence, southeast 219 feet along Cemetery Road to the southeast corner of said Lot 14 and then southwest 252 feet along the south boundary of said Lot 14 to the east boundary of Lot 11, Block F, Assessors Map 34B; thence, southeast 181 feet along said Lot 11 to a point; thence, southwest 212 feet to the southeast corner of Lot 10, Block F, Assessors Map 34B; thence, southwest 164.02 feet along said Lot 10 to the southwest corner of said Lot 10; thence, northwest 432.32 feet to the south side of the 1937 state layout of Stafford Street; thence, northwest 60.00 feet to the north side of Stafford Street; thence, southwesterly 172 +/- feet along the curve of Stafford Street to the southwest property corner of Lot 11, Block A, Assessors Map 34A; thence, northerly 742.70 feet along Lot 11 and Lot 12, Block A, Assessors Map 34A to the northwest corner of said Lot 12; thence, southeast 65 feet to Lot 2, Block A said point also being the south corner of Lot 6, Block A, Assessors Map 33; thence, northwest 1729 +/- feet along Lot 6 to the southwest corner of Lot 8, Block J, Assessors Map 33A; thence, southwest 2900 +/- feet to the east side of Auburn Street at the northwest corner of Lot 5, Block A, Assessors Map 33; thence, southeast along said Lot 5, 287 +/- feet to a point; thence, southwest 269 +/- feet; thence, southeast 1230 +/- feet to Lot 3, Block A, thence, southwest 793 +/- feet to Assessors Lot 1.3; thence, northeast 397 +/- feet to a point; thence, northwest 306 +/- feet to a point; thence, southwest 30 +/- feet to Assessors Lot 4, thence, northeast 1127 +/- feet to the easterly side of Auburn Street, the last 8 courses being along said Lot 5; thence, crossing Auburn Street and continuing in the same direction as the last course 570 +/- feet to a point; thence, westerly 3360 +/- feet to the east side of Henshaw Street at the southwest corner of Lot 1, Block C, Assessors Map 24; thence, westerly along the same direction as the last course 33 +/- feet to the west side of Henshaw Street; thence, northerly 2345 +/- feet to a point where the prolongation of the north side of Willow Hill Road intersects with the west side of Henshaw Street; thence, northeasterly 140 +/- feet across Henshaw Street to the point of curvature on the north side of Willow Hill Road at the intersection rounding between Willow Hill Road and Henshaw Street. Said point being at Assessors Lot 1, Block B on Map 24; thence, in a clockwise direction along the curvature of said rounding to Henshaw Street; thence, 350 +/- feet along Henshaw Street to the corner of said Lot 1; thence, easterly 214 +/- feet to along said Lot 1 to the northeast corner of the said Lot 1; thence, northerly 179 +/- feet to the south side of Roosevelt Street at the northwest corner of Lot 7, Block D, Assessor Map 24A; thence, easterly 242 +/- feet along Roosevelt Street across Harding Street to the east side of Harding Street at the corner of Lot 13, Block A, Assessors Map 24A; thence, northeast 731.88 feet along said Lot 13 and Harding Street then along Lot 34 to the northwest corner of Lot 34, Block A, Assessors Map 24A; thence, southeast 562.39 feet along Lots 34, 35 and 36 to the common corner of Lots 36, 37, 59 and 62, Block A, Assessors Map 24A; thence, northeast in a

straight line 330 +/- feet to the intersection of the east side of Main Street and the north side of Maple Street; thence, northeast 660 +/- feet in a straight line to the intersection of the north side of Oak Street and the west side of Grand View Avenue; thence, easterly 136 feet to the southeast corner of Lot 24, Block B, Assessors Map 21B, said point also being on the west boundary of Lot 7, Block C, Assessors Map 21; thence, four courses along Lot 7: northwest 320 +/- feet, northwest 326.53 feet, northeast 38.75 feet and 101.53 feet to the southeast corner of Lot 10, Block B, Assessors Map 21B; thence, northwest 713.9 feet along Lot 10 to the southeast corner of Lot 9, Block B, Assessors Map 21B; thence, southwest 171.49 feet to the southwest corner of said Lot 9; thence, northwest 247.03 feet along said Lot 9 to the south side of Waite Street; thence, northwest 40 feet to the north side of Waite Street; thence, southwest 95 +/- feet along the north side of Waite Street to the southwest corner of Lot 38, Block A, Assessors Map 21A; thence, northwest 123 +/- feet along said Lot 38 to Waite Pond; thence, easterly 479 +/- feet along the edge of Waite Pond to the northwest corner of Lot 43, Block A, Assessors Map 21A; thence, southeast 232 feet along the north property line of Lot 43 to the west side of Chapel Street; thence, easterly 40 +/- feet to the east side of Chapel Street at the center of a brook running between Waite Pond and City Pond; thence, northerly 65 +/- feet along Chapel Street then Pine Avenue to the northwest property corner of Lot 9, Block A, Assessors Map 22; thence, southeasterly 1081 +/- feet along said Lot 9 to the easternmost property corner of said Lot 9 and on the west boundary of Lot 1, Block A, Assessors Map 22B; thence, northeast in a straight line 875 +/- feet to the east side of Woodland Road at the intersection of the north side of Marion Avenue; thence, southeast in a straight line 3440 +/- feet to the Worcester City and Leicester Town Line; thence, southeast along the Town Line 6690 +/- feet to the point of beginning; being the intersection at the Town Line with the south side of the 1937 State layout of Stafford Street.

A third (3rd) area beginning at the intersection of the east side of Peter Salem Road and the south side of Pitcairn Avenue; thence, northeast 366.9 feet along Pitcairn Avenue and Lot 7, Block E, Assessors Map 31A to the southeast corner of said Lot 7; thence, northeast 907.25 feet in a straight line to the southeast corner of Lot 3, Block D, Assessors Map 31A, also being the northwest corner of Lot 12 of Block B and said Map; thence, northeast 270 +/- feet to the northeast property corner of Assessors Lot 4, Block D on Map 31A; thence, southwest 100 +/- feet along said Lot 4 to a point; thence, northwest 33 +/- feet to Assessors Lot 4, Block C on Map 31A; thence, northeast along said Lot 4 (Block C) 25 +/- feet to the southeast corner of said Lot 4 (Block C); thence, along said Lot 4 (Block C) 82 +/- feet to the northeast corner of said Lot 4 (Block C); thence, 50 +/- feet along said Lot 4 (Block C) to Assessors Lot 3 Block C on Map 31A; thence, along said Lot 3 and Lot 2, 115 +/- feet to the northeast corner of Assessors Lot 2, Block C on Map 31A; thence, 30 +/- feet along said Lot 2 to a point; thence, northwest 100 +/- feet to Assessors Lot 1, Block C, on Map 31A; thence, along said Lot 1 and across Lexington Street 60 +/- feet to the north side, and at the end of Lexington Street; thence, westerly along Lexington Street 45 +/- feet to a point; thence, 125 +/- feet to the northeast corner of Lot 21, Block B, Assessors Map 31A; thence, southwest 18 +/- feet along said Lot 21 to a point; thence, 109 +/- feet along said Lot 21 to a point; thence, southwest 85 +/- feet along said Lot 21 to a point southwest 700 feet to a point 200.00 feet west of Peter Salem Road; thence, southeast along a line that is parallel to and westward of the west side of Peter Salem Road 305.00 feet to the northwest property corner of Lot 1, Block A, Assessors Map 31A; thence, southeast 295.14 feet along the rear property line of Lots 1, 2 and 3 to an angle point; thence, southeast 691.51 feet along a line that is parallel to 200 feet westward of the west side of Peter Salem Road; thence, northeast 240 feet to the point of beginning.

**Approved June 21, 2006.**

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Commonwealth of Massachusetts home page.



## Chapter 112 of the Acts of 2006

### AN ACT RELATIVE TO THE BOUNDARIES OF THE CHERRY VALLEY AND ROCHDALE WATER DISTRICT.

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**Approved June 21, 2006.**

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# House, No. 4677

## Presented by: Representative John J. Binienda

Petition of John J. Binienda and Edward M. Augustus, Jr., relative to the boundaries of the Cherry Valley and Rochdale Water District.

11/28/05 H Referred to the committee on House Rules -HJ 995  
12/15/05 H Reported, referred to the committee on Joint Rules, reported, rules suspended and referred to the committee on Municipalities and Regional Government -HJ 1031  
02/08/06 S Senate concurred -SJ 1457  
Public Hearing date Mar 8 am at 10:00 in Room 222  
03/13/06 H Bill reported favorably by committee and referred to the committee on House Steering, Policy and Scheduling -HJ 1270  
03/20/06 H Committee reported that the matter be placed in the Orders of the Day for the next sitting for a second reading -HJ 1300  
04/04/06 H Read second and ordered to a third reading -HJ 1358  
05/15/06 H Read third and passed to be engrossed -HJ 1650  
05/16/06 S Read; and referred to the committee on Senate Ethics and Rules -SJ 1739  
06/05/06 S Committee reported that the matter be placed in the Orders of the Day for the next session -SJ 2118  
06/12/06 S Taken out of the Orders of the Day  
06/12/06 S Read second, ordered to a third reading, read third and passed to be engrossed -SJ 2141  
06/14/06 H Enacted -HJ 1749  
06/15/06 S Enacted and laid before the Governor -SJ 2157  
06/21/06 G Signed by the Governor, Chapter 112 of the Acts of 2006

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**House Bill 4677**

House Bill 4677 can be characterized as a housekeeping measure. Its purpose is to correct an oversight in the description and illustration of the District Boundaries.

In 1996, the District acted on a citizens' petition to amend the boundary description and illustration to include all residents currently receiving water service from the District. As a result of that action the original enabling Acts "Chapter 381 of the Acts of 1910" was replaced with "Chapter 105 of the Acts of 1996". The original acts of 1910 provided a boundary description and illustration that discriminated between those residents receiving water service within the boundaries of the district and those receiving water service outside the boundaries of the district by not afforded those residents outside the district the right to vote on district matters. Chapter 105 of the Acts of 1996, eliminated that problem by including all residents receiving water service as residents of the district.

However, during the development of the narrative description and illustration mistakes were made and nine small parcels were not included. House Bill 4677 corrects the mistake and the narrative description and illustration has been corrected to include the missing parcels and bring the description and illustration into compliance with the original intent and action of 1996.

*Chap.171* AN ACT TO SUPPLY THE CENTRE VILLAGE OF LEICESTER WITH WATER.

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

Water supply  
for the centre  
village of  
Leicester.

Leicester Water  
Supply District  
incorporated.

May take waters  
of Rawson  
brook in Leices-  
ter and of Kettle  
brook in Pax-  
ton.

SECTION 1. The inhabitants of the centre village of Leicester liable to taxation in the town of Leicester in the county of Worcester and residing within the territory enclosed by the following boundary lines, to wit : — Beginning at a stone monument set in the ground on the south side of Main street numbered twenty-eight, which bears north sixty-eight and three-fourths degrees east from the northeast corner of the Catholic church, and is sixty-four and six-tenths feet distant therefrom ; thence running in a straight line due south one hundred and sixty rods to a point ; thence running in a straight line westerly about four hundred and twenty-five rods to a point which is one hundred and sixty rods due south of monument numbered forty-two, set in the ground on the south side of Main street, opposite the house of Henry Graff ; thence running due north in a straight line intersecting said monument numbered forty-two, three hundred and twenty rods to a point ; thence running in a straight line easterly about four hundred and twenty-five rods to a point which is one hundred and sixty rods due north of said monument numbered twenty-eight ; thence running due south in a straight line one hundred and sixty rods to the place of beginning, shall constitute a water district, and are made a body corporate by the name of the Leicester Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic, manufacturing and other purposes, with power to establish fountains and hydrants, relocate and discontinue the same, and to take and hold property by purchase or otherwise, for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

SECTION 2. Said water supply district, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of Rawson brook in said district, or any or all of the waters of Kettle brook in the town of Paxton, at any point exceeding one mile north of the Worcester and Paxton road : *provided, however*, that the water taken from said Kettle brook by authority of this act, otherwise than by purchase, shall not exceed the average daily

quantity of two hundred thousand gallons, said quantity to be determined by a meter; or the waters of any springs or other water sources, on the water sheds of said brooks above the one mile limit above defined, with the water rights and water sources connected therewith, and may also take, by purchase or otherwise, and hold all lands, rights of way and easements in the towns of Leicester and Paxton necessary for laying, constructing and maintaining aqueducts, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, discharging, conducting and distributing said waters to said inhabitants; and may erect upon the land thus taken and 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 complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said water supply district may dig up any such lands, and, subject to the direction of the selectmen of the town in which such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon.

May hold lands, etc., for constructing aqueducts, etc.

May lay down conduits and pipes.

SECTION 3. Said Leicester water supply district shall, within sixty days after the taking of any lands, rights of way, waters, water rights, water sources or easements, as aforesaid, otherwise than by purchase, file and cause to be recorded in the office of the registry of deeds for the Worcester district in the county of Worcester a description thereof sufficiently accurate for identification with a statement of the purposes for which the same were taken, signed by the water commissioners hereinafter provided for.

A description of the land, etc., taken, to be recorded in the registry of deeds.

SECTION 4. Said Leicester water supply district shall pay all damages sustained by any persons or corporations in their property by the taking of any lands, rights of way, waters, water rights, water sources or easements, or any other thing done by said district under the authority

Liability for damages.



Damages.

of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with said district as to the amount of his damages, may have them assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within two years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of two years. No application for the assessment of damages shall be made for the taking of any water, water rights or water sources, or for any injury thereto until the water is actually withdrawn or diverted by said district under the authority of this act.

May make contracts for supplying water.

SECTION 5. Said district may make such contracts with individuals, corporations, and the town of Leicester for supplying water as may be agreed upon, and may extend its pipes for that purpose subject to the direction of the selectmen of the town of Leicester, through the streets and highways of said town lying outside the corporate limits of said district.

First meeting of the district.

SECTION 6. The first meeting of said district shall be called on petition of ten or more legal voters therein to and by a warrant from the selectmen of the town of Leicester directed to one of the petitioners requiring him to give notice of the meeting by posting copies of said warrant in three or more public places in said district, seven days at least before the time of said meeting. One of the selectmen shall preside at said meeting until a clerk is chosen and sworn; the clerk shall then preside until a moderator is chosen. After the choice of a moderator the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a two-thirds vote of the voters present and voting thereon, it shall go into effect, and the meeting may proceed to act on the other articles contained in the warrant.

Subject to acceptance by a two-thirds vote.

Board of water commissioners to be elected.

SECTION 7. Said Leicester water supply district shall, after its acceptance of this act, at a legal 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 said meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to

said district by this act, 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 said district may impose by its vote. Said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of said water works, except by a written order of said commissioners or a majority of them. Said commissioners shall annually make a full report to said district in writing of their doings and expenditures. Said district shall also at a legal meeting called for the purpose elect by ballot a district clerk and treasurer to hold office for the term of one year and until their successors are chosen and qualified in their stead.

Commissioners  
to be trustees  
of the sinking  
fund.

To make annual  
report to the  
district.

SECTION 8. For the purpose of paying all expenses and liabilities incurred under the provisions of this act, said district may issue bonds, notes or scrip, from time to time, signed by the treasurer and countersigned by the chairman of the water commissioners of said district, to be denominated on the face thereof Leicester Water Supply District Loan, to an amount not exceeding seventy-five thousand dollars, payable at periods not exceeding thirty years from date of issue and bearing interest payable semi-annually at a rate not exceeding six per centum per annum. And said district may sell said securities at public or private sale at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said district shall pay the interest on said loan as it accrues, and shall provide for the payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said district shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged

Leicester Water  
Supply District  
Loan, not to ex-  
ceed \$75,000.

Sinking fund to  
be established.

to the payment of said debt, and shall be used for no other purpose. If said district shall decide to pay the principal of said loan by instalments, such amounts as may be necessary to make such payments shall, without further vote of said district, be raised annually by taxation in the same way as money is raised for other district expenses.

To raise by taxation sufficient, with income from water, for current expenses and interest.

May, by a two-thirds vote, enlarge works.

Tax to be assessed by the assessors of Leicester.

SECTION 9. Said district shall raise annually by taxation a sum which with the income derived from the sale of water shall be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds and notes issued by said district, together with such payments of the principal as may be required under the provisions of this act. Said district is further authorized by a two-thirds vote of the voters of said district present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding three thousand dollars in any one year.

SECTION 10. Whenever a tax is duly voted by said district for the purposes of this act, the district clerk shall deliver a certified copy of said vote to the assessors of the town of Leicester, who shall proceed within thirty days to assess the same in the same manner in all respects as town taxes are required by law to be assessed. The assessment shall be committed to the town collector who shall collect said tax in the same manner as is provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on taxes when overdue in the same manner as interest is authorized to be collected on town taxes: *provided*, said district at the time of voting to raise a tax shall so determine, and shall also fix a time for payment thereof.

Meetings may be called as by-laws prescribe, etc.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified; but meetings may also be called on application of ten or more legal voters in said district to and by warrant from the selectmen of the town of Leicester, on such notice as may be prescribed in said warrant. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or the laws

of this Commonwealth, and may choose such other officers not provided for in this act as it may deem necessary and proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken under this act, or wilfully or wantonly injures any dam, reservoir, aqueduct, conduit, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above acts, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months.

Penalty for wilfully corrupting or diverting water.

SECTION 13. The said town of Leicester shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said district on payment to said district of the total cost of its franchise, works and property of any kind, held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of seven per centum per annum. If the cost of maintaining and operating the works of said district shall exceed in any year the income derived from said works for that year, then such excess shall be added to the total cost; and if the income derived from said works exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. Said town, on taking as herein provided the property of said district, shall assume all of its outstanding obligations including the bonds authorized by this act, and the amount thus assumed shall be deducted from the total amount to be paid by said town to said district. In case said town and district are unable to agree upon the amount of the total cost of the franchise, corporate property, rights and privileges of said district, then, upon a suit in equity by said town the supreme judicial court shall ascertain and fix such total cost under the foregoing provisions of this act, and enforce the right of said town to take possession of such franchise, property, rights and privileges upon payment of such cost to said district. This authority to take said franchise and property is granted on condition that the taking is assented to by said town by a two-thirds vote of the voters of said town

Town may take franchise and property.

Town to assume all outstanding obligations.

Town and district failing to agree, S. J. C. to determine the matter in dispute.

present and voting thereon at an annual meeting or any other meeting legally called for that purpose. Said town, upon the taking herein provided for, shall be entitled to all the rights and privileges granted to, and shall be subject to all the duties and liabilities imposed upon said district by this act and the laws of this Commonwealth. Upon the taking herein provided for in this section, all the provisions of this act relating to the election, powers and duties of a board of water commissioners, the issue of bonds, notes and scrip, the establishment of a sinking fund and provisions for the payment of said bonds, notes and scrip by instalments, shall be applicable to said town : *provided, however*, that said bonds, notes and scrip shall be denominated on the face thereof Leicester Water Loan, instead of "Leicester Water Supply District Loan", and shall be countorsigned by the town treasurer.

Leicester Water  
Loan.

Subject to ac-  
ceptance by a  
two-thirds vote.

SECTION 14. This act shall take effect upon its passage, but shall become void unless accepted by a two-thirds vote of the voters of said district present and voting thereon at any legal meeting called for the purpose within three years from its passage ; but the number of meetings so called in any year shall not exceed three.

*Approved March 29, 1888.*

**Chap.172** AN ACT PERMITTING THE ESTABLISHMENT OF A FIRE DISTRICT IN THE TOWN OF STOCKBRIDGE.

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

Fire district  
may be estab-  
lished in Stock  
bridge.

SECTION 1. A fire district may be established in the town of Stockbridge to include all the territory within the following limits, that is to say : Beginning in the centre of the Housatonic river, where the Markham brook empties into the same ; thence northerly to a large elm tree on the easterly bank of said brook, twenty feet northerly of the north bank of said river ; thence south seventy degrees east one thousand six hundred and seventy and one-half feet to or near the easterly line of Church street, at an elm tree ; thence south forty-seven degrees east six thousand nine hundred and fifty-eight feet to the saw-mill brook of S. W. Comstock, striking the north-east corner of said Comstock's tenant house near said brook ; thence down said brook four hundred and thirty feet more or less, to the middle of said Housatonic river ; thence down the thread or middle of said river to the place of beginning.

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P. S. 20, 1894.  
To apply.

ments of the sinking fund for the payment and redemption of said bonds, notes or scrip, as provided in section nine of chapter twenty-nine of the Public Statutes. If the surplus not income from said rates, assessments and payments made in lieu thereof, shall in any year be insufficient to pay the interest on said bonds, notes or scrip, and to meet the requirements of law as to said sinking fund, as hereinbefore provided, then, in such case, said city, to meet said deficiency, shall raise forthwith by taxation, in the same manner as money is appropriated and assessed for other city purposes, such sum as will, together with said net income, be sufficient to meet said requirements of law; said sinking fund shall be used for no other purpose than the payment and redemption of said debt. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall, so far as applicable, apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity. If in any year said surplus net income shall be in excess of the sum necessary to meet the requirements of the sinking fund for said year, the surplus, together with any other amounts appropriated from time to time by said city for the payment of said principal sums, shall be added to said sinking fund or be applied to the reduction of the principal of said debt either by purchase and retirement of a portion of said outstanding indebtedness or by the payment of the same at maturity. All notes, bonds or scrip of said city purchased for redemption or retirement under this act shall be cancelled.

Section 11. Said board of commissioners shall annually appoint a clerk, and may appoint, but not from their own number, a superintendent of sewers, and may remove said clerk and superintendent, at their pleasure. The compensation of said clerk and superintendent and of said commissioners shall be fixed by the city council.

Section 12. All contracts made by said board of commissioners for the purposes of this act shall be the contracts of said city, and shall be signed by the mayor, but no contract shall be made by said commissioners which requires an expenditure of money until an appropriation has been made of the money to be expended for the

## ACTS, 1893.—CHAP. 181.

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purpose to be accomplished by such contract, nor in excess of such appropriation; and said board of commissioners shall at all times be accountable for the proper discharge of their duties to the mayor, as the chief executive officer of the city, and shall make such reports to him as he may require from time to time for his own information or for the information of the city council.

Section 13. Said board of commissioners may prescribe rules and regulations for the inspection of undertakings, construction, alteration or use of all sewers or drains entering into such main sewers, and may impose penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week in some newspaper of said city of Medford and shall not take effect until such publication has been made.

Section 14. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof, so far as applicable and not inconsistent with this act, shall apply to the city of Medford in carrying out the provisions of this act.

Section 15. This act shall take effect upon its passage.

Approved April 11, 1893.

AN ACT TO AUTHORIZE THE LEICESTER WATER SUPPLY DISTRICT TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND DRAINAGE.

Chap. 181

Be it enacted, etc., as follows:

Section 1. The Leicester Water Supply District in the town of Leicester is hereby granted the same authority to construct and maintain a system of sewerage and drainage within the limits of said district that cities and towns now have by law; and the provisions of chapter fifty of the Public Statutes relating to sewers and drains, and chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two and acts in amendment thereof, shall so far as applicable apply to said district. The authority of the town of Leicester to construct sewers and drains within the limits of said district shall be suspended while this act is in force.

Section 2. The water commissioners of said district shall have the same power and authority in relation to laying out and maintaining sewers and drains within the limits of said district as are

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Given by law to the selectmen or road commissioners of towns. They shall receive such compensation for their services as may be determined by a vote of said district, and a majority of them shall constitute a quorum for the transaction of business.

Payment of expenses of construction and maintenance.

SECTION 3. Said district may, at a meeting called for the purpose, vote to raise by taxation, or borrow money to carry out the provisions of this act, subject to the restrictions and limitations imposed by law upon towns; and all money so raised or borrowed shall be expended by said board for the purposes prescribed by the vote of the district. No money shall be drawn from the district treasury except by a written order of said commissioners or a majority of them.

Assessment, collection and payment of amount raised by taxation.

SECTION 4. The clerk of said district shall, on or before the first day of May in each year, certify to the assessors of the town of Leicester all sums voted to be raised by taxation by the district during the year last preceding, under the provisions of this act, which sums shall be assessed and collected by the officers of said town in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board.

Commissioners to construct and maintain sewers, drains, etc., may also have.

Proviso.

SECTION 5. Said board of commissioners shall, subject to the direction of said district, lay, make and maintain therein all such sewers, drains and sewage disposal works as they adjudge to be necessary for the public convenience or the public health; and for these purposes said district may take, by purchase or otherwise, as hereinafter provided, any land in the town of Leicester which in the opinion of said board may be necessary therefor: *provided, however,* that any system or systems of sewerage, drainage or sewage disposal constructed under the provisions of this act shall be in general accordance with some plan or plans approved by the state board of health; and no land shall be taken for sewage disposal purposes without the approval of said board.

A description of land taken to be recorded in the registry of deeds, etc.

SECTION 6. Whenever land is taken by virtue of the provisions of the preceding section, said district shall, within sixty days after such taking, file and cause to be recorded in the registry of deeds for the Worcester district a description thereof sufficiently accurate for identification, with a statement of the purpose for which it is taken, signed by said commissioners or a majority of them; and

all lands so taken for the purposes mentioned in said statement shall vest in said district and its successors. Damages for land so taken shall be paid by said district, and any person aggrieved by the taking of his land under this act, and failing to agree with said board as to the amount of his damages, may, upon petition to the county commissioners of the county of Worcester within two years from the filing of the description thereof in the registry of deeds, have his damages assessed and determined in the manner provided when land is taken for highways.

SECTION 7. Said board shall keep maps and plans of all sewers and drains constructed by them in said district, and on the completion of any sewer or drain shall ascertain and certify the whole expense of the same and cause a record thereof to be made and kept. They may then assess the estates benefited thereby in the manner provided in chapter fifty of the Public Statutes and chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two and acts in amendment thereof. Said assessments shall be collected by the treasurer of the district in the same manner as taxes upon real estate.

SECTION 8. All sewers and drains constructed by said board shall be the property of said district, and shall be under the charge and control of said board, who shall have authority to regulate the use of the same and to prescribe the mode in which the same shall be entered by particular sewers from lands which have been assessed for the expense of their construction. No person shall be allowed to enter or discharge into a public sewer or drain any particular sewer connecting any land which has not been assessed for the expense of the construction of such sewer or drain, except by leave of said board and on payment of such compensation as they shall determine. All such particular sewers entering any public sewer or drain shall be under the exclusive charge and control of said board, who shall have authority to make and execute orders concerning the same as if the same were constructed by said board under this act.

SECTION 9. This act shall take effect whenever the same shall have been approved and adopted by a majority of the legal voters of said district present and voting at a meeting duly called for that purpose.

Approved April 11, 1893.

Maps, plans and records to be kept.

Expense here-  
under to be  
assessed, etc.

Commissioners  
to construct and  
maintain sewers,  
etc.

To take effect  
upon adoption  
of the legal voters  
of said district.

AN ACT TO LOCATE AND DEFINE THE BOUNDARY LINE BETWEEN  
THE CITY OF WALTHAM AND THE TOWN OF LEXINGTON. *Chap. 229*

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

SECTION 1. The commissioners on the topographical survey and map of Massachusetts, after hearing parties interested, upon proper notice, are hereby authorized and directed to locate and define the true boundary line between the city of Waltham and the town of Lexington, and to mark said boundary line by appropriate monuments. The boundary line thus located and defined shall be the true and correct boundary line between said city of Waltham and said town of Lexington.

Boundary  
line between  
Waltham and  
Lexington to be  
defined.

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

*Approved April 4, 1895.*

AN ACT TO AUTHORIZE THE LEICESTER WATER SUPPLY DISTRICT  
TO INCREASE ITS WATER SUPPLY AND MAKE AN ADDITIONAL  
WATER LOAN. *Chap. 230*

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

SECTION 1. The Leicester Water Supply District, for the purposes named in section one of chapter one hundred and seventy-one of the acts of the year eighteen hundred eighty-eight, and subject to the conditions and restrictions contained in said chapter, may take and hold so much of the waters of Asnebumskit pond, so-called, in the town of Paxton, and the water sources connected therewith, as may not be needed for a water supply for the inhabitants of said town.

May take and  
hold certain  
waters, etc.

SECTION 2. Said water supply district, for the purpose of paying all expenses and liabilities incurred under the provisions of said chapter and of this act, may issue bonds, notes or scrip, subject to the conditions and restrictions contained in said chapter, to an amount which together with the amounts heretofore authorized by law shall not exceed in the aggregate the sum of eighty-five thousand dollars.

May issue  
bonds, notes  
or scrip, etc.

SECTION 3. Said Leicester Water Supply District, whenever it constructs a pumping station for an additional water supply from Asnebumskit pond, is hereby authorized to contract with the town of Paxton or a private company for the use of said pumping station, to furnish water to the inhabitants of said Paxton, whenever said town or a private company shall decide to construct

May contract  
for use of pump-  
ing station.



a system of water works, said pumping station to be so used not to exceed one day in seven, and the compensation to be paid by said town or private company for said use, not to exceed the actual cost of pumping while so used.

When to take effect.

SECTION 4. This act shall take effect upon its passage, but shall become void unless accepted by a two thirds vote of the legal voters of said Leicester Water Supply District present and voting thereon at any legal meeting called for the purpose within three years from its passage; but the number of meetings so called in any year shall not exceed three.

*Approved April 4, 1895.*

**Chap. 231** AN ACT TO AUTHORIZE CERTAIN CHANGES IN THE HAVERHILL BRIDGE ACROSS THE MERRIMACK RIVER BETWEEN HAVERHILL AND BRADFORD.

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

May make certain changes in the Haverhill bridge.

SECTION 1. The city of Haverhill and town of Bradford are hereby authorized, as soon as may be after the passage of this act, to make such changes in the Haverhill bridge across the Merrimack river, between the city of Haverhill and the town of Bradford, as may be deemed necessary to strengthen said bridge and make the same reasonably safe and convenient for all purposes of public travel, including its use for the electric cars of the Lowell, Lawrence and Haverhill Street Railway Company.

Procedure in case city or town fails to cooperate

SECTION 2. If either said city or said town refuses or neglects to cooperate with the other in making the changes in said bridge, authorized by the preceding section, for thirty days after notice from the other party that it desires to make such changes, then the city or town which gives such notice is hereby authorized to make such changes throughout the whole length of said bridge, without the cooperation of the other party; but said other party shall nevertheless pay its proportionate share of the expenses incurred in making such changes as herein-after provided.

Notice to be in writing, etc.

SECTION 3. The notice specified in the second section of this act shall be in writing, and if given by the city of Haverhill shall be signed by the mayor of said city, and if given by the town of Bradford shall be signed by a majority of the selectmen of said town.

Cost not to exceed \$9,000, etc.

SECTION 4. The authority granted by this act shall not be exercised unless said changes can be made complete at

*Chap. 250* AN ACT AUTHORIZING THE ESTABLISHMENT OF THE OXFORD-ROCHDALE SEWER DISTRICT WITHIN THE LIMITS OF THE TOWNS OF OXFORD AND LEICESTER AND CHANGING THE AUTHORIZED BOUNDARY OF MOUNT PLEASANT SEWER DISTRICT.

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

SECTION 1. The inhabitants of the towns of Oxford and Leicester liable to taxation in said towns and residing within the territory comprised within the following lines, to wit: — Beginning at the intersection of the town limits of Oxford, Auburn and Leicester; thence southeasterly along the Oxford-Auburn town line to the intersection of said town line with the north right-of-way of the new Massachusetts Turnpike; thence westerly along said north right-of-way line to its intersection with the Oxford-Charlton town line; thence northerly along said Oxford-Charlton town line to the point of intersection of the town limits of Oxford, Charlton and Leicester; thence westerly along the Leicester-Charlton town line to a point about 200 feet west of the center line of Charlton street (Leicester road); thence northerly in a straight line a distance of about 2100 feet to a point located in the field about 800 feet due west from the center line of Charlton street; thence northeasterly in a straight line to a stone monument marked CV & R, which monument is located due west 2000 feet from a stone monument numbered zero standing at the intersection of River and Pleasant streets, and being an angle point in the west boundary of the Cherry Valley and Rochdale Water District (Rochdale section); thence northerly in a straight line about three thousand four hundred and fifty feet to the northwesterly corner of the Cherry Valley and Rochdale Water District; thence easterly, about 3500 feet, to the northeasterly corner of the Cherry Valley and Rochdale Water District; thence northeasterly in a straight line to a point located about 200 feet east of the center line of Henshaw street and about 500 feet south of the intersection of Clark, Peter, Salem, and Henshaw streets; thence southerly along a line about 200 feet east of and parallel to the center line of Henshaw street to a point in the north line of Stafford street about 200 feet east of the center line of Henshaw street; thence true east about 350 feet to a point; thence southerly in a straight line to a point in the Leicester-Auburn town line about 100 feet southeast of the town limits of Oxford, Auburn and Leicester; thence northwesterly to the point of beginning, shall constitute a sewer district and are hereby made a body corporate by the name of the Oxford-Rochdale Sewer District, hereinafter called the district, for the purpose of laying out, constructing, maintaining and operating a system or systems of common sewers for a part or the whole of the territory herein described with such connections and other works as may be required for a system of sewage disposal and may construct such sewers in

said district as may be necessary, and for the purpose 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 said 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.

SECTION 1A. So much of the land included within the area of the Oxford-Rochdale Sewer District by section one of this act as is also included within the area of the Mount Pleasant Sewer District by section one of chapter six hundred and seventy-one of the acts of nineteen hundred and fifty-five is hereby excluded from said Mount Pleasant Sewer District.

SECTION 2. 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 sewer commissioners shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Leicester, 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 seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen of said town 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 sewer 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 3. The district shall elect by ballot at any district meeting not later than the second annual meeting after the commencement of construction hereunder of a system of sewerage and sewage disposal, a board of three sewer commissioners who shall be inhabitants and voters in said district, to hold office, if elected at an annual meeting, one until the expiration of one year, one until the expiration of two years and one until the expiration of three years, from such annual district meeting, and until their successors are qualified, or, if elected at a special meeting, one until the expiration of one year, one until the expiration of two years and one until the expiration of three years, from the next succeeding annual district meeting, and until their successors are qualified, and thereafter, at each annual district meeting when the term of a member expires, the district shall elect

one member of the board to serve for three years and until his successor is qualified.

SECTION 4. Said board of sewer commissioners, acting for and on behalf of said district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights, rights of way or easements, public or private, in said district, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 5. Until the board of sewer commissioners has first been elected as provided in this act but not in any event later than the second annual meeting after the commencement of the work of construction authorized hereby, the district may carry on such work by a duly authorized committee of the district. The committee shall serve without pay and shall have all the powers and authority given to the board of sewer commissioners in this act or by general law. Whenever the phrase "said board of sewer commissioners" or "said board" hereinafter occurs, it shall mean and include the board of sewer commissioners, or the committee of the district provided for in this section, as the case may be.

SECTION 6. Any person injured in his property by any action of said board of sewer commissioners under this act may recover damages from said district under said chapter seventy-nine.

SECTION 7. The district shall, by vote, determine what proportion of the cost of said system or systems of sewerage and sewage disposal the district shall pay; provided, that it shall pay not less than one fourth nor more than two thirds of the whole cost. In providing for the payment of the remaining portion of the cost of said system or systems or for the use of said system or systems, the district may avail itself of any or all of the methods permitted by the General Laws, and the provisions of said General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon shall apply to assessments made under this act, except that interest shall be at the rate of six per cent per annum. At the same meeting at which it determines the

proportion of the cost which is to be borne by the district, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of each of said towns shall certify the payment or payments of such assessments or apportionments thereof to the sewer commissioners, who shall preserve a record thereof. 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 each of said towns, 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 sewerage under this act, if, in the judgment of the board of sewer commissioners herein provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid from the said sewerage system, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be connected with the 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 sewer 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 collectors, 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 district clerk 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. For the purpose of paying the necessary expenses and liabilities incurred under this act, the district may from time to time, within five years after the passage of this act, borrow such sums as may be necessary, not exceeding, in the aggregate, three hundred and twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Oxford-Rochdale Sewerage Loan, Act of 1957. 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 in excess of the statutory limit of indebtedness and shall, except as herein provided, be subject to the provisions of chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 9. The receipts from sewer assessments and from payments made in lieu thereof shall be applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage

disposal or to the extension thereof, to the payment of interest upon bonds or notes issued for sewer purposes or to the payment or redemption of such bonds or notes.

SECTION 10. Said board of sewer commissioners shall annually appoint a clerk and a treasurer and may appoint a superintendent of sewers who shall not be a member of the board, and shall define their duties. The treasurer shall not be a sewer commissioner, and shall give bond to the district in such an amount as may be approved by said sewer commissioners and with a surety company authorized to transact business in the commonwealth as surety. Said board may, in its discretion, prescribe for the users of said sewer systems such annual rentals or charges based on the benefits derived therefrom as it may deem proper, subject, however, to such rules and regulations as may be fixed by vote of the district.

SECTION 11. All contracts made by the board of sewer commissioners shall be made in the name of the district and shall be signed by the board, but no contract shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the district therefor.

SECTION 12. Said board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with main drains and sewers, and for inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the towns of Oxford and Leicester, if there be any, and if not, then in some newspaper published in the county of Worcester, and shall not take effect until such publications have been made.

SECTION 13. No act shall be done under authority of the preceding sections except in the making of surveys and other preliminary investigations, until the plans for said system of sewerage and sewage disposal have been approved by the state department of public health.

SECTION 14. Upon a petition in writing addressed to said board of sewer commissioners requesting that certain real estate, accurately described therein, located in either of said towns and abutting on said district and not otherwise served by a suitable means of sewage disposal be included within the limits thereof, and signed by the owners of such real estate, or a majority thereof, said sewer 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 15. This act shall take full effect upon its acceptance by a majority of the voters of said territory voting thereon at a meeting as provided for in section two of this act within five years of its passage. *Approved April 1, 1957.*

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AN ACT MAKING PERMANENT CERTAIN POSITIONS IN THE *Chap.251*  
LABOR SERVICE IN CITIES.

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

SECTION 1. Notwithstanding the provisions of any law to the contrary, every year round temporary position in the labor service of cities in which such service is classified under the civil service laws and rules and for which compensation has been duly paid or authorized for a continuous period of three years or more next prior to January first, nineteen hundred and fifty-seven, shall be deemed to be a permanent position. Certification to fill such positions shall first be made of persons with experience in the department as set forth in section two of civil service rule twenty-eight.

If a person who has had temporary service as a result of civil service certification for at least three years receives a permanent appointment in the same department in which he had such temporary employment, he shall not be subject to a probationary period.

SECTION 2. This act shall take effect in a city upon its acceptance by vote of the city council, subject to the provisions of its charter. *Approved April 1, 1957.*

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AN ACT AUTHORIZING CITIES AND TOWNS TO BORROW ON *Chap.252*  
ACCOUNT OF PUBLIC WELFARE AND VETERANS' BENEFITS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which in part is to make immediately operative, in view of the existing financial emergency in certain cities and towns, the provisions of this act authorizing cities and towns to borrow certain sums during the current year and the next succeeding year on account of expenses for public welfare and for aid to veterans, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. Subject to the provisions of this act, any city or town, by a two thirds vote as defined in section one of chapter forty-four of the General Laws, and with the approval of the mayor or selectmen and of the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, may borrow in each of the years nineteen hundred and fifty-seven and nineteen hundred and fifty-eight, inside its

Town may  
be admitted  
into the  
metropolitan  
water dis-  
trict.

SECTION 14. The metropolitan water and sewerage board shall on application admit the town of Milton into the metropolitan water district, and shall furnish water to the town on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and of acts in amendment thereof and in addition thereto, for the cities and towns included in the metropolitan water district, and on payment of such sum of money as said board may determine to be just.

Question of  
acceptance  
to be sub-  
mitted to  
voters.

SECTION 16. This act shall be submitted to the qualified voters of the town of Milton for their acceptance and shall be void unless such voters, voting at a legal meeting called for that purpose in the same manner in which meetings for town elections are called, or at any annual town meeting, shall, within six months after the passage of this act, determine by ballot by a majority vote of those present and voting thereon to accept the same. . . .

When to  
take effect.

SECTION 17. So much of this act as authorizes the submission of the question of its acceptance to the qualified voters of said town shall take effect upon its passage, but it shall not take further effect until accepted<sup>1</sup> as hereinbefore provided by the qualified voters of said town; and the number of meetings called for the purpose of voting upon the question of its acceptance shall not exceed three. [*Approved April 17, 1902.*]

[Chapter 351 of the Acts of the Year 1902.]

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO IN-  
CREASE ITS WATER SUPPLY.

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

City of  
Worcester  
may take cer-  
tain waters,  
lands, etc.,

SECTION 1. The city of Worcester is hereby authorized, for the purpose of increasing its water supply, to take by purchase or otherwise, from time to time, and to

<sup>1</sup> Accepted by the town of Milton July 14, 1902.



hold and convey into and through said city the waters of Kendall brook, so-called, at or near the dam of Kendall reservoir, and the waters of Asnebumskit brook, so-called, at or near an elevation of eight hundred feet above mean sea level at Boston, and the waters upon the watershed between said two brooks at or near an elevation of eight hundred feet above mean sea level at Boston, all of said places of taking being in the town of Holden, and also the water in any reservoirs thereon and the waters flowing into and from the same, and all springs and tributaries thereto, and the water rights connected with said sources above said places of taking; and the said city may take existing reservoirs and ponds upon said streams above the points at which it may take the said waters; and may by aqueduct bring the waters so taken directly into the city or through any reservoir and any aqueduct belonging to said city and now existing; and may construct and lay conduits, pipes and other works under or over lands, water courses, railroads, railways, public or private ways and along such ways; and may take by purchase or otherwise and hold in fee or otherwise any lands, dams or structures, easements or rights in land on and around said Kendall brook and reservoir up to an elevation of about eight hundred and fifty feet above said mean sea level, and between said Kendall reservoir and other reservoirs of said city on Tatnuck brook in said Holden, and between said Kendall reservoir and said Asnebumskit brook up to an elevation of about nine hundred and forty feet above said mean sea level; and the said city may build and maintain dams, conduits, canals, water courses, pipes, reservoirs, and such other works as may be deemed necessary for collecting, purifying, storing, discharging, conducting or distributing said waters or preserving the purity thereof.

within the  
metropolitan  
watershed.

SECTION 2. The rights herein granted to the city of Worcester shall be subject to the rights granted to the

The rights  
herein granted  
the city of

Worcester to  
be subject to  
the rights  
granted the  
Leicester  
Water Supply  
District, etc.

Proviso.

Leicester Water Supply District by chapter two hundred and thirty of the acts of the year eighteen hundred and ninety-five, and if said Leicester Water Supply District shall exercise any rights conferred by said chapter after the taking herein authorized to be made by the city of Worcester the Leicester Water Supply District shall pay to the city of Worcester all damages thereby sustained by it, to be ascertained and determined in the manner and within the time set forth in chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one: *provided*, that from the time when the city of Worcester first diverts the waters of Asnebumskit brook, until the time when an additional source of water supply embracing more than twenty-five square miles of watershed is obtained for the metropolitan water district, the city of Worcester shall not draw water from the sources authorized by this act when water is running to waste past the lowest water works dam of said city on Tatnuck brook; nor, in case the amount of water stored in the reservoirs on Tatnuck brook exceeds one half the total capacity of such reservoirs, shall the city draw water from the sources so authorized when water is running to waste past the lowest water works dam of said city on either Tatnuck brook or Lynde brook; nor, in case the amount of water stored in the reservoirs on Tatnuck brook exceeds three fourths of the total capacity of such reservoirs, shall the city draw water from the sources so authorized when water is running to waste past the lowest water works dam of said city on either Tatnuck brook or Lynde brook or Kettle brook, except that the fact of a waste of water past the Kettle brook dam shall not prevent the drawing of water as aforesaid, if the flow of Kettle brook at the head of the conduit or conduits which convey its water toward the Lynde brook reservoir is in excess of the capacity of such conduit or conduits.

. . . . .

SECTION 4. The city shall be liable for all damages to <sup>Damages.</sup> property sustained by the Commonwealth or by any persons by the taking of any land, easements, rights in land, water or water rights as aforesaid, or by the construction of any aqueducts, reservoirs or other works by authority hereof, the same to be ascertained and determined so far as the Commonwealth is concerned in the manner set forth in chapter four hundred and fifty-six of the acts of the year eighteen hundred and ninety-seven, and so far as all other persons are concerned in the manner and within the time set forth in said chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one: *provided, however,* that no application shall be made for <sup>Proviso.</sup> the assessment of damages for the taking of any water or water rights or for any injury thereto until the water is actually diverted under authority of this act, and no water shall be diverted until said city has given at least six months notice to all parties by publishing the same in two daily newspapers published in said Worcester, said notice to set forth the fact that said city intends to divert said waters and to fix the exact day upon which it intends to divert the same; and the day so fixed shall be deemed the time of actual diversion, and the application aforesaid may be made within one year after such actual diversion.

SECTION 6. This act shall take effect upon its passage.  
[Approved April 29, 1902.]

[Chapter 391 of the Acts of the Year 1902.]

AN ACT TO PROVIDE FOR THE MEASUREMENT OF WATER  
SUPPLIED TO CITIES AND TOWNS BY THE METROPOLITAN  
TAN WATER AND SEWERAGE BOARD.

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

SECTION 1. The metropolitan water and sewerage <sup>Water sup-  
plied to  
cities and</sup> board is hereby authorized to construct and maintain

band, the death benefit shall be divided between the surviving wife or husband and all living children of the deceased employee in equal shares, the surviving wife or husband taking the same share as a child. If the widow or widower dies, such amount or amounts as would have been payable to or for her or his own use and for the benefit of all children of the employee shall be paid in equal shares to all the surviving children of the employee. If the widow or widower remarries, all payments under the foregoing provisions shall terminate and the insurer shall pay each week to each of such children of the employee seven dollars a week. If there is no surviving wife or husband of the deceased employee, such amount or amounts as would have been payable under this section to or for the use of a widow or widower and for the benefit of all such children of the employee, shall be paid in equal shares to all such surviving children of the employee, but no individual shall receive an amount in excess of twenty-five dollars a week. The total amount of payments and the period of payments in all cases under this section shall not be more than ten thousand dollars nor continue for more than four hundred weeks, except that payment to or for the benefit of children of the deceased employee under the age of eighteen shall not be discontinued prior to the age of eighteen, and except that after a dependent unremarried widow or physically or mentally incapacitated child over the age of eighteen has received the maximum payments, he or she shall continue to receive further payments, but only during such periods as he or she is in fact not fully self-supporting. Either party may request hearings at reasonable intervals before a board member on the question of granting such payments, or on the question of restoration of such payments, or on the question of the discontinuance of such payments. A member of the board may set a case for hearing on his own initiative, after due notice to both parties. *Approved April 17, 1950.*

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AN ACT ESTABLISHING THE HILLCREST WATER DISTRICT IN *Chap.358*  
THE TOWN OF LEICESTER.

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

SECTION 1. The inhabitants of the town of Leicester, liable to taxation in said town and residing within the territory within the following boundary lines, to wit: — beginning at a point in the southerly boundary of the Leicester Water Supply District marked by a stone monument on the west side of Pleasant street; thence easterly by said boundary a distance of one thousand feet; thence by a straight line southerly to a point in the northerly line of King street where the westerly boundary of the right of way of the Cherry Valley and Rochdale Water District for its pipe line from Cherry Valley to Rochdale crosses said northerly line of King street; thence by the westerly boundary of said right of way to a point in the easterly side of Pleasant street; thence true west a distance of two thousand feet; thence

northerly by a straight line to a point in the southerly boundary of the Leicester Water Supply District; thence easterly by said southerly boundary to a distance of two thousand feet to the point of beginning, — shall constitute a water district and are hereby made a body corporate by the name of the Hillcrest 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 said 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.

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 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 of Leicester and not already appropriated for the purposes 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 said 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 public health, 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 purposes 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 ways; provided, that the manner in which all things are done upon any such way shall be subject to the direction of the selectmen of the town of Leicester. 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 so to 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. The district and the town of Leicester may contract for the rental of hydrants installed by the district.

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 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, fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Hillcrest Water District Loan, Act of 1950. 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 of Leicester 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 district treasurer 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 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 seven 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 said 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 said 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 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 said 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 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 the 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 wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully 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 wilful 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. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within said district by section one of this act 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 April 17, 1950.*

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**Chap.359** AN ACT ESTABLISHING THE DIGHTON WATER DISTRICT IN THE TOWN OF DIGHTON, AND REPEALING ACTS ESTABLISHING THE DIGHTON WATER SUPPLY DISTRICT AND THE SOUTH DIGHTON FIRE AND WATER DISTRICT.

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

SECTION 1. The inhabitants of the town of Dighton, liable to taxation in said town, and residing within the territory comprised within the following boundary lines, to wit:—Beginning at the intersection of the Taunton and Three Mile rivers and continuing up stream by the south side of the Three Mile river to the boundary of the North Dighton Fire District in the town of Dighton, thence southerly by said boundary to the southeast corner of the

North Dighton Fire District in the town of Dighton, then westerly by said district boundary and extending beyond it to a corner five hundred feet true north of the center line of Tremont street at a point five hundred feet west of the intersection of the center lines of Middle street and Tremont streets, thence in a southerly direction to the northwest corner of the "Brick" Church cemetery on Center street, thence along the westerly boundary of said cemetery to a corner at Center street and thence proceeding southerly to a point twenty-five hundred feet west of the intersection of the center lines of Milk and Main streets to a corner, thence southeasterly to a corner one thousand feet west of the center line of Elm street and five hundred feet south of the center line of Hart street, thence easterly parallel to Hart street and five hundred feet distant from the center line of Hart street to the old road bed right of way of the New York, New Haven and Hartford Railroad, thence southerly by the old railroad right of way to Broad cove, thence southerly by the shore of Broad cove to the Dighton-Somerset boundary; thence easterly by said boundary to the west bank of the Taunton river and thence northerly by the west shore of said river to the point of beginning, — shall constitute a water district and are hereby made a body corporate by the name of the Dighton 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 said 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.

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 other water district, for whatever water may be required, authority to furnish the same being hereby granted, and may lay water mains anywhere within the town of Dighton for the purpose of securing said water supply, and, in addition or in the alternative, may take by eminent domain under chapter seventy-nine 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 of Dighton not already appropriated and used for the purposes of a public water supply, and the water and flowage rights connected with

Edition, the following section:— *Section 2A.* Water districts shall file with the department schedules, in such form as the department shall from time to time prescribe, showing all rates, prices and charges to be charged or collected within the commonwealth for the sale and distribution of water.

Schedules of  
water rates.

*Approved June 9, 1954.*

AN ACT RELATIVE TO THE TAXATION OF CERTAIN INCOME. *Chap.611*

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

SECTION 1. Section 6 of chapter 62 of the General Laws is hereby amended by striking out the first paragraph, as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph:— Income taxable under subsection (b) of section five shall be the net income from the profession, employment, trade or business in the year for which the income is computed. Income from, payments for the use of, or gains from sales or exchanges of any personal tangible or intangible property and gains from sales or exchanges of real estate, except income, payment or gains, which are specifically taxed or exempted under a section or subsection of this chapter other than subsection (b) of section five shall constitute income from the trade or business of the taxpayer. The net income from the profession, employment, trade or business shall be the gross income derived therefrom less the following deductions:

G. L. (Ter.  
Ed.), 62, § 6,  
amended.

Determination  
of taxable  
income from  
profession,  
employment,  
etc.

SECTION 2. Section 22 of said chapter 62, as amended by section 2 of chapter 486 of the acts of 1939, is hereby amended by striking out clause (a) and inserting in place thereof the following clause:— (a) from rentals of real estate, including reasonable amounts charged on account of services, facilities or utilities furnished tenants of said real estate provided that said services, facilities or utilities are related directly to the business of renting real estate, or gains from the sale or exchange of real estate which is used as the principal residence of the taxpayer.

G. L. (Ter.  
Ed.), 62,  
§ 22, etc.,  
amended.

Income from  
certain rentals  
and sales of  
real estate,  
exempted.

SECTION 3. This act shall take effect on January first, nineteen hundred and fifty-five and shall apply to income received in the calendar year nineteen hundred and fifty-four and thereafter.

Effective date,  
applicability.

*Approved June 9, 1954.*

AN ACT ESTABLISHING THE HILLCREST SEWER DISTRICT IN THE TOWN OF LEICESTER. *Chap.612*

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

SECTION 1. The inhabitants of the town of Leicester, liable to taxation in said town and residing within the territory within the following boundary lines, to wit:— beginning at a point in the southerly boundary of the Leicester Water Supply District marked by a stone monument on the west side of Pleasant street; thence southerly by the western side of Pleasant street a distance of seven thousand feet;

thence true west a distance of two thousand feet; thence northerly by a straight line to a point in the southerly boundary of the Leicester Water Supply District; thence easterly by said southerly boundary to a distance of two thousand feet to the point of beginning, — shall constitute a sewer district and are hereby made a body corporate by the name of the Hillcrest Sewer District, hereinafter called the district, for the purpose of laying out, constructing, maintaining and operating a system or systems of main drains and common sewers for a part or whole of its territory, with such connections and other works as may be required for a system of sewerage disposal, and may construct such sewers or drains in said district as may be necessary, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best; 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 said 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.

SECTION 2. The district may make and maintain, in any way therein where main drains or common sewers are constructed, such connecting drains, sub-drains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon such way.

SECTION 3. 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 sewer commissioners, shall be called on petition of ten or more legal voters therein, by warrant from the 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 seven 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 the majority of the voters present and voting thereon by ballot it shall thereupon take full effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the sewer 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 4. 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 said 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 sewer 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 sewer commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the sewer commissioners were first elected. All the authority granted to said district by this act, except sections six and seven, and not otherwise specifically provided for, shall be vested in said board of sewer 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 sewer 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 shall not be a sewer commissioner, and shall give bond to the district in such an amount as may be approved by said sewer commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said sewer 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 said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its sewer works except upon a written order of said sewer commissioners or a majority of them.

SECTION 5. The board of sewer commissioners, acting for and on behalf of said district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights, rights of way or easements, public or private, in said district, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure

to agree, as may be approved by the department of public utilities.

SECTION 6. 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, sixty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Hillcrest Sewer District Loan, Act of 1954. 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 7. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section six of this act; and, when a vote to that effect has been passed, a sum which, with the income derived from sewer rates, will be sufficient to pay the annual expense of operating its sewer 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 of Leicester annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 8. Any land taken or acquired under this act shall be managed, improved and controlled by the board of sewer 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 four.

SECTION 9. The district clerk shall certify all appropriations voted by the district to the assessors of the town of Leicester 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 sewerage under this act, if, in the judgment of the board of sewer commissioners herein provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid from the said sewerage system, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be connected with the 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 sewer commissioners to said assessors. The assessment shall be committed to the town collector of taxes, 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 district treasurer 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 10. The receipts from sewer assessments, charges, rates and taxes shall be applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal or to the extension thereof; to the payment of interest upon bonds or notes issued for sewer purposes; or to the payment or redemption of such bonds or notes.

SECTION 11. Said board of sewer commissioners may annually appoint a superintendent of sewers, who shall not be a member of the board, and shall define his duties. It may remove the superintendent at its pleasure.

SECTION 12. All contracts made by the board of sewer commissioners shall be made in the name of the district, and shall be signed by the board, but no contract shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the district therefor.

SECTION 13. Said board may, from time to time, prescribe rules and regulations for the connection of estates and buildings with sewers, and for inspection of the materials, the construction, alteration and use of all connections entering into such sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the town of Leicester, if there be any, and if not, then in some newspaper published in the county of Worcester, and shall not take effect until such publications have been made.

SECTION 14. No act shall be done under authority of the preceding sections, except in the making of surveys and other preliminary investigations, until the plans for said system of sewerage and sewage disposal have been approved by the state department of public health. Upon application to said department for its approval, it shall give a hearing, after due notice to the public. At such hearing, plans showing the work to be done in constructing said system of sewerage and sewage disposal shall be submitted for approval by said department.

SECTION 15. Upon a petition in writing, addressed to said board of sewer commissioners, requesting that certain real estate, accurately described therein, located in said town of Leicester and not otherwise served by a suitable means of sewage disposal, be included within the limits thereof, and signed by the owners of such real estate, or a majority thereof, said sewer 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 16. This act shall take full effect upon its acceptance by a majority of the registered voters of the territory included within said district described in section one of this act, present and voting thereon by use of a check list at a district meeting called in accordance with section three.

*Approved June 9, 1954.*

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**Chap.613 AN ACT AUTHORIZING AND DIRECTING THE STATE AIRPORT MANAGEMENT BOARD TO ACQUIRE CERTAIN LAND.**

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

The state airport management board acting through the commissioner of airport management is hereby authorized and directed to acquire by purchase, eminent domain or otherwise, for airport purposes, a parcel of land with the buildings thereon situated in the East Boston district of the city of Boston, owned now or formerly by one Mary J. Rowan, containing about fifteen thousand nine hundred and seven square feet and being bounded and described as follows:—

Northwesterly and northeasterly, by land of the commonwealth of Massachusetts airport, one hundred and sixty-eight and seventy-three hundredths feet and one hundred feet, respectively; southeasterly, by land now or formerly known as Lamson street, one hundred and forty-nine and ninety-one hundredths feet; and southwesterly, by land of owners unknown, numbered 300 to 308 in the numbering of Maverick street, one hundred and one and sixty-two hundredths feet.

For the purposes of this act such sums, not exceeding seven thousand dollars, may be expended as may be appropriated therefor.

*Approved June 9, 1954.*

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**Chap.614 AN ACT AUTHORIZING THE TOWN OF CONCORD TO APPROPRIATE AND PAY ALL OR A PORTION OF THE COST OF HOSPITALIZATION INSURANCE FOR ITS EMPLOYEES.**

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

SECTION 1. The town of Concord is hereby authorized to appropriate and pay all or a portion of the cost of group hospital insurance for its employees.

SECTION 2. This act shall take full effect upon its acceptance by a majority of the registered voters of the town of Concord voting thereon at an annual or special town meeting, but not otherwise.

*Approved June 9, 1954.*



## APPENDIX A-2

## Bylaws

**BY-LAWS OF  
THE CHERRY VALLEY AND ROCHDALE WATER DISTRICT**



**ARTICLE I**

This water district shall be designated as the Cherry Valley and Rochdale Water District in accordance with Chapter 105 of the Acts of 1996.

**ARTICLE II**

**Officers and Superintendent**

The officers of the district shall be: three (3) water commissioners (who will serve for three (3) years) and moderator (who will serve for one (1) year), who shall receive such salary as the district may vote. The commissioners shall select a superintendent and shall appoint a treasurer and clerk.

**ARTICLE III**

**Annual Meeting**

The annual meeting shall be held on the third (3<sup>rd</sup>) Thursday of May of each year.

**ARTICLE IV**

**Fiscal Year**

The fiscal year of the water district shall be from July 1st to June 30th of each year.

**ARTICLE V**

**Water Commissioners**

All authority granted to the district by Chapter 105 of the Acts of 1996, not otherwise specifically provided for, shall be vested in the board of water commissioners who shall be subject, however, to such instructions, rules and regulations as said district may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. No money shall be drawn from the district treasury on account of said water works, except by a written order of said commissioners, or a majority of them. Said commissioners shall annually make a full report to said district, in writing, of their doings and expenditures.

**ARTICLE VI**

**Clerk**

The district clerk shall keep a correct account of the proceedings of all meetings and furnish a certified copy of all voters, when requested by the water commissioners. The clerk shall obtain from the boards of registrars of voters of the Towns of Leicester and Oxford, each year, a copy of the list of the registered voters, and shall designate thereon those living within the boundaries of this water district.

## ARTICLE VII

### Treasurer

The treasurer shall receive of all funds due to the water district, directly, or through collectors appointed with the approval of the water commissioners, and shall deposit said funds in one or more banks or trust companies doing business within the Commonwealth, and shall payout same only on orders signed by a majority of the board of water commissioners .

The treasurer, with the assistance of the superintendent and collectors, shall keep a true record of all customers and water takers, together with all charges against those within and without the water district and shall cause all water bills to be sent out at such intervals as the commissioners may determine, but in no event more frequently than monthly. The treasurer shall make financial reports to the water commissioners as they might, from time to time, request, and shall prepare an annual report to be submitted to the board of water commissioners not less than sixty days prior to the annual district meeting.

## ARTICLE VIII

### Annual Audit

Every year the commissioners shall have an audit of the district's financial affairs prepared by an independent certified public accountant or accounting firm.

## ARTICLE IX

### Indemnification

The district shall to the extent legally permissible, indemnify its commissioners, officers and agents against all liabilities and expenses, including: amounts paid in satisfaction of judgments, in compromise or as fines and penalties, and counsel fees, reasonably incurred by them in connection with the defense or disposition of any action, suit or other proceeding, whether civil or criminal in which they may be involved or with which they may be threatened, while in office or thereafter by reason of their being or having been such a commissioner, officer or agent, except with respect to any matter as to which they shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that their action was in the best interest of the district.

## ARTICLE X

### Reimbursement of Expenses

The water commissioners, officers and agents shall be reimbursed by the district for expenses incurred while on district business.

## ARTICLE XI

### Meetings

Every water district meeting shall be called in pursuant to a warrant under the hands of the water commissioners, notice of which shall be given seven days at least before such meeting. The warrant shall be directed to the district clerk, or to some other person who shall forthwith give notice of such meeting by posting attested copies of the warrant: in three (3) or more public places in the district and by delivering copies to the town clerks of Leicester and Oxford and by advertising in one or more newspapers of general circulation in the Towns of Leicester and Oxford. Notice of every annual and special water district meeting shall be sent via direct mail to all rate payers in the district at least fourteen (14) days prior to the date of the meeting.

The warrant for all water district meetings shall state the time and place of holding the meeting, and the subjects to be acted upon thereat. The water commissioners shall insert in the warrant for the annual meeting all subjects, the insertion of which shall be requested of them in writing by ten (10) or more registered voters of the Towns of Leicester and Oxford residing in the territory comprising the district, and in the warrant of every special district meeting all subjects the insertion of which shall be

requested of them in writing by fifty (50) or more registered voters residing within the territory comprising the district.

Articles for the warrant of the annual meeting must be presented to the commissioners by April 1st of each year, and articles for the warrant of special meetings must be presented to the commissioners at least two (2) weeks before said meeting.

The water commissioners shall call a special district meeting, upon request in writing of one hundred (100) registered voters of the Towns of Leicester and Oxford residing within the territory comprising the district, such meeting to be held not later than thirty (30) days after the receipt of such request, and shall insert in the Warrant therefore all subjects, the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant.

Two (2) or more distinct district meetings for distinct purposes may be called by the same warrant.

Meetings may be adjourned from time to time for the consideration of any articles in the warrant, except an article calling for the election of district officers. Ten (10) registered voters of the district shall constitute a quorum at any meeting for action under any warrant, provided that a number less than a quorum may vote an adjournment.

## ARTICLE XII

### Elections

The election of water district officers shall take place at the annual meeting. Commissioners shall hold office for a term of three (3) years. One water commissioner shall be elected at each annual meeting. There shall at all times be a resident of the Cherry Valley service area, a resident of the Rochdale service area, and a resident of Greenville service areas (as defined in Chapter 105 of the Acts of 1996). Any vacancy occurring in said board, from any cause, may be filled for remainder of the unexpired term by said district at any legal meeting called for that purpose.

The moderator of the water district shall also be elected at the annual meeting and shall hold office for a term of one (1) year.

Only registered voters of the Towns of Leicester and Oxford who reside within the boundaries of the district ("voters of the district") shall be eligible to vote at district meetings. Candidates for office must notify the clerk of the district in writing at least three (3) days (72 hours) prior to the meeting date before seeking an office for the Cherry Valley and Rochdale Water District, or if the clerk's office is vacant, the written notice must be given to the board of water commissioners.

## ARTICLE XIII

### Amendments

These By-Laws may be amended by a vote of a majority of the registered voters of the district present at the annual meeting, or at a special meeting called for that purpose, provided that at least twenty-five (25) registered voters of the district are present, but no proposed amendment shall be voted upon unless a copy thereof shall have been furnished to the district clerk at least three (3) weeks before the annual meeting, or the special meeting called for that purpose.

\* As amended by district voters at the District Annual Meeting on May 15, 2014.

# CHERRY VALLEY SEWER DISTRICT

P.O. Box 476

Leicester, Massachusetts 01524-0476

## By-Laws of the Cherry Valley Sewer District

### **Article 1.**     *Sewer District*

The Sewer District shall be designated at the Cherry Valley Sewer District in accordance with Chapter 729, Acts of 1963.

### **Article 2.**     *Officers*

The Officers of the District shall be: three Sewer Commissioners who will serve for three years.

### **Article 3.**     *Annual Meeting*

The Annual Meeting shall be held on the Fourth Thursday of May of each year and ten (10) registered Voters of the Town of Leicester residing within the District shall constitute a quorum at any meeting.

### **Article 4.**     *Warrants for Meetings*

Every Sewer District Meeting (Annual or Special) shall be called in pursuance of a Warrant under the hands of the Commissioners, notice of which shall be given at least seven days before such meeting. The Warrant shall be directed to a constable of the Town, or to some other person who shall give notice of such meeting by posting attested copies of the Warrant at two convenient Public Buildings within the District and/or by advertising in a newspaper published in the town of Leicester.

The Warrant for all Sewer District Meetings shall state the time and the place of holding the meeting, and the subjects to be acted upon thereat.

Insertion of Articles on the Warrant for an Annual and or Special Meeting must be petitioned through a Commissioner and approved by a majority vote of said Commission.

### **Article 5.**     *Elections*

The Election of the Sewer District Officers shall take place at the Annual Meeting. One Sewer Commissioner shall be elected at each Annual Meeting and shall serve for three years. Any vacancy occurring in said Board, for any cause may be filled for the remainder of the unexpired term by said District at any legal Meeting called for that purpose.

The Election of a Moderator shall take place at the Annual Meeting. The Moderator shall serve for one year and his term shall begin at the conclusion of the Annual Meeting in which he/she has been elected and conclude at the end of the next Annual Meeting.

All Officers shall be elected by a vote as designated by the presiding Moderator.

The Moderator shall have similar powers and authority as described within the By-Laws for the Moderator of the Town of Leicester.

**Article 6.      *Sewer Commissioners***

All Authority granted to the District by Chapter 729 of the Acts of 1963, not otherwise specifically provided for, shall be vested in the Board of Sewer Commissioners who shall be subject to such instructions, rules and regulations, as said District may impose by its vote. A majority of said Commissioners shall constitute a quorum for the transaction of business. No money shall be drawn from the District Treasury on account of said District, except by a written order signed by a majority of Sewer Commissioners. The Commissioners shall annually make a full report to said District, in writing of their doings and expenditures. The Commissioners shall be reimbursed by the District for expenses incurred by the Sewer Commissioners while on District Business.

**Article 7.      *Treasurer***

The Treasurer shall receive all monies due to the District and deposit said monies in some Bank or Trust Company within this Commonwealth, and shall pay out the same only upon written instructions signed by the majority of the Sewer Commissioners. The Treasurer shall keep a true record of all members, together with all charges against those within the District. The Treasurer shall send out all sewer bills the first of each quarter, or as may be deemed necessary by the Commissioners. The Treasurer shall submit financial reports to the Commissioners as they may request.

**Article 8.      *Clerk***

The District Clerk shall keep account of the proceedings of all District Meetings and furnish a certified copy of all voters, when requested by the Commissioners. The Clerk shall obtain from the Board of Registrars of Voters of the Town of Leicester, each year, a copy of the list of the registered voters, and shall designate there on those living within the boundaries of the District.

**Article 9.      *Amendments***

These By-Laws may be amended by a vote of two-thirds of the registered voters of the Town of Leicester residing within said District present at Annual or Special Meeting called for that purpose, provided that at least Five Percent of the registered voters of the Town of Leicester residing within the District are present, but no proposed amendment shall be voted upon unless a copy has been furnished to the District Clerk at least three weeks before the Annual Meeting or Special Meeting called for that purpose.

**HILLCREST SEWER DISTRICT  
PO Box 66 LEICESTER, MA 01524  
BY-LAWS - Amended May 18, 2004**

**ARTICLE 1  
THE DISTRICT**

This sewer district shall be designated the Hillcrest Sewer District in accordance with Massachusetts General Laws, Acts of 1973, Chapter 485.

**ARTICLE 2  
MEETINGS**

- SECTION 1: The Annual District Meeting shall be held on the third Tuesday in May.
- SECTION 2A: Special Meetings of the District may be called by a majority of the Board of Commissioners or on a petition signed by twenty-five registered voters of Leicester living within the boundaries of the Hillcrest Sewer District.
- SECTION 2B: Commissioners will accept petitions delivered by registered or certified mail to the Clerk of the District. Items sent by mail must be properly addressed to the legal mailing address of the Hillcrest Sewer District, that address being P.O. Box 66 Leicester, MA 01524-0066. Documents may also be delivered by hand in person to the Board of Commissioners at any **regularly** scheduled meeting of the Board. This does not include District Meetings. The Commissioners will have the option of not acting on or hearing any discussion related to hand delivered petitions unless the presenting voter has been placed on the meeting agenda prior to the meeting.
- SECTION 2C: The Clerk shall, upon receipt of any petition by registered or certified mail or delivered to a **regularly** scheduled Commissioners meeting, have fourteen (14) days to complete the certification of signatures on the petition and report the results to the Chairperson of the Board of Commissioners.
- SECTION 2D: Upon notification of the certification of twenty-five signatures, the Commissioners shall schedule a Board meeting for the purpose of scheduling a Special District Meeting. The Special District Meeting to be held within twenty-one (21) days from the date of notification.
- SECTION 3A: Warrants for all District Meetings shall be directed to the District Clerk, who shall forthwith give notice of such meetings by posting copies of the Warrant at the Pleasant View Spa, in the Town Hall, and at the Leicester Public Library at least seven days before an Annual Meeting, at least fourteen days before a Special District Meeting. Voters shall be notified of any Special District Meeting by U.S. Mail at least seven (7) days prior to the date of scheduled meeting.
- SECTION 3B: Articles to be placed on a Warrant for a District Meeting must be presented to the Commissioners at least twenty-one (21) days prior to meeting date.
- SECTION 3C: Wording of a voter generated Article on a Warrant will replicate the wording on the petition requesting the Article, providing such wording is legal in its content.
- SECTION 3D: The Board of Commissioners, sub-committee, or a petition signed by the voters may add articles to the Warrant of the Annual District Meeting or a Special District Meeting. Ten (10) registered voters in the District must sign petitions for Articles on a Warrant for the Annual District Meeting. Twenty-five (25) registered voters must sign petitions for Articles on a Warrant for a Special District Meeting.
- SECTION 3E: All Articles on a Warrant will end with the wording "or take any action thereon".
- SECTION 4: Ten or more voters shall constitute a quorum for action under any Warrant, provided that a number less than a quorum may vote adjournment.

SECTION 5: Items may be placed on the agenda for a Commissioners meeting by any Commissioner or sub-committee. District voters may also place items on the agenda by written request and received by the District Clerk at least four (4) days prior to the meeting date.

SECTION 6: A vote of the District will be considered to be an instruction to the Commissioners.

SECTION 7: The Commissioners will meet monthly. The Commissioners have the option to cancel or postpone Board meetings if there is no current business that requires immediate attention.

The Commissioners have the option to schedule Special Commissioners meetings as needed. Meeting notices will be posted in the Town Hall.

### **ARTICLE 3 PROCEDURES**

SECTION 1: The Moderator shall exercise all the powers and duties of moderators in the town of Leicester, and shall conduct the meetings in a manner consistent with the practice in the town of Leicester.

SECTION 2: If the Moderator, or the Meeting by vote, so orders, only legal voters shall be admitted to a defined portion of the meeting, and a check list shall be used in the enforcement of such orders.

SECTION 3: A legal voter shall be anyone of legal age permanently residing within the boundaries of the District who has been registered with the town Registrar of Voters a minimum of five (5) business days prior to the day of the meeting.

### **ARTICLE 4 OFFICERS**

SECTION 1: The Officers of the District shall be elected by ballot at the Annual Meeting. They shall include a Moderator elected for a one-year term; one Clerk elected for a one-year term; three Commissioners, one elected each year for a term of three years. and one Treasurer appointed by a majority of the Board of Commissioners.

SECTION 2: Elected officers shall take office immediately.

SECTION 3: Any vacancy occurring in a District Office from any cause may be filled for the remainder of the unexpired term by said District at any legal meeting called for that purpose.

SECTION 4: With the exception of the Treasurer, any officer may be removed by a two-thirds vote of the qualified members of the District at an Annual Meeting or Special District Meeting at which the item was inserted in the Warrant calling said meeting.

SECTION 5: The Treasurer may be removed by a unanimous vote of the Sewer Commissioners.

### **ARTICLE 5 DUTIES OF THE OFFICERS**

SECTION 1: The Moderator shall preside at all meetings and conduct them in accordance with the procedure set forth in Article 3. In the absence of the elected Moderator, a substitute shall be elected by the meeting and shall preside over the meeting.

SECTION 2: The clerk shall keep a correct account of all proceedings of all District meetings according to the Open Meeting Law.

SECTION 3: All records, plans, documents, letters, and papers relating to the affairs of the District, unless otherwise provided by the Law, shall be catalogued, and be in the custody or control of the Board of Sewer Commissioners and shall become the property of the District.



- SECTION 4: The Treasurer shall receive and take charge of all monies and funds due this District, directly, or through Collectors appointed with the approval of the Commissioners, and shall deposit said monies or funds in one or more Bank or Trust Companies within the Commonwealth, and shall pay out same only on Warrants signed by a majority of the Board of Sewer.
- SECTION 5: The Board of Commissioners will be responsible for the direction of the affairs of this Sewer District in reference to construction, maintenance and operation of the Sewer District.
- They may appoint and hire such assistants and help, as they deem appropriate for the best interest of the District.
- They shall pass on all bills and draw Warrants on the Treasurer for all bills they approve for payment.
- The Sewer Commissioners shall make such Rules and Regulations as may be necessary for the operation of the District.
- SECTION 6: At the first Commissioners' meeting following the Annual Meeting or a Special District Meeting at which a Commissioner was either elected or re-elected by the Voters, the Board of Commissioners will elect by a majority vote a Chairperson of the Board.
- SECTION 7A: A member of the Board of Sewer Commissioners shall serve as Chair of every special committee or sub-committee established by a majority of the Board of Commissioners, or voted upon by the District.
- SECTION 7B: Commissioners appointed to chair a sub-committee shall remain as standing members of the sub-committee for a transition period of no longer than six (6) months after their term as Commissioner expires.

#### **ARTICLE 6** **ANNUAL REPORTS**

- SECTION 1: The Annual Report of the Officers of the District shall be in print form and shall be presented at the Annual Meeting.
- SECTION 2: The annual Report shall include a report of the Sewer Commissioners and a financial report of the Treasurer.

#### **ARTICLE 7** **AMENDMENTS**

These By-laws may be altered or amended by a vote of two-thirds of the qualified voters that are present at the Annual District Meeting. Any proposed changes in By-laws must be placed on the Warrant by the By-law Committee. Voters have the right to submit requests for By-law amendments to the Committee. Such requests must be in the hands of the Committee at least ninety (90) days prior to the Annual District Meeting.

#### **ARTICLE 8** **VOTERS AND PETITIONS**

- SECTION 1A: A qualified District voter is a person that is registered to vote within the Town of Leicester and has a primary legal residence within the boundaries of the Hillcrest Sewer District.
- SECTION 1B: The District Clerk will do verification of qualified voters. This process will be solely supported by information obtained from the voter registration list provided by the Town Clerk of the Town of Leicester.
- SECTION 2: A petition may only be signed by qualified voters of the District. A petition must include the following information. Voters' signature, as on file with the Town Clerk of the Town of Leicester, voters printed name, address of legal residence and date of signature.

## HILLCREST WATER DISTRICT BYLAWS

- ARTICLE 1.** This water District shall be designated the Hillcrest Water District in accordance with Chapter 358, Acts of 1950.
- ARTICLE 2.** All elections of the District will be ballot using a ballot box, a checklist and a warden.
- ARTICLE 3.** All meetings of the District shall be called by a warrant of the Water Commissioners, or upon petition of twenty or more legal voters, by a warrant of the Selectmen or a Justice of the Peace directed to the District Clerk or a Constable, stating the subject matter to be acted upon, to be posted in two or more public places at least seven days before the time of the meeting. A moderator shall be elected at the beginning of each meeting. Ten legal voters shall constitute a quorum to transact business. All warrants shall include an article which shall read: "To discuss any other business that may properly come before the meeting." A legal voter of the District shall be a registered voter in the Town of Leicester with ownership of property within the District.
- ARTICLE 4.** The Annual Meeting shall be held on the second Monday in the month of May each year.  
**AMEND TO READ: SECOND TUESDAY.**
- ARTICLE 5.** The officers of the District shall consist of a Clerk, a Treasurer, and a Board of Water Commissioners of three members. These officers shall be elected by ballot vote, the Clerk for one year, the Treasurer for two years, and one Water Commissioner for three years, and shall receive such salary or compensation as the District may vote.  
**AMEND TO READ: OFFICERS OF THIS DISTRICT SHALL CONSIST OF A BOARD OF WATER COMMISSIONER OF THREE MEMBERS-TERM OF OFFICE THREE YEARS, ONE COMMISSIONER ELECTED EACH YEAR AND SHALL RECEIVE SUCH COMPENSATION AS THE DISTRICT MAY VOTE.**
- ARTICLE 5a.** Elected officers shall take office July 1.  
**AMEND TO READ: TAKE OFFICE UPON ELECTION.**
- ARTICLE 6a.** The treasurer shall receive all Moines or funds due the District, direct or through collectors appointed in conference with Commissioners, and deposit said monies in some bank or Trust Company within the Commonwealth, and shall pay out same only on warrants signed by a majority of Water Commissioners. The Treasurer shall give bonds and surety as approved by the Commissioners.
- ARTICLE 6b.** The Treasurer shall keep a true record of all customers and water takers together with all charges against those within and outside the District. The Treasurer shall cause all water bills to be sent out the first of each quarter, also other charges when rendered by the Commissioners, and credit all payments to each customer, make such reports to the Commissioners as they may request, of the finances of the District. With the first bill sent to a new customer, copies of the bylaws and rules and regulations shall be included.
- ARTICLE 6c.** The Treasurer, in his annual report, shall furnish a balance sheet showing the assets and liabilities of the District and detailed schedules of the receipts and expenditures.
- ARTICLE 7a.** The Clerk shall keep a correct account of the proceedings of all District Meetings.
- ARTICLE 7b.** The Clerk shall have a certified copy of the voting list at all meetings.

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- ARTICLE 7c.** The Clerk shall, as soon as an order or vote appropriating money becomes effective, certify to the Assessors of the Town and to the Treasurer of the District, each appropriation in detail, and the provisions made for meeting the same, if specified in the appropriation order or vote.
- ARTICLE 8a.** The Water Commissioners shall have the general direction of the affairs of the District in reference to construction, operation, installation and maintenance. They may appoint and hire such assistants and help as they deem for the best interest of the District. They shall pass on all bills and draw warrants on the Treasurer for all bills they approve.
- ARTICLE 8b.** All records, plans, documents, letters, and papers relating to the affairs of the District, unless otherwise provided by law, shall be catalogued, and be in the custody and control of the Board of Water Commissioners and shall become the property of the District
- ARTICLE 8c.** The annual report of the Commissioners shall include: the assessed valuation of the District; total bonded debt of the District; homes in the District; miles of mains; number of new installations; new extensions including location, extent and size of pipe; and an inventory of all the property and equipment owned by the District. A certified list of the estates exempt from taxation under the provisions of Section 7, Chapter 358, shall be included in the annual report.
- ARTICLE 8d.** The Commissioners shall request a biennial state audit of the books of the District.
- ARTICLE 8e.** The Board of Water Commissioners shall be a part of every special committee appointed by the Moderator or elected by the District.
- ARTICLE 9.** No property or equipment owned by the District and valued in excess of \$50.00 shall be sold or transferred unless so voted by the District.
- ARTICLE 10.** The duties of the Moderator shall be as prescribed by Chapter 39, Sections 14 to 18 inclusive of the General Laws of Massachusetts.
- ARTICLE 11.** These bylaws may be amended at any regular meeting of the District, provided an article is in warrant of the call of the meeting, stating the article to be amended, and on a majority vote of the voters present voting for the approval of said amendment.
- ARTICLE 11a.** The fiscal year shall end June 30 of each year, in accordance with the Acts of 1949.
- ARTICLE 12.** **New Article to be added per the Department of Environmental Protection**

**Section 1**      **Authority**

This Bylaw is adopted by the District under its power to protect public health and welfare and it implements the district authority to regulate water use pursuant to M.G.L.c.41, section 69B.

This bylaw also implements the District's authority under M.G.L. c.40, section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

**Section 2**      **Purpose**

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare wherever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement any duly imposed restrictions, requirement, provisions or conditions imposed by the District or by the Department of Environmental

Protection.

**Section 3**     **Definitions**

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environment Protection under M.G.L. c.21G, Section 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the District to Section 4 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the District public water system, irrespective of any person's responsibility for billing purposed for water used at any particular facility.

**Section 4**     **Declaration of a State of Water Supply Conservation**

The District through its Board of Water Commissioners, may declare al State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this bylaw before it may be enforced.

**Section 5**     **Restricted Water Use**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a) **Outdoor Watering Ban** Outdoor watering by water users with odd numbered addresses is restricted to odd number days. Outdoor watering by water users with even numbered addresses is restricted to even number days.
- b) **Outdoor Watering Ban** Outdoor watering is prohibited.
- c) **Uses of All Lawn and garden sprinklers** is prohibited.
- d) **Outdoor Water Hours** Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) **Filling Swimming Pools** Filling of swimming pools is prohibited.
- f) **Automatic Sprinkler Use** The use of automatic sprinkler system is prohibited.

**Section 6**     **Public Notification of a State of Water Supply Conservation:**  
**Notification of DEP**

Notification of any provision, restriction, requirement or condition imposed by District as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restrictions imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**Section 7**     **Termination of a State of Water Supply Conservation: Notice**

A State of Water Supply conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

**Section 8**     **State of Water Supply Emergency: Compliance with DEP Orders**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

**Section 9**     **Penalties**

Any person violating this bylaw shall be liable to the District in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the District for such uses as the Board of Water Commissions may direct. Fines shall be recovered by indictment or on complaint before the District court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

**Section 10**     **Sererability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provisions thereof.

**HILLCREST WATER DISTRICT BYLAWS**  
**Accepted at the May 9, 2000 Annual Meeting**

- ARTICLE 1.** This water District shall be designated the Hillcrest Water District in accordance with Chapter 358, Acts of 1950.
- ARTICLE 2.** All elections of the District will be ballot using a ballot box, a checklist and a warden.
- ARTICLE 3.** All meetings of the District shall be called by a warrant of the Water Commissioners, or upon petition of twenty or more legal voters, by a warrant of the Selectmen or a Justice of the Peace directed to the District Clerk or a Constable, stating the subject matter to be acted upon, to be posted in two or more public places at least seven days before the time of the meeting. A moderator shall be elected at the beginning of each meeting. Ten legal voters shall constitute a quorum to transact business. All warrants shall include an article which shall read: "To discuss any other business that may properly come before the meeting." A legal voter of the District shall be a registered voter in the Town of Leicester with ownership of property within the District.
- ARTICLE 4.** The Annual Meeting shall be held on the second Tuesday in the month of May each year.
- ARTICLE 5.** The officers of the District shall be elected by ballot at the Annual Meeting. They shall include one Clerk elected for a one year term, A Board of Water Commissioners of three members, with one Commissioner elected each year for a term of three years, and one Treasurer appointed by a majority of the Board of Commissioners. Officers of the District shall receive such salary or compensation as the District may vote.
- ARTICLE 5a.** Elected officers shall take office upon election.
- ARTICLE 5b.** The Treasurer may be removed by a unanimous vote of the Board of Water Commissioners.
- ARTICLE 6a.** The treasurer shall receive all Moines or funds due the District, direct or through collectors appointed in conference with Commissioners, and deposit said monies in some bank or Trust Company within the Commonwealth, and shall pay out same only on warrants signed by a majority of Water Commissioners. The Treasurer shall give bonds and surety as approved by the Commissioners.
- ARTICLE 6b.** The Treasurer shall keep a true record of all customers and water takers together with all charges against those within and outside the District. The Treasurer shall cause all water bills to be sent out the first of each quarter, also other charges when rendered by the Commissioners, and credit all payments to each customer, make such reports to the Commissioners as they may request, of the finances of the District. With the first bill sent to a new customer, copies of the bylaws and rules and regulations shall be included.
- ARTICLE 6c.** The Treasurer, in his annual report, shall furnish a balance sheet showing the assets and liabilities of the District and detailed schedules of the receipts and expenditures.
- ARTICLE 7a.** The Clerk shall keep a correct account of the proceedings of all District Meetings.
- ARTICLE 7b.** The Clerk shall have a certified copy of the voting list at all meetings.

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**ARTICLE 7c.** The Clerk shall, as soon as an order or vote appropriating money becomes effective, certify to the Assessors of the Town and to the Treasurer of the District, each appropriation in detail, and the provisions made for meeting the same, if specified in the appropriation order or vote.

**ARTICLE 8a.** The Water Commissioners shall have the general direction of the affairs of the District in reference to construction, operation, installation and maintenance. They may appoint and hire such assistants and help as they deem for the best interest of the District. They shall pass on all bills and draw warrants on the Treasurer for all bills they approve.

**ARTICLE 8b.** All records, plans, documents, letters, and papers relating to the affairs of the District, unless otherwise provided by law, shall be catalogued, and be in the custody and control of the Board of Water Commissioners and shall become the property of the District

**ARTICLE 8c.** The annual report of the Commissioners shall include: the assessed valuation of the District; total bonded debt of the District; homes in the District; miles of mains; number of new installations; new extensions including location, extent and size of pipe; and an inventory of all the property and equipment owned by the District. A certified list of the estates exempt from taxation under the provisions of Section 7, Chapter 358, shall be included in the annual report.

**ARTICLE 8d.** The Commissioners shall request a biennial state audit of the books of the District.

**ARTICLE 8e.** The Board of Water Commissioners shall be a part of every special committee appointed by the Moderator or elected by the District.

**ARTICLE 9.** No property or equipment owned by the District and valued in excess of \$50.00 shall be sold or transferred unless so voted by the District.

**ARTICLE 10.** The duties of the Moderator shall be as prescribed by Chapter 39, Sections 14 to 18 inclusive of the General Laws of Massachusetts.

**ARTICLE 11.** These bylaws may be amended at any regular meeting of the District, provided an article is in warrant of the call of the meeting, stating the article to be amended, and on a majority vote of the voters present voting for the approval of said amendment.

**ARTICLE 11a.** The fiscal year shall end June 30 of each year, in accordance with the Acts of 1949.

**ARTICLE 12. New Article to be added per the Department of Environmental Protection**

**Section 1 Authority**

This Bylaw is adopted by the District under its power to protect public health and welfare and it implements the district authority to regulate water use pursuant to M.G.L.c.41, section 69B. This bylaw also implements the District's authority under M.G.L. c.40, section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

**Section 2 Purpose**

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare wherever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement any duly imposed restrictions, requirements, provisions or conditions imposed by the District or by the Department of Environmental Protection.

**Section 3 Definitions**

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environment Protection under M.G.L. c.21G, Section 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the District to Section 4 of this bylaw.

Water Users or Water Consumers shall mean all public and private users of the District public water system, irrespective of any person's responsibility for billing purposed for water used at any particular facility.

**Section 4 Declaration of a State of Water Supply Conservation**

The District through its Board of Water Commissioners, may declare al State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this bylaw before it may be enforced.

**Section 5 Restricted Water Use**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a) **Outdoor Watering Ban** Outdoor watering by water users with odd numbered addresses is restricted to odd number days. Outdoor watering by water users with even numbered addresses is restricted to even number days.
- b) **Outdoor Watering Ban** Outdoor watering is prohibited.
- c) **Uses of All Lawn and garden sprinklers** is prohibited.
- d) **Outdoor Water Hours** Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) **Filling Swimming Pools** Filling of swimming pools is prohibited.
- f) **Automatic Sprinkler Use** The use of automatic sprinkler system is prohibited.

**Section 6 Public Notification of a State of Water Supply Conservation: Notification of DEP**

Notification of any provision, restriction, requirement or condition imposed by District as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restrictions imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**Section 7 Termination of a State of Water Supply Conservation: Notice**

A State of Water Supply conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.



**Section 8**      **State of Water Supply Emergency: Compliance with DEP Orders**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

**Section 9**      **Penalties**

Any person violating this bylaw shall be liable to the District in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the District for such uses as the Board of Water Commissions may direct. Fines shall be recovered by indictment or on complaint before the District court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

**Section 10**      **Sererability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provisions thereof.



LEICESTER WATER SUPPLY DISTRICT  
P.O. BOX 86 - 124 PINE STREET  
LEICESTER, MA 01524

**BY - LAWS**

ADOPTED MARCH 27, 1956  
AMENDMENT NOVEMBER 26, 1990  
AMENDMENT MARCH 29, 1994  
AMENDMENT APRIL 29, 1997  
AMENDMENT JUNE 21, 2006  
AMENDMENT MAY 19, 2014  
AMENDMENT APRIL 28, 2015

ARTICLE 1  
MEETINGS

- SECTION 1. The Annual District Meeting shall be held on the first Tuesday in June.
- SECTION 2. Special Meetings of the District may be called by a Majority of the Board of Water Commissioners or on a petition signed by either 100 or 20% of the registered voters of Leicester living within the District boundaries, according to the Massachusetts General Laws, Chapter 41, Section 119 as amended.
- SECTION 3. Warrants for all District Meetings shall be directed to the District Clerk, who shall forthwith give notice of such meetings by posting copies of the warrant in three, or more public places in said District seven days, at least, before said meeting.
- SECTION 4. Ten, or more, voters shall constitute a quorum for action under any warrant; provided, that a number less than a quorum may vote an adjournment.

ARTICLE 2  
PROCEDURES

- SECTION 1. The Moderator shall exercise all the powers and duties of moderators in the towns, and shall conduct the meetings in a manner consistent with the practice in the town which comprises the District.
- SECTION 2. If the Moderator, or the Meeting by vote, so orders, only legal voters shall be admitted to a defined portion of the place of meeting, and a check list shall be used in the enforcement of such orders. A legal voter shall be constituted as any person of legal voting age, registered as a voter with the town of Leicester and permanently residing within the legal bounds of the District

SECTION 3. The rules of parliamentary practice shall govern the meeting in all cases to which they are applicable, and in which they are not inconsistent with the General Laws and these By - Laws.

SECTION 4. Candidates for Offices must notify the Clerk of the District in writing 3 days (72 hrs) prior to the meeting date, before seeking an office for the Leicester Water Supply District or if the Clerks office is vacant, notice must be given to the Board of Water Commissioners.

### ARTICLE 3 OFFICERS

SECTION 1. The Officers of the District shall be elected (by ballot) at the Annual Meeting. They shall include a Board of three Water Commissioners, one elected each year for a term of three years. The Treasurer; Assistant Treasurer; Clerk; Moderator and Auditor shall each be appointed by the Board of Water Commissioners for a term not to exceed three years.

SECTION 2. Any vacancy occurring in a District Office from any cause may be filled for the remainder of the unexpired term by said District at any legal meeting called for the purpose.

### ARTICLE 4 DUTIES OF OFFICERS

SECTION 1. The Moderator shall preside at all meetings and conduct them in accordance with the procedure set forth in Article 2. In the absence of the appointed Moderator a substitute shall be elected by the meeting and shall preside only for that meeting.

SECTION 2. The Clerk shall keep a correct account of all proceedings of all District meetings in a book or books provided for that purpose.

SECTION 3. The Treasurer and Assistant Treasurer shall receive and take charge of all moneys and funds due this Water District, directly, or through Collectors appointed with the approval of the Water Commissioners, and shall deposit said moneys or funds in one or more Banks or Trust Companies within the Commonwealth, and shall pay out same only on Warrants signed by a majority of the Board of Water Commissioners.

SECTION 4. The Auditor shall, at least once each year, verify the books and other records of the Treasurer.

SECTION 5. The Board of Water Commissioners shall have the General direction of the affairs of this Water District in reference to construction, maintenance and operations of the Water District. They may appoint and hire such assistants and help as they deem best for the best interest of the District. They shall pass on all bills and draw warrants on the Treasurer for all bills they approve for payment. The Water Commissioners shall make such Rules and Regulations as may be necessary for the operation of the District

#### ARTICLE 5 COMPENSATION OF OFFICERS

SECTION 1. The Officers shall receive such salary or compensation as the District may Vote.

#### ARTICLE 6 ANNUAL REPORTS

SECTION 1. The Annual Reports of the Officers of the District shall be made available to each Water taker within the District upon request.

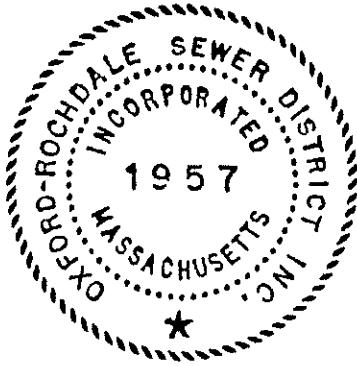
SECTION 2. The Annual Report shall include a report of the Water Commissioners and a financial report of the Treasurer setting forth schedules of receipts and expenditures.

#### ARTICLE 7 AMENDMENTS

SECTION 1. These By - laws may be altered or amended by a vote of two-thirds of those present and qualified to vote, at any meeting of this Water District, Provided the Article be acted upon has been inserted in the Warrant calling said meeting.

I certify that this is a true copy of the By - laws of the LEICESTER WATER SUPPLY DISTRICT, as amended by unanimous vote at a Annual District Meeting, April 28, 2015.

by: Nancy L. Almeida  
District Clerk



## OXFORD-ROCHDALE SEWER DISTRICT

P. O. BOX 246

ROCHDALE, MASS. 01542

### BY-LAWS OF THE OXFORD-ROCHDALE SEWER DISTRICT

#### ARTICLE 1. GENERAL PROVISIONS

- Section 1. These by-laws shall be known and may be cited as the by-laws of the Oxford-Rochdale Sewer District.
- Section 2. These by-laws may be altered, amended or repealed at any District meeting by a majority vote of those present and voting, an article or articles for such purpose having been inserted in the Warrant for such meeting.
- Section 3. These by-laws shall remain in full force and effect until duly altered, amended, or repealed by vote of the District.
- Section 4. The invalidity of any article or section of these by-laws shall not invalidate any other article or section thereof.
- Section 5. These by-laws shall take effect upon adoption by the District Meeting and publication at least once a week for three consecutive weeks in some newspaper published in the Towns of Oxford and Leicester, if there be any, and if not then in some newspaper published in the County of Worcester, Massachusetts.

#### ARTICLE 2. DISTRICT MEETINGS

- Section 1. The Annual District Meeting shall be held on the first Tuesday in May in any adequate place within the District designated by the Board of Sewer Commissioners in the Warrant for the meeting unless such other time and place is agreed upon by a majority vote of the Board of Sewer Commissioners.

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- Section 2. The District Clerk shall call the Annual District Meeting to order and preside until the Moderator is elected and qualified. At any Special District Meeting, at which the office of Moderator is vacant or at which the elected Moderator is absent, the District Clerk shall call the meeting to order and preside until the Moderator is elected or chosen, as the case be.
- Section 3. Copies of the Warrant for each District meeting shall be posted in at least two public places in each of the Towns of Oxford and Leicester within the District at least seven days prior to the meeting.
- Section 4. The quorum for the transaction of business at District meeting shall be ten voters.
- Section 5. In all procedural matters, the District shall follow the latest revised edition of Demeters' Manual of Parliamentary Law and Procedure except as otherwise provided by law and these by-laws.

### ARTICLE 3. ELECTIONS

- Section 1. Commencing at the 1974 Annual District Meeting, the Moderator shall be elected at each meeting for a term of one (1) year and shall preside, regulate the proceedings and decide all questions of order at all District meetings held during his term. If a vacancy occurs in the office of Moderator during any term, it shall be filled for the unexpired portion of the term by the District at the ensuing District meeting. If an elected Moderator is absent at any District meeting, the District shall choose a Moderator to preside at said meeting.
- Section 2. At the 1974 Annual District Meeting, the District shall elect a Board of Sewer Commissioners, one until the expiration of one (1) year, one until the expiration of two (2) years, and one until the expiration of three (3) years from such Annual District Meeting and until their successors are qualified, and thereafter at each Annual District Meeting when term of a Sewer Commissioner expires, the District shall elect one Sewer Commissioner to serve for three (3) years and until his successor is qualified. If a vacancy occurs in the office of Sewer Commissioner, the remaining Commissioners may call a Special Meeting to fill the vacancy for the unexpired term.

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- Section 3. Candidates for elected District Offices must notify the Clerk of the District in writing three (3) days (72hours) prior to the meeting date, before seeking an office for the Oxford-Rochdale Sewer District or if the Clerks office is vacant, notice musty be given to the Board of Sewer Commissioners.

#### **ARTICLE 4. APPOINTMENTS**

- Section 1. Commencing at the 1974 Annual District Meeting, the Board of Sewer Commissioners shall as soon as practicable after each Annual District Meeting, appoint a District Clerk And a District Treasurer to serve until their successors are qualified. Neither the Clerk nor the Treasurer shall be a Sewer Commissioner.
- Section 2. The Board of Sewer Commissioners shall annually appoint legal counsel for the District.
- Section 3. Any vacancy occurring in any appointive District office or committee shall be filled by The Board of Sewer Commissioners for the unexpired portion of the term.



## APPENDIX A-3

## Regulations

# CHERRY VALLEY AND ROCHDALE WATER DISTRICT

## RULES AND REGULATIONS



ADOPTED SEPTEMBER, 1989

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## INTRODUCTION

The Cherry Valley and Rochdale Water District, in the Commonwealth of Massachusetts, hereinafter referred to as the "District", was established by the acceptance of Chapter 381 of the Acts of 1910 and as amended by Chapter 152 of the Acts of 1911, Chapter 68 of the Acts of 1925, and Chapter 71 of the Acts of 1939. The Act sets forth the corporate powers and the duties of the District. The following Rules and Regulations are supplementary to and in accordance with Section 13 of the Act.

These Rules and Regulations and all subsequent amendments thereto shall be considered a part of the agreement with the property owner served, hereinafter, referred to as "Person", and are supplementary to the Act and the By-laws of the District.

## ARTICLE I

### DEFINITIONS

(Arranged in alphabetical order)

Terms not specifically defined in this section, shall have the meanings given by the definitions section of the Leicester Zoning By-laws, which are for that purpose incorporated herein by reference.

Unless the context specifically requires otherwise, the meaning of terms used in this document shall be as follows:

**Section 1: Applicant**

"Applicant" shall mean any person that has submitted a request to the Superintendent for the water whether it is for a single-family home, a multi-family home, a sub-division, a business, or industry.

**Section 2: Branch**

"Branch" shall mean any water main to be connected to an existing water main where the existing main is greater than six (6) inches in diameter.

**Section 3: Commissioners**

"Commissioners" shall mean the duly elected members of the Board of Water Commissioners of the Cherry Valley and Rochdale Water District or their authorized employees, agents, or representatives.

**Section 4: District**

"District" shall mean the Cherry Valley and Rochdale Water District.

**Section 5: District Engineer**

"District Engineer" shall mean any engineer or engineering firm that the Commissioners select to perform or assist in an evaluation relating to the operation of the water system.

**Section 6: Licensee**

"Licensee" shall mean any contractor who has been deemed capable and has been granted permission by the Commissioners to perform work on the water system, once a permit has been issued.

**Section 7: Main**

"Main" shall mean any water line in use by the District to supply water to more than one person's property on more than one lot.

**Section 8: Superintendent**

"Superintendent" shall mean the Superintendent of the Cherry Valley and Rochdale Water District or the Superintendent's duly authorized deputy, agent, or representative, as appointed by the Commissioners.

**Section 9: Multi-Family**

"Multi-Family" residence shall mean a building that is designed for and occupied exclusively for residential purposes and containing two (2) or more living units, such as condominiums, duplexes, apartment houses, hotels, motels, trailer parks, dormitories, extended health care facilities, congregate houses, etc.

**Section 10: Permit**

"Permit" shall mean the written authorization, by the District, to a licensed contractor to perform a specific task on the water system that has been approved by the Commissioners.

**Section 11: Person**

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

**Section 12: Service**

"Service" shall mean any water line, between the curb stop and the water meter, connecting a water main to a person's property.

**Section 13: Shall; May**

"Shall" is mandatory; "May" is permissive.

**Section 14: Sub-Division**

"Sub-division" shall mean the division of a tract of land into two (2) or more lots.

**Section 15: MassDEP**

"MassDEP" shall mean (generally) the Division of Water Supply within such department, unless another division has jurisdiction over the subject matter of a regulation herein, in which case, the reference is to the appropriate division.



## ARTICLE II

### GENERAL REGULATIONS

#### **Section 1: Power to Establish Regulations**

The Commissioners may establish, change, and amend the Rules and Regulations for the introduction and use of water at any duly noticed meeting of the Commissioners, by a majority vote.

#### **Section 2: Prevention of Water Waste**

All persons taking the water supplied by the District shall prevent all waste of water.

#### **Section 3: Authorization for Entering of Premises**

The Superintendent, or any agent or assistant, may at reasonable times enter the premises of any water taker to examine any water pipes and plumbing therein or thereon for the purpose of ascertaining whether there is any waste of water and for the purpose of determining the quantity of water used and the manner of use and for the further purpose of shutting off water for non-payment of rates or fine or for any alleged violation of the provisions of these Rules and Regulations. In the event of public emergency or service threat to the water supply needed for a fire safety or human consumption, entrance may be made at any time, after giving such notice as may be feasible in the circumstance.

#### **Section 4: Decision on Waste of Water; Shut-off Supply**

The Commissioners shall have the power to decide what is waste of water or improper use of water and to restrict its use. If the water taker refuses or neglects to comply with any order of the Commissioners after twenty-four (24) hour notice, the water shall be shut off and not let on except by payment of reasonable charges, including the cost to repair or replace defective equipment causing such waste.

#### **Section 5: Determination of Water Rates**

- A. The Commissioners shall determine and assess the water rates.
- B. Any person using water, in addition to such entrance fees as set forth in Article III, Section 2, shall pay for the water used at the established rates of the District and shall also pay for all service work and materials on that person's property.
- C. Water bills shall be issued monthly and are due fifteen (15) days thereafter. Delinquent bills or accounts in arrears will be assessed a penalty of five dollars (\$5.00) per month of the unpaid balance.
- D. The unpaid balance of any water bill due the District under this section shall constitute a municipal lien on the property of the person(s) served by the District pursuant to Massachusetts General Law, Chapter 20, Section 42 (a) through (f). The existence of such a lien does not foreclose the use of any other lawful means of collecting payment, including the termination of service to the premises.
- E. Should a person desire, due to a vacancy or prolonged non-use, to have a water service shut off, they shall notify the Superintendent in writing of the request, and the Superintendent will shut the service off at the curb stop and will have the meter removed for a fee of seventy four dollars (\$74.00). No bill will be issued while a service is shut off at the curb stop, however, a minimum bill, in accordance with the District's water rate schedule will be issued in all other cases. When it is desired to have water turned back on, the person shall notify the Superintendent, and service will be reactivated and a fee of seventy four dollars (\$74.00) assessed.
- F. In all cases, bills will be sent to and liability for payment will rest with the owner of the property.

## **Section 6: Water Bill Appeals**

- A. The Superintendent may make adjustments in the water bills in all proper cases upon receipt, in writing, from the property owner of a request for adjustment stating reasons for such request, together with all information necessary to evaluate its merits. Excessive usage caused by pipe leaks or leaking fixtures on the owner's property, beyond the meter, shall not be considered cause for adjustment. Should the owner request the meter be removed and checked, this shall be done in accordance with Article III, Section 6, Meters.
- B. Any person aggrieved by the decision of the Superintendent under this section, may, if the bill in question is in the amount of twenty-five dollars (\$25.00) or more, appeal the decision to the Commissioners. A two-thirds (2/3) vote of the Board shall be necessary to overturn the decision. Should this occur, the claim would then be settled under conditions put forth by the Commissioners. Bills under twenty-five dollars (\$25.00) cannot be appealed.

## **Section 7: System Operation**

- A. The Commissioners may make repairs, extensions or improvements on the water system, etc. to the extent that such actions do not impair the District's ability to deliver water, or serve existing customers, reduce the water reserves below safe limits, or place the District in debt not authorized by the District's voters.
- B. The District does not guarantee constant pressure nor uninterrupted service, nor does it assure either a full volume of water or the required pressure per square inch necessary to effectively operate appliances of any kind, the same being subject to all the variable conditions with may occur in the use of water from the main.
- C. The District will not be responsible for damages caused by shutting off water
- D. for the purpose of doing repairs on pipes, valves, hydrants, or any other fixtures, or by work on the system, or by breaks in the pipes, or by low pressure resulting from any cause. Reasonable notice shall be given, if possible, to all persons before the water is shut off, except in cases of emergency.
- E. Any work on the water system by a private contractor or agent shall only be performed after procurement from the Superintendent of all necessary permits and licenses as herein described.
- F. No plumber or other person not in the employ of the District shall shut water off or turn on the water at any service pipe, except at the cellar wall. Whenever, by request of the owner or representative, water is turned on or off at the curb stop for testing, plumbing, or other purposes, the charge for turning on or shutting off water shall be seventy-four dollars (\$74.00).
- G. No person, not in the employ of the District, or a member of the Fire Department in the performance of their duties shall turn on any hydrant, public or private, without first obtaining permission for the Superintendent.

## **Section 8: Appointment and Duties of the Superintendent**

- A. The Superintendent shall exercise a constant supervision of the water system and shall be responsible for its general operations, including, but not limited to:
  - Hiring (The appointment of full-time employees shall be the authority of the Commissioners)
  - Selecting Vendors
  - Manage District Office
  - Meter Reading
  - Billing and Collection \*Maintaining System Logs

- System Inspections
  - Water Quality Testing \*Enforcing Rules and Regulations
  - System Maintenance
  - Financial Reporting
- B. The Superintendent shall be the primary advisor to the Commissioners with regards to the overall operation of the system.
- C. The authority of the Superintendent is derived from the powers granted the Commissioners by the District. As such, all decisions of the Superintendent are subject to review by the Commissioners any person wishing to appeal a decision by the Superintendent shall submit a written request setting forth the factual details, to the Commissioners for review and action.
- D. The Superintendent shall report to the Commissioners on a monthly basis with respect to the general condition of the system, additions, special projects, etc.
- E. The Superintendent shall record all financial transactions from the collection of funds from water bills and make a report to the District Treasurer on a monthly basis.
- F. The Superintendent shall issue to the Commissioners an interim report on the status and condition of the system. This interim report shall cover the term from July 1 to one month prior to the annual District meeting for that fiscal year.
- G. The Superintendent shall issue to the Commissioners an annual report detailing all aspects of the operations of the system to the fiscal year just completed. The annual report shall be due no later than August 3, following the end of such fiscal year.
- H. The Superintendent shall prepare an estimated budget for the up-coming fiscal year by the end of January of the preceding year based on the present year's operation and present it to the Commissioners.

## ARTICLE III

### WATER MAINS

#### Section 1: General

Extension of water mains shall be subject to approval by the Commissioners and shall be constructed under the supervision of the Superintendent and/ or the District's Engineer. In addition, all work will be performed by a licensed contractor under the terms of Article IV.

#### Section 2: Entrance Fees

The entrance fee charged by the District is for the privilege of any person to be allowed to connect to the water system. This fee may be used to offset the future capital expenditures that may be required due to the additional water usage by a new connection. The entrance fee does not include any material, labor, or water.

- A. Entrance fees for any service pipe connection into the water system shall be due in accordance with the following schedule:

1. Residential

- a. Single family residence: Eight thousand three hundred and twenty-five dollars (\$8,325.00)
- b. Multiple Family residence: [including all structures containing more than one (1) unit, such as condominiums, duplexes, apartment houses, apartment complexes, hotels, motels, trailer parks, dormitories, extended health care facilities, congregate housing, etc.]: Eight thousand three hundred and twenty-five dollars (\$8,325.00) per living unit.

2. Nonresidential/Secondary/Branch Mains

- a. Entrance fee shall be based on size of service, size of branch main, and secondary main as follows:

|      |            |
|------|------------|
| 1"   | \$2,775.00 |
| 1 ½" | \$3,238.00 |
| 2"   | \$3,700.00 |
| 6"   | \$5,800.00 |
| 8"   | \$6,013.00 |
| 10"  | \$7,863.00 |
| 12"  | \$9,713.00 |

- b. Entrance fee for any service larger than twelve (12) inches shall be as determined by the Commissioners.

- B. Secondary or branch mains connected to mains and service pipes connected thereto:

1. Single family residential subdivision. The entrance fee shall be in accordance with the fee schedule as listed in Section 2.2 for each connection of a secondary or branch main, or mains, to the District's mains, plus four thousand five hundred dollars (\$4,500.00) for each planned house lot served by the secondary or branch main.
2. Multi-family residential subdivision. The entrance fee shall be four thousand five hundred dollars (\$4,500.00) for each connection of a secondary or branch main, or mains to the District's mains, plus four thousand five hundred dollars (\$4,500.00) for each living unit served by the secondary or branch main.
3. Commercial or industrial subdivision. The entrance fee shall be four thousand five hundred dollars (\$4,500.00) for each connection of a secondary or branch main, or mains, to the District's mains, plus the non-residential entrance fee listed in Section 2.2 for each service connected to the secondary or branch mains.

C. Fire Protection

Any service pipe to be used for fire protection purposes (i.e. feeding hydrants, sprinkler systems, etc.)

shall be separate service from the main and subject to an entrance fee of two thousand three hundred and thirteen dollars (\$2,313.00) for any size eight (8) inches or smaller and three thousand seven hundred and forty-six dollars (\$3,746.00) for any size greater than eight (8) inches.

### **Section 3: Payment of Entrance Fees**

- A. Entrance fees for all connections shall be payable at the time of application for connection.
- B. The unpaid balance of any entrance fee due the District under this section shall constitute a municipal lien on the property of the application pursuant to Massachusetts General Law, Chapter 40, Section 42, (a) through (f). The existence of this lien does not foreclose the use of any other lawful means of collecting payment, including the termination of service to the premises.

### **Section 4: Service Pipes and Connections**

- A. Any person desiring to connect to the water supply system shall apply to the District's office and fill out the application form (Attachment I, "Request for Service"). The prescribed form must be accompanied in all cases by a plot plan showing the location of the proposed connection and appurtenances, unless this requirement is waived by the Commissioners.
- B. In the case of the construction of an individual single-family home, it will be the responsibility of the property owner to have the service pipe installed. Services must be installed by a contractor licensed by the Commissioners. All work performed will be in accordance with these Rules and Regulations and District Specifications.
- C. All services shall be installed by the developer or property owner, and they will furnish all material, labor, and whatever else is necessary to complete service. This includes the furnishing and installing of tapping sleeves and valves for larger services. The District will specify the kind and quality of the materials which shall be used for the service. This work shall be done in accordance with these Rules and Regulations and any District Specifications.
- D. The District reserves the right to accept or reject any application for service installation.
- E. No drain, sewer, gas, chemical, etc., lines shall be laid nearer than ten (10) horizontally feet to the water service pipes and at least three (3) feet from any buried electrical cable or conduit. Any vertical crossing shall be at least two (2) feet below the water line. Any sewer lines must be under the water line. Existing or future crossings, public or private, must be disclosed to the District and the person proposing the crossing shall provide to the District a plan certified by an engineer showing in detail the proposed crossing in relation to the District's mains and full compliance with the District's Rules and Regulations and Specifications. Exceptions may be granted in writing by the District after approval of other agencies.
- F. All service pipe trenches with pipe properly laid from the property line to the meter shall remain open until inspected and approved by an agent of the District.
- G. No fixture shall be attached to nor shall any branch be made in the service pipe between the meter and the street main.
- H. The service pipe shall be at least five (5) feet below the surface grade and shall be placed on firm and continuous earth to give unyielding and permanent support.
- I. Each premises shall be supplied through an independent service pipe from a separate curb stop, and all double houses, apartment houses, office buildings, or business blocks shall have a separate service connection and curb stop for each tenant unless otherwise specifically approved or ordered by the

District in which case the property owner is to be solely responsible for all water used on and in said building or premises.

#### **Section 5: Maintenance and Repair of Service Pipes**

- A. Maintenance and repair of all service pipes shall be the responsibility of the property owner. The "Service Pipe," (as defined in Article I, Section 12), shall mean any water line connecting water main to a person's property up to and including the water meter.
- B. Major repairs or relays of such pipes, whether deemed necessary by the Superintendent or requested by the property owner, shall be the responsibility of the property owner.
- C. The District will only make emergency repairs that the Superintendent deems to be necessary at the time and the property owner shall be billed accordingly.
- D. All expenses relative to this section shall be the responsibility of the property owner.

#### **Section 6: Meters**

- A. All individual services from the water supply, excepting those feeding sprinkler systems, shall be metered by the District.
- B. The District will furnish and install all meters for which a three hundred fifty-eight dollars and eighty cents (\$358.80) service charge will be paid by the person requesting the service. Notwithstanding the provisions of paragraph C of this section, all meters shall remain the property of the District.
- C. If larger than a one (1) inch meter is required, or requested, the person requesting the service shall pay the cost of the meter and for the installation by a licensed plumber in the presence of an authorized representative of the Superintendent. The person requesting such service shall also pay the District an inspection fee equal to the hourly wage and benefit cost of the District's inspector multiplied by the number of hours spent on the job. After installation the meter will remain the property of that person who will be responsible for the upkeep of that meter.
- D. All meters will be equipped with remote reader, except as determined by the Commissioners, mounted on the outside of the building.
- E. Meters of one (1) inch or less, will be maintained and replaced at the expense of the District, except in the case of injury for which the District is not responsible, and then such meter shall be repaired or replaced by the District at the expense of the Customer.
- F. No person, except an agent of the District, shall change, alter, disconnect, or in any manner disturb the meter.
- G. The meter and shutoff valves shall be installed in a place satisfactory to the District and readily available for access for the purpose of reading, making repairs, or replacement.
- H. The property owner shall provide access to the meter at all reasonable times.
- I. If the owner requests the Superintendent to remove the meter and check its accuracy, there shall be a charge assessed to the owner, shall be the current rate to test a water meter plus the current water district labor rate.
- J. Any meter over one (1) inch in diameter shall be tested by the District at a cost to the person requesting the test without regard to the accuracy of the meter.

- K. No meter shall be disconnected from the service pipe, moved, or disturbed without first obtaining permission of the Superintendent, who will send a properly authorized agent to attend to any change needed. The property owner will be charged for all the District's costs associated with the change.
- L. Meters must not be exposed to frost, contamination, or physical damage.
- M. Whenever a discrepancy occurs between the remote reader and the meter installed in the water line, the water line meter will determine water usage.

## **Section 7: Shutting Off Water**

- A. The District shall have the right at the discretion of the Commissioners to shut off water for the following reasons:
  - 1. Making authorized alterations or repairs to meters, mains, or pipes.
  - 2. Disregard of the Rules and Regulations of the District or the requirements of the Commissioners.
  - 3. Neglecting to make payments of charges for water service or any other charges against the owner of the premises.
  - 4. Misrepresentation in application as to the premises or fixtures to be supplied, or the use of the water supply.
  - 5. Use of water for any premises or purpose not described in the application.
  - 6. Tampering with any service pipe, meter, curb stop, seal, or any appliance of the District.
  - 7. Failure to maintain, in good order, connections, service lines, or fixtures for which the customer or property owner is responsible.
  - 8. Waste of water through improper or imperfect pipes, fixtures, or otherwise.
  - 9. Vacancy of premises.
  - 10. Refusals of access to premises to inspect, read, maintain or remove meters.
  - 11. Refusal to conserve water during periods of restricted supply.
  - 12. Failure to pay water bills or charges at a prior location.
  - 13. Any cross connection which would introduce water or any liquid other than water supplied by the District into the service line of the District.

The District assumes no responsibility for damage resulting from shutting off water for such reasons.

- B. The District shall have the right at the discretion of the Commissioners to restrict the use of water whenever public emergency so requires.
- C. The District will undertake to use reasonable care to prevent and avoid interruptions and fluctuations in the service, but it cannot and doesn't guarantee that such will not occur. The District shall not be held liable for any damage to property or persons resulting from any delay or interruption in service unless

caused by the willful act of the District.

## **Section 8: Renewal of Service**

When water service to any premises has been terminated for any reason other than temporary vacancy it will be renewed only after the acceptance of a new application and when the conditions, circumstances, or practices which caused the water service to be discontinued are corrected to the satisfaction of the District, and upon the payment of all charges due and payable by the customer in accordance with the rates, and Rules and Regulations. A payment plan on overdue charges may be arranged if so desired.

## **Section 9: Fire Services**

### Public Fire Hydrants

- A. The Fire Department shall have necessary use of hydrants at fires, but no other person shall be allowed to operate hydrants without permission of the Commissioners or their agents.
- B. The Fire Department shall obtain permission from the Superintendent at least two (2) days in advance of any proposed use of hydrants other than fires.
- C. A proper hydrant wrench must be used when removing the cap and opening the hydrant.
- D. No person shall obstruct the access to any hydrant, by placing or permitting any snow, debris, building materials or other obstruction to remain on or about the hydrant which will in any manner interfere with its use.
- E. All public fire hydrants shall be maintained by the District.
- F. Inspections and tests of public hydrants will be made by the District at convenient times and reasonable intervals.
- G. Whenever a change in location, size, or type, or permanent removal of a fire hydrant is requested by the Town and/or a customer, such change will be made by the District at the expense of the Town and/or Customer.

### Private Fire Service

- H. Private fire service pipes may be installed at the owner's expense including the street connection. The layout of check valves, type and size of pipe, and control valves shall be subject to the approval of the District, Leicester Fire Department, the Fire Underwriters, and the MassDEP.
- I. Owners shall install backflow prevention devices of the type required by the MassDEP.
- J. No service line or tap is to be taken from any private fire service line. Failure to comply with this regulation will subject the customer to discontinuance of service, and/or liability for quantity of water used as estimated by the District.
- K. No consumption is permitted through fire connections except for the extinguishing of fires.
- L. Owners with private fire services may be subject to standby charges as determined by the District.
- M. The District is not responsible for the maintenance or pressures, volumes, or supply of water. The service may be subject to shutdowns or variations in pressure as system operations require or as a result of casualty.



## Section 10: District Extensions

Any extension to be made by the District, for a group of people who desire to be served by the water system or any extensions to the water system to be made as capital improvements shall be made as follows:

- A. Any group of five or more people in the District who desire to be served by the water system shall submit a petition to the Commissioners.
- B. In the event that any person(s) wishes to be served by the water system immediately and without complying with the provisions of these Rules and Regulations, they shall be required to pay to the District in advance of construction the full cost of same and may thereafter petition the District for the privilege of being brought under the terms of these Rules and Regulations. The Superintendent is hereby authorized to expend money collected under this provision for such purposes with the Commissioners approval.

In the event that the District shall vote to approve the extension, the petitioners shall have an amount equal to the cost of said extension refunded to them, less entrance fees as described in Section two (2).

- C. Upon vote of the District to construct a water main the Superintendent shall proceed with the construction by seeking bids from licensed contractors.
- D. All mains installed shall conform to the Rules and Regulations under Article V on construction and any District Specifications that apply.
- E. Alternatively, a capital improvement or extension of service may be made in accordance with Massachusetts General Laws, Chapter 80, providing for the assessment of betterments by the District on the land particularly benefited by an improvement or extension.

## Section 11: Subdivisions

- A. The Developer shall file with the District, concurrently with filing with the planning board, a plan showing in detail the proposed water system. With this plan a detailed water supply impact study shall also be filed covering:
  - 1. A study of the water system within the subdivision covering pipe size, location, elevations, valves, flows, pressures, etc., and other pertinent information.
  - 2. A study of the impact of the subdivision on the existing water system.
  - 3. These studies shall be prepared by an engineer registered in the Commonwealth of Massachusetts.
  - 4. The report shall be such that the Commissioners, together with such professional consultants as it elects to employ, can make a judgment and render a decision as to whether the Commissioners shall allow a connection to the water system. Following their review, the Commissioners will determine whether and under what conditions these connections shall be made.
- B. All costs of reviewing an impact study required by the District shall be paid by the applicant for service. In order to insure a complete understanding of this, the Superintendent will have the applicant sign a District form (Attachment II) ("Review of Subdivision Plans") in which the developer agrees to pay all costs associated with the impact study being submitted, including, but not limited to, an engineering review by the District Engineer selected by the Commissioners if felt necessary by the Commissioners.

for adequate review of the impact study submitted.

- C. The design of any proposed water system addition must be approved by the Commissioners prior to issuance of permits for construction. Water system construction must be inspected and approved by the Superintendent and/or the District's Engineer and the cost for engineering services (inspections) shall be paid by the developer or other sponsoring parties or agent.
  - 1. The applicant and owner of the property shall pay all costs relating to the laying of water mains and appliances.
  - 2. The applicant shall perform all work in accordance with these Rules and Regulations and with current Specifications of the District.
  - 3. Water mains shall be constructed by a competent licensed contractor and shall be cleaned, disinfected, flushed and tested before connection of the water system addition to the District's water system.
  - 4. The applicant shall hold the District harmless and indemnify the District and The Town of Leicester against any liability resulting from any defective materials, workmanship, or operation in connection with said installation. When working in public ways, the applicant and/or his contractors shall maintain Public Liability Insurance not less than one hundred thousand dollars, (\$100,000.00) for injuries, including wrongful death to anyone person, subject to the same limit for each person in an amount not less than three hundred thousand dollars (\$300,000.00) on account of an accident.
  - 5. The applicant shall agree to pay for the privilege of connecting a water system addition to the District's water system in accordance with the provisions of Section 2.
- D. In the case of all other users, whether commercial, residential, or industrial, the details as spelled out above shall be used, except that for small commercial or industrial users the detailed study may be modified after individual review by the Commissioners. In all cases, the approval must be in writing prior to any connections.
- E. When any subdivision as determined by the Commissioners requires wells, pump standpipes, booster stations, etc., the cost of each such installation shall be borne by the applicant.
- F. All system additions, i.e. mains, branches, hydrants, valves, wells, pumps, standpipes, etc., shall become the property of and be deeded to the District. When accepted by the Commissioners, in writing to the applicant, they shall from that time on be maintained and serviced by the District.
- G. All work performed, material, and equipment will be warranted to the District for one (1) year, from the date of acceptance by the Commissioners, by the Contractor who installed said equipment. This will include the cost to replace the defective work, material, or equipment.
- H. Whenever possible, any sub-division will have the mains looped to prevent dead ends in the water system. This should also include the possibility of providing two (2) flow paths for supplying water to a sub-division.

## **Section 12: Miscellaneous**

- A. All future applicants for connections to the water system will be notified that no connection will be made to any service, any part of which is connected to a system designed to use the supplied water for purposes such as landscape watering, fountains, or any other uses not essential to securing necessary occupancy permits and human habitation, the Commissioners shall further take any steps available to control such uses on existing services, and to control the use of all uses not essential to proper human

occupancy.

- B. All persons seeking service from the District shall be governed by these Rules and Regulations and the obligations and responsibilities assigned herein to applicants and customers.
- C. The District reserves the right to place a lien on the real estate of any person who fails to pay bills for water or services supplied to or for the benefit of the owner's land (Massachusetts General Laws, Chapter 40, Section 42A (a) through (f))

## ARTICLE IV

### LICENSE AND PERMIT REQUIREMENTS

#### Licenses

##### **Section 1: General**

- A. Contractors or individuals of established qualifications, reputation, and experience may be licensed by the District to make connections to the water system.
- B. No connection shall be made, or service pipes installed by any contractor or individual not so licensed.
- C. No licenses shall be transferable.
- D. A list of all licenses shall be kept by the Superintendent.

##### **Section 2: License Fee**

All licenses shall be subject to compliance with the following requirements:

- A. Filing with the Superintendent an application form (Attachment III, "Application for License").
- B. Applicants for licenses are required to pay a filing fee of sixty-two dollars (\$62.00), payable to the District, which amount will be refunded in full to the applicant if the application is rejected.
- C. All licenses issued will expire on June 30 of each year after which they will be renewed upon payment of a renewal fee of sixty-two dollars (\$62.00).

##### **Section 3: Approval**

- A. Applicants for licenses will be approved or disapproved within a period of thirty (30) days after filing the application. If the District has not acted on an application within thirty (30) days after filing, and payment of fees, a license shall automatically be approved.
- B. The Commissioners reserve the right to revoke or suspend any license if any provision of said license is violated.

##### **Section 4: Insurance**

Applicants for licenses, after approval by the Commissioners, shall file with the Superintendent a certificate of insurance in the sum of one hundred thousand/three thousand dollars (\$100,000.00/\$300,000.00) to cover public liability and a certificate of insurance covering workmen's compensation shall be filed, all of which shall remain in full force and effect for a period of at least one (1) year from the date of original approval and each calendar year thereafter upon renewal. Said insurance shall indemnify the District and the Town of Leicester against any and all claims, liability or action for damages incurred in any way connected with the performance of the work of the licensee and for or by reason of any acts or omissions of said licensee in the performance of work.

## **Section 5: Performance of Work**

- A. Licensees shall abide by all conditions of these Rules and Regulations, and District Specifications with particular reference to Article V, Construction.
- B. Licensees shall comply with all District, town, state, and federal codes, rules and regulations.
- C. Licensees are required, if, during the course of their work, they should encounter any previous violations of these Rules and Regulations, to give a full written report to the Superintendent within twenty-four (24) hours of such discovery.
- D. Licensees are required to give personal attention to all installations and shall employ only competent and courteous workers.
- E. Licensees shall have all necessary equipment, tools, and material to perform this work.
- F. Licensees shall make repairs without cost to the District for any defect in the work or parts of the work furnished or built by the licensee. Any damage due to faulty workmanship or equipment furnished by the licensee in which defects or damage may appear within one (1) year from the date of final inspection shall also be repaired by the licensee.

## **Permits**

### **Section 6: Purpose**

The purpose of the permit is to inform the Superintendent of the water system, where the work is to be performed, who is performing the work, and what is being done to the system. This permit will also allow the Superintendent a chance to make sure all the proper permits for the various state and town requirements are met.

### **Section 7: Where to Obtain a Permit?**

Permits for installing water services and for connections to water mains may be obtained weekdays at the office of the Water District, between the hours of 7:30 A.M. and 3:30 P.M.

### **Section 8: Who Can Obtain a Permit?**

Permits will only be issued to competent contractors licensed in the District. Permits are not transferrable between locations for water service connections nor are they transferrable between contractors.

### **Section 9: Revocation**

Permits shall be subject to revocation when any of the Rules and Regulations and any District Specifications are not being followed.

### **Section 10: Time Limit**

If the work under the permit is not completed within ninety (90) days, a new permit must be obtained.

### **Section 11: Approval**

Permits will not be issued until the applicant has filed a layout plan accurately showing the location of existing utility connections, house locations and route of water service, and said layout has been approved by the Commissioners.

**Section 12: Existing Services**

Permits must be obtained for renewal of existing water service connections. Responsibility and liability for all repair work shall be the same as are imposed for the original connections.

**Section 13: Other Permits**

The issuance of a permit by the District in no way relieves the applicant, contractor, or the property owner of the responsibility to comply with the Rules and Regulations set forth by the Town of Leicester, the State of Massachusetts, or any governmental authority.

**Section 14: Other Requirements**

No permit shall be issued, except in cases of emergency, to dig up or make an excavation in a public way until the applicant files with the Department of Public Works copies of the notices to public utility companies as required by General Laws, Chapter 82, Section 40.

## ARTICLE V

### CONSTRUCTION

#### Section 1: General

- A. The Rules and Regulations in this Article shall be considered the minimum requirements for any service, branch, or main added to the system by a licensed contractor. Additional requirements may be imposed by the Commissioners in particular instances on proposed construction work for sound engineering reasons, such as, to meet the long range system plan, prevent a sub-division from having a negative impact on system operations, and to prevent the expenditure of funds by the District to support the addition of a sub-division to the system, etc.
- B. The Commissioners may from time to time develop standard specifications for equipment installation which will be used in addition to the Rules and Regulations and will be filed with the District's Superintendent's office.

#### Section 2: Permits

Before any permit is issued for the installation of a service, branch, or main, the following must be presented to the Superintendent:

- A. A copy of the plot or sub-division plans approved by the Planning Board and the Commissioners to be kept on file.
- B. A copy of a road opening permit issued by the Highway Department/Town of Leicester.
- C. A Dig Safe Permit
- D. In the case of a permit being required by the State Department of Public Works, the contractor will fill out all required applications and the Superintendent will submit it on the behalf of the District. All bonds required will be posted by the contractor on behalf of the District in addition to those required by the District.

#### Section 3: Mains

- A. All pipe used for mains shall be a minimum of eight (8) inches in diameter.
- B. All pipe shall be of a type specified by the District Engineer.
- C. Mains installed as part of a sub-division shall include a corporation stop for each lot shown on the approved plan.
- D. All mains installed shall be inspected by the Superintendent/District Engineer prior to backfilling.
- E. All water mains over six (6) inches in diameter shall be Ductile Iron, Class 52 in accordance with A.W.W.A. standards.
- F. Excavations will be to a depth that provides a minimum of five (5) feet of cover over the pipe.
- G. If excavation is in ledge, a minimum of eight (8) inch spacing around the pipe will be required to allow for selected backfill material. It will be at the discretion of the Superintendent/District Engineer as to the type of bedding used and will depend on field conditions. In any event, it will be either crushed bank gravel or three-fourths inch (3/4") stone. No stones larger than three (3) inches in diameter may be

used within the first foot of backfill over the pipe. Once the pipe has sufficient cover with select material, normal backfilling may proceed with care.

- H. Jointing of push-on or Tyton joint D. I. will be with the use of a come-along or bar. If a bar is used, a block of wood will be used between it and the pipe. The same applies for having a backhoe set larger diameter pipe, a block of wood will be inserted between the bucket and the pipe; in no event will there be a metal to metal driving force to set the pipe. If this is not strictly complied with, the length of pipe will be removed and a new one used in its place.
- I. All mains shall be installed per the District's specifications or as directed by the District's Engineer. In all cases this will include the installations of thrust blocks at all plugs, caps, tees, bends, and hydrants to prevent movement.
- J. Main line taps will always be done with the use of a tapping sleeve and gate valve. The tapping sleeve to be Mueller or approved equal. If the Contractor is to make the tap, evidence of competence through previous work must be furnished and the contractor must have the necessary tools to perform the work satisfactorily.

#### **Section 4: Valves and Boxes**

- A. No main shall extend over one thousand (1000) feet in length without the use of a gate valve.
- B. Main valves shall be either:
  - 1. Gate valves that are open right, iron body, bronze mounted, double disc, non-rising stem as specified by the District.
  - 2. Resilient Wedge valves that are open right and approved by the District Engineer.
  - 3. Butterfly valves may be used on pipe size twelve (12) inches and up.
- C. Main gate boxes shall be cast iron, slide-type with at least six (6) inches of adjustment and at least five (5) feet long. The covers shall be flush, close fitting with the word "WATER" cast into the cover.
- D. All intersections of mains shall be gated in their respective direction.
- E. All valves shall be installed per the District's specifications or as directed by the District's Engineer. This includes the installation of thrust blocks at all valves.
- F. Service box and valve covers must be plumb and set at finish grade.

#### **Section 5: Hydrants**

- A. All hydrants shall be within five hundred (500) feet of each other or so spaced at the discretion of the Commissioners and after review by the Fire Chief.
- B. All hydrants shall be located before and as close as possible to the gate valve specified in Section 4 to allow for flushing.
- C. All hydrants shall be equipped with mechanical joint hubs.
- D. All hydrant branches shall be of a type and style consistent with District specifications.
- E. Hydrants shall have six (6) inch mechanical joint shoe, (5) inch valve opening, and five (5) foot six (6)



inch bury, open right with two (2) one and a half (1) inch hose nozzles and one (1) four and one-half (4) inch pumper connection, National Standard Threads and operating nut.

- F. No hydrants shall be placed within fifteen (15) feet of a driveway or access road.
- G. Hydrants shall meet or exceed AWWA specifications C-502.
- H. Hydrants shall be able to be rotated 360 degrees. Nozzles shall be threaded in and pinned. They shall have a positive closing; self-cleaning drain valve and drainage area shall be completely bronze or brass lined.

## **Section 6: Construction Requirements**

### **A. Work performed by the District**

In the event that the District is involved either in the installation of a new service or relay to a single-family residence or repairs to an existing service, the work shall be performed in accordance with the following:

1. Trenches or areas of excavation, after completion of installation or repairs, shall be rough graded and hand raked. Permanent repairs on the landowner's property (i.e. loaming, seeding, cold patching and hot topping of drives and walk, cement sidewalks, steps, etc.) shall be their responsibility.
2. Fences or walls of any kind, if not removed by the landowner, will, if within the District's means and capabilities, be removed and staked on the landowner's property. Upon completion of the work, re-erection or rebuilding shall be the responsibility of the landowner.
3. Trees, bushes, shrubs, hedges, flowers; lawn ornaments, etc., if not removed by the landowner, will, if within the District's means and capabilities, be removed and staked on the landowner's property. Upon completion of the work, replanting, or replacement of these items shall be the responsibility of the landowner.
4. In the event that the work necessitates the cutting of roots of trees, bushes, shrubs, hedges, etc., the District will not be responsible for their continued life.
5. The landowner shall be responsible for notifying the District of any underground wiring, wells, septic system pipes, drainage pipes, etc., that may be in the line of construction. Unless the District is notified in advance, it will assume no liability for resulting damage.
6. All decisions made by the Superintendent pertaining to Sub-sections (A1) through (A5) above will be subject to appeal to the Commissioners.

### **B. Work performed by developers and/or private contractors**

In the case of a water extension on or to a sub-division or other property, the owner of the property or developer thereof shall construct and install the mains and house connections in accordance with the following Rules and Regulations and District Specifications.

1. There shall be submitted to the Commissioners, in the case of a new sub-division which has the approval of the Planning Board, a plot plan which has been recorded in the Worcester District Registry of Deeds. Other private projects approved by the Planning Board shall also submit plan of proposed water system prepared by a registered engineer.

2. Any and all plans for a water system in the District will show and/or specify the following:
  - a. Main locations
  - b. Valve locations
  - c. Service tap locations
  - d. Hydrant locations
3. All taps to the existing system will specify a tapping sleeve and gate valve.
4. Any contractor involved in construction work in the District will strictly adhere to the provisions of these Rules and Regulations.
5. No equipment, tools, or material will be rented or loaned by the District to a contractor.
6. All material used must be of the same make and quality as specified by the District.
7. All labor and material cost to install a water system as specified herein will be borne by the owner, developer, or contractor, whatever the case may be. Costs for taps into the system and the restoration of any public way will be borne by the owner, developer or contractor.
8. Excavation in any public way will require a road opening permit from the Highway Department. Necessary forms may be obtained from and filed with the Highway Department. It will be the contractor's responsibility to notify Dig Safe utility companies, such as gas, telephone, electric, etc., if there is any possibility of their equipment or property being jeopardized by excavation. After receiving all other permits, the contractor will then file with the District Superintendent per section 2 for a District permit.
9. It shall be the contractor's responsibility to notify the Fire and Police Departments of said work to be performed and, if necessary, to hire uniformed police for traffic control. In the event that the roadway cannot be restored to its normal surface immediately following the work, sufficient care will be taken to make the roadway smooth for traffic and, if necessary, to light with flashers as a warning to motor vehicles.
10. Before any water mains, services, or hydrants are installed in a sub-division, the contractor will bring the entire site where these utilities are to be located to subgrade, such grade will be verified by grade stakes provided and set by a registered land surveyor or engineer employed by the owner or contractor so that the District Engineer may expedite the checking of such grades.

## **Section 7: Connections**

- A. Service connections shall have as their minimum size one (1) inch diameter. All service pipe two (2) inches or under will be Type K copper tubing, or polyethylene pipe tubing with a minimum rating of 250 PSI; as directed by the Superintendent. Any service pipes larger than two (2) inches and less than eight (8) inches in diameter will be of material approved by the District.
- B. All connections to the main will be preapproved by the Superintendent/District Engineer. A curb stop and box shall be installed at the property line on the owner's side of each service. The curb stop shall be brass T. head, open right, without a drain. Any service one (1) inch or greater shall employ an oriseal curb. Under no circumstances will any inverted key curbs be installed in any water system.

The curb box or service box will be four and one-half (4) to five and one-half (5) feet, extension-type three fourths (3/4) inch rod and cover to be counter sunk one (1) inch brass plug tapped for one (1) inch iron pipe. Minimum cover for services shall be five (5) feet zero (0) inches. A sand backfill material will be carefully placed around the service pipe to protect it from normal backfill and compaction.

- C. On the inside of the building there shall be a meter installed by the District as set forth under Article III.
- D. Each meter will have a ball valve, before and after, and each valve will be within one (1) foot zero (0) inches of the meter. Where pressures are in excess of eighty (80) pounds per square inch, a pressure reducing valve will be employed in the line. This equipment is to be supplied by the contractor or property owner.
- E. Backflow prevention devices shall be installed when applicable.

#### **Section 8: Inspections**

- A. Inspection will be provided by the District only on a limited or part time basis.

Before any backfilling is done, the Superintendent/District Engineer will be notified twenty-four (24) hours in advance and a man will inspect the completed work. This method of operation will be used for hydrant installations, main taps, service taps, etc. If the Superintendent/District Engineer feels that insufficient workmanship and care is being taken in the installation, a man will be assigned from the District on a full-time basis. The contractor or owner will bear the cost of this man at the hourly wage and benefit rate, Monday through Friday, from 7:00 A.M. to 3:00 P.M. Any time spent on the site, not within these limits or Saturday, Sunday, Holidays, etc., will be at twice the man's rate.

- B. In cases where inspections of work performed by the applicant is required hereunder, or under any agreement between the applicant and the District, the applicant shall pay to the District the following fees:

District Engineer Inspection - the current hourly billing rate multiplied by the number of hours on the job.

#### **Section 9: Testing**

The contractor shall test all piping installed. Testing shall be performed concurrent with installation and no more than one thousand (1000) feet of pipe shall be installed without being tested.

- A. The pump, pipe connections and all necessary apparatus for the pressure and leakage tests, including gauges, and metering devices, shall be furnished by the contractor.
- B. After the pipe has been laid, thrust backing cured and the trench backfilled, the entire pipeline, or any section thereof, shall be subjected to hydrostatic pressure and leak tests shall be performed in accordance with ANSI/AWWA C600, Section 4 - Hydrostatic Testing as and when directed by the District.
- C. Should any test disclose leakage greater than that permitted, the contractor shall, at their expense, locate and repair the defective joints and/or pipe until the leakage is within the permitted allowance of the District.

- D. Allowable leakage in gallons per hour per thousand (1000) feet of pipeline shall be as follows as taken from AWWA C600:

| <u>Test</u> | <u>Pipe Size (In.)</u> |      |      |      |      |      |
|-------------|------------------------|------|------|------|------|------|
| PSI         | 2                      | 4    | 6    | 8    | 12   | 16   |
| 100         | 0.15                   | 0.30 | 0.45 | 0.60 | 0.90 | 1.20 |
| 125         | 0.17                   | 0.34 | 0.50 | 0.67 | 1.01 | 1.34 |
| 150         | 0.19                   | 0.37 | 0.55 | 0.74 | 1.10 | 1.47 |
| 175         | 0.20                   | 0.40 | 0.59 | 0.80 | 1.19 | 1.59 |
| 200         | 0.21                   | 0.43 | 0.64 | 0.85 | 1.28 | 1.70 |
| 225         | 0.23                   | 0.45 | 0.68 | 0.90 | 1.35 | 1.80 |
| 250         | 0.24                   | 0.47 | 0.71 | 0.95 | 1.42 | 1.90 |

#### **Section 10: Disinfection**

The completed pipeline is to be disinfected with a chlorine concentration of approximately fifty (50) parts per million prior to being placed in service. The introduction of this chlorine shall be accomplished by pumping or siphoning a calcium hypochlorite solution into the main. The chlorinated water is to remain in the new pipeline for a period of twenty-four (24) hours. During this period, proper precautions are to be taken to prevent this chlorinated water from flowing back into the existing system. Other methods of Disinfection may be used after approval in writing is given by the Commissioners.

#### **Section 11: As-builts**

As-builts will be furnished to the District in duplicate by the contractor or owner at the completion of the project and before supplying water to the system. The plans in-particular will depict exact distances between gate valves, ties to gate valves, both in the main and hydrant branches. Curb box location referenced to the house or building that it serves by at least two (2) ties from permanent points.

## ARTICLE VI

### WATER USE RESTRICTIONS IN RESPONSE TO DECLINE IN RESERVOIR ELEVATIONS

#### Section 1: Definitions

- A. "High Water Mark" refers to the level of water in the Henshaw Pond which is contained during the periods set forth below:
- B. "Summer High Water Mark" is the high-water mark during the period from April 1 to November 30 of each year.
- C. "Winter High Water Mark" is the high-water mark during the period from December 1, to March 30, of each year.

#### Section 2: Voluntary Use Restrictions

If the level of Henshaw Pond drops eight percent (8%) or six inches (6") below the Summer High Water Mark the Commissioners shall impose the following voluntary water use restrictions:

##### A. Residences and Businesses

All outdoor uses prohibited between 9:00 A.M. and 5:00 P.M.

Examples:

- No lawn watering
- No car washing
- No home garden watering
- No filling of pools

##### B. Commercial Nurseries, Golf Courses, Municipal Recreation Fields, Commercial Agriculture Production (farms)

All outdoor uses prohibited between 9:00 A.M. and 5:00 P.M. except watering of newly planted trees, shrubs, crops, and lawns, which shall be permitted at any time on the day of planting.

##### C. Municipal and other Commercial and Charitable Uses.

Municipal street sweeping, charitable carwashes, and driveway washing will not be allowed during periods of voluntary use restrictions. Hydrant flushing will not be permitted during such periods only when the Commissioners determine that flushing is necessary to maintain water quality.

#### Section 3: Involuntary Use Restrictions

##### A. Summer

If the level of Henshaw Pond drops sixteen percent (16%) or twelve inches (12") below the high water mark the Commissioners shall impose the following involuntary water use restrictions.

Residences, Businesses, Commercial, Municipal, etc.

No outside water usage permitted (including all uses listed in Section 2A, 2B, and 2C above.)

##### B. Winter

If the level of Henshaw Pond drops six percent (6%) or four inches (4") below the winter high water mark, the Commissioners shall impose the involuntary use restrictions set forth in Section 3A above.

#### **Section 4: Interconnections**

If the level of Henshaw Pond drops twenty-one percent (21%) or sixteen inches (16") below the summer high water mark, or nine percent (9%) or six inches (6") below the winter high water mark, the Commissioners shall request permission from neighboring water suppliers to activate interconnections.

#### **Section 5: Notification to the Public**

The Commissioners shall notify water users of voluntary and involuntary restrictions through notices published in the Worcester Telegram & Gazette and through direct mailing.

#### **Section 6: Enforcement**

The Commissioners shall enforce the voluntary and involuntary water use restrictions set forth in Sections 2, 3, and 4 above, as follows:

##### **A. First Offense**

Any person who violates the terms of either a voluntary or involuntary restriction shall be issued a written warning by an agent of the District.

##### **B. Second Offense**

Any person who violates the terms of either a voluntary or involuntary restriction a second time, having received a warning as provided in A above, during any period in which water use restrictions (voluntary or involuntary) have been implemented, shall be fined two hundred dollars (\$200.00).

##### **C. Third Offense**

The Commissioners shall terminate the water service of any person who violates the terms of either a voluntary or involuntary restriction for a third time during any period in which water use restrictions (voluntary or involuntary) have been implemented.

#### **Section 7: Hardship Exemptions or Special Use Allowance**

The Commissioners may exempt any person from the restrictions set forth above, or may impose a special use allowance, upon a finding that the person would otherwise suffer undue hardship. A person seeking such an exemption or special use allowance must petition the Commissioners in writing, stating the grounds on which said relief is sought.

In cases of emergency the Commissioners empower the Superintendent to grant temporary relief pending final decision of the Commissioners on the issue of hardship.

## ARTICLE VII

### DEMAND MANAGEMENT REGULATIONS

#### Section 1: General

The regulations contained in this Article are promulgated pursuant to a "Declaration of State of Water Emergency and Order" issued by the Department of Environmental Protection (DEP) on September 26, 1989, and shall remain in effect as long as said declaration and order remain in effect, including any extensions, amendments, or superseding declarations and orders.

#### Section 2: Limited Service Connection Moratorium

The Commissioners hereby establish a limited service connection moratorium for all areas served by the district in order to limit the yearly increase in water demand attributable to new service connections to 4,400 gallons of water per day. The limited moratorium will allow the approval of approximately 20 new service connections per year beginning September 18, 1989, until such time as a new source of water has been developed. Applications shall be acted upon in the chronological order in which requests for service connections are received by the Commissioners.

#### Section 3: Service Connection Formulas

##### A. Definition

For purposes of this Article only, "one service connection equivalent" is defined as a single unit which utilizes approximately 220 gallons of water per day.

##### B. Residential

In the case of residential development, the formula of 110 gallons per bedroom per day shall be used to calculate estimated usage for determining the appropriate number of service connection equivalents.

##### C. Business, Commercial and Industrial

In the case of business, commercial or industrial development, usage for determining service connection equivalents shall be calculated using the formulas set forth in Title 5 Code of Massachusetts Regulations for estimating sewage flow.

##### D. Conversions or Change in Water Usage

Any use conversion or change in water usage which will result in a 10% increase in consumption over historical metered consumption, shall require a new application for a service connection.

##### E. Limit Per Applicant

No applicant for a new service connection will be allowed to demand more than 10% (initially 440 gallons per day) of the available annual allocation.

Any use conversion or change in water usage which will result in a ten percent (10%) increase in consumption over historical metered consumption, shall require a new application for a service connection.

#### **Section 4: Extension of Applications Issued Prior to September 13, 1989**

An applicant who was granted permission for a service connection prior to September 13, 1989, is excluded from the limited service connection moratorium set forth in Section 2 above, provided that said applicant has tied into system within the time permitted in the original application or has applied for an extension of the original application. No extension shall be for a period longer than two years from the date of the original application. If an applicant applied prior to September 13, 1989, and fails to either complete tie-in within original time allotted, or to apply for an extension and complete tie-in within the extended period; then the applicant must apply for a new service connection (and the new application will be subject to the limited service connection moratorium).

#### **Section 5: Water Bank**

Each year beginning September 13, 1990, the Commissioners shall re-evaluate the water supply available for new service connections, and if the re-evaluation results in a finding of additional water supply said additional supply shall be credited to a water bank.

Excess supply credited to the water bank shall be allocated at the ratio of for every two gallons saved, one gallon may be used for additional service connections in the following year.

#### **Section 6: Adjustment in the Event of Decrease in Water Supply**

In the event that the Commissioner's annual re-evaluation of the water supply results in a finding of a decrease in available water supply, the Commissioners may reduce the number of service connection equivalents available in the following year.

#### **Section 7: Applications Received After September 13, 1989**

##### **A. Time to Complete Tie-in If Application Granted**

Applications granted after September 13, 1989, shall allow the applicant one year to complete tie-in. Extensions shall not be allowed and applicants who do not complete tie-ins within the year must reapply.

##### **B. Priority Following Year If Application Denied**

An applicant who is not granted permission to tie-in in the year of his or her original application, due to the limited service connection moratorium, shall be notified by the Commissioners the following year and, if said applicant is interested in pursuing the application, the Commissioners shall give the applicant priority in the following year according to the date of original application.

#### **Section 8: Entrance Fees and Refund Policy**

An applicant for a service connection shall pay an entrance fee (established by the Commissioners) at the time the Commissioners grant the applicant permission to tie-in to the District's system.

If an applicant withdraws the application, or allows the application to expire by failing to tie-in within the allotted time, the applicant shall be entitled to a refund of seventy-five percent (75%) of the entrance fee and the District shall be entitled to retain the remaining twenty-five percent (25%) of said fee.



## ARTICLE VIII

### OUTDOOR WATER USE REGULATION

#### Section 1: Authority

This Regulation is adopted by the Cherry Valley and Rochdale Water District under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c.40, §§21 et seq. and implements the District's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This Regulation also implements the Cherry Valley and Rochdale Water District's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §15-17. This Regulation is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

#### Section 2: Purpose

The purpose of this Regulation is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Cherry Valley and Rochdale Water District in accordance with this Regulation and/or by the Department of Environmental Protection under its state law authorities.

#### Section 3: Applicability

All Cherry Valley and Rochdale Water District residents that are customers of the public water supply system [and private well users (see footnote 3)] shall be subject to this by-law. This by-law shall be in effect year-round.

#### Section 4: Definitions

- A. Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.<sup>1</sup>
- B. Automatic sprinkler system shall mean any system for watering vegetation other than a hand-held hose or a bucket.
- C. Nonessential outdoor water use shall mean those uses that are not required:
  - 1. for health or safety reasons;
  - 2. by regulation;
  - 3. for the production of food and fiber;
  - 4. for the maintenance of livestock; or
  - 5. to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and/or maintain performance, pest management and plant cooling).

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<sup>1</sup> This statutory definition includes cultivation of the soil, dairying and the production, cultivation, growing and harvesting of agricultural, aqua cultural, floricultural or horticultural commodities as well as forest harvesting, raising livestock inclusive of bees and fur-bearing animals and forestry, lumbering, preparation for market, delivery to storage or market or to carriers to market incidental to an agricultural operation.

- A. Nonessential outdoor water uses that are subject to mandatory restrictions include:
1. Irrigation of lawns via sprinklers or automatic irrigation systems
  2. Washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.
- B. Exceptions to nonessential outdoor water uses are:
1. Irrigation of public parks and recreation fields outside the hours of 9 AM to 5 PM
  2. Irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside the hours of 9 AM to 5 PM
  3. Irrigation outside the hours of 9 AM to 5 PM with harvested and stored storm water runoff.
- C. The following outdoor water uses are subject to review and approval by Cherry Valley and Rochdale Water District, through its Board of Water Commissioners or their designee:
1. Irrigation to establish replanted or re sodded lawn or plantings during the months of May and September.
  2. Irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months;
  3. Filling of privately-owned outdoor pools
- D. Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.
- E. State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.
- F. State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Cherry Valley and Rochdale Water District pursuant to Section 5 of this Regulation.
- G. Water Customers shall mean all persons using the public water supply irrespective of that person's responsibility for billing purposes for use of the water.
- H. Water Users shall mean all persons using water within the Cherry Valley and Rochdale Water District.

## **Section 5: Declaration of a State of Water Supply Conservation**

The District, through its Board of Water Commissioners or their designee authorized to act as such, may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the Water Department Superintendent to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this by-law before it may be enforced.

## **Section 6: Declaration of a State of Water Supply Emergency**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency.

## **Section 7: Restricted Water Uses**

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers (and water users<sup>2</sup>) as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 8.

- A. Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply Emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days or fewer per week.
- B. Nonessential outdoor water use hours: nonessential outdoor water use is permitted only during the hourly periods specified in the declaration of a State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- C. Nonessential outdoor water use method restriction: nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- D. Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- E. Automatic sprinkler system ban: The use of automatic sprinkler systems is prohibited.

## **Section 8: Public Notification of a State of Water Supply Conservation or State of Water Supply Emergency; Notification of DEP**

- A. Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Water District as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. The Water District may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, Web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users.
- B. Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. The Water District may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration of a State of Water Supply Emergency. Notification may also include email, Web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users of the State of Water Supply Emergency.

- C. Any restriction imposed under Section 5 or Section 6 or in the Department's State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP's form "Notification of Water Use Restriction" shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

### **Section 9: Termination of a State of Water Supply Conservation; Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8a) for notice of its imposition.

### **Section 10: Termination of a State of Water Supply Emergency; Notice**

Upon notification to the Water District that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 8b) for notice of its imposition.

### **Section 11: Penalties**

The Water District through its Water Commissioners or their designee including the water superintendent, building inspector and/or local police may enforce this by-law. Any person violating this by-law shall be liable to the District in the amounts listed below:

1. First violation: Written Warning
2. Second violation: \$ 200.00
3. Third violation: \$ 300.00
4. Fourth and subsequent violations: \$ 500.00

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the town or the water superintendent or the superintendent's designee. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.

### **Section 12: Severability**

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

### **Section 13: Controls on In-Ground Irrigation Systems<sup>2</sup>**

#### **A. Registration and Installation**

1. All new and existing in-ground irrigation systems shall be registered with the District's Board of Water Commissioners in such form and manner as they shall determine. A fee may be charged for this registration. Registration fees shall be set by the Board of Water Commissioners.<sup>3</sup> The Board may require inspection of the irrigation system.

<sup>2</sup> This section is intended to govern automatic irrigation systems and may be passed as part of a water use restriction bylaw or separately. It is included here for convenience.

<sup>3</sup> Be sure that fees charged avoid characterization as a tax under the principles of Emerson College vs. City of Boston, 391 Mass. 415, 424-426 (1984) by ensuring services provided (inspection, etc.) support the fee and that fees paid are used to pay for those services.

2. All in-ground irrigation systems shall be equipped with a timing device that can be set to make the system conform to the District's nonessential outdoor water use restrictions. During a State of Water Supply Emergency or State of Water Supply Conservation the timing device must be set to conform to the daily and hourly nonessential outdoor water use restrictions.
3. All in-ground irrigation systems shall be plumbed so that a shutoff valve is located outside the building and situated so that it may be shut off if found to be in violation of this by-law. For the purposes of this section only, Police Officers of the Town and/or Agents of the Board of Water Commissioners may enter upon any property to enforce this section.

#### B. Soil Moisture-Sensor Devices

1. All in-ground irrigation systems installed in the District after the date of effect of this bylaw shall be equipped with a soil moisture-sensor device, approved by the Board of Water Commissioners, to prevent the system from starting automatically when not needed. Proof of this installation shall be provided to the Board of Water Commissioners at the time of registration.
2. Any service or repair to an existing in-ground irrigation system shall include the installation of an approved moisture-sensor device, if the same is not already installed and in good working condition. Proof of this installation shall be provided to the Board of Water Commissioners at the time of installation.
3. The Board of Water Commissioners shall maintain a list, available to the public, of approved soil moisture-sensor devices.

#### C. Backflow Prevention

1. All in-ground irrigation systems connected to the municipal water system in the District shall be protected from backflow events by the installation of a backflow prevention device approved by the Board of Water Commissioners. Each backflow prevention device shall be registered with the Board of Water Commissioners. A fee may be charged for this registration. Registration fees shall be set by the Board of Water Commissioners.
2. The Board of Water Commissioners shall maintain a list, available to the Public, of approved backflow prevention devices. Refer to Table 22-1 in 310 CMR 22.22 for the recommended backflow protection for irrigation systems.
3. Each backflow prevention device shall be installed in accordance with 310 CMR 22.22 and the manufacturer's instructions. Each device shall be tested upon its installation and annually thereafter. A Massachusetts Certified Backflow Device Tester shall perform all testing. Copies of results of all testing shall be filed with the Board of Water Commissioners or Water Department.

## **ARTICLE IX**

### **LEAK DETECTION**

#### **Section 1: General**

Through the regulations contained in this article, the Commissioners acknowledge that substantial water savings could be realized by minimizing loss through leakage and by maintaining the system in good working condition.

#### **Section 2: Leak Detection Surveys**

The Commissioners shall conduct a leak detection survey of the entire water distribution system beginning July 1, 1990, (provided that the District members appropriate the necessary funds for said survey). Upon completion of the survey they shall prepare a list of every detectable leak, establish a priority for repairs (based on severity of leak and cost repair), and develop a schedule for completing repairs. Repairs shall be accomplished as rapidly as manpower and budgetary constraints permit. The entire distribution system shall be surveyed for leaks no less often than one every five years thereafter.

#### **Section 3: On-Going Rehabilitation and Maintenance**

The Commissioners shall maintain an on-going system rehabilitation program with adequate financial resources for maintenance and unexpected problems.

#### **Section 4: High Leakage Areas**

The Commissioners shall identify, repair and continue to monitor high leakage areas.

## ARTICLE X

### CROSS CONNECTION CONTROL ORDINANCE (Accepted May 9, 1994)

#### Section 1: Purpose

- A. To protect the public water supply served by Cherry Valley and Rochdale Water District from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backspin into the public water system.
- B. To promote the elimination or control of existing cross connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.
- C. To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

#### Section 2: Authority

- A. As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.
- B. Cherry Valley and Rochdale Water District, Rules and Regulations, adopted May 9, 1994.

#### Section 3: Responsibility

- A. The Water Commission shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back siphonage of contaminants or pollutants. If, as a result of the survey of the premises, the Commission determines that an approved backflow prevention device is required at the district's water service connection or as in-plant protection on any customer's premises, the commission, or its delegated agent, shall issue a cross connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Commission, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

#### Section 4: Definitions

- A. Air Gap Separation: the method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.
- B. Approved: Accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.
- C. Approved Backflow Prevention Device or Devices: A method to prevent backflow approved by the Department for use in Massachusetts.
- D. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage which is not designed for use under the static line pressure.

- E. Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.
- F. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.
- G. Back Siphonage: A form of backflow due to reduced or sub-atmospheric pressure within a water system.
- H. Backflow: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.
- I. Backflow Preventer with Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.
- J. Barometric Loop: A loop of pipe rising at least thirty-five (35) feet, at its topmost point, above the highest fixture it supplies.
- K. Commission: The Cherry Valley and Rochdale Water District or owner or operator of a public water supply.
- L. Contaminant: Any physical, chemical, biological or radiological substance or matter in water.
- M. Cross Connection: Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.
- N. Cross Connection Violation Form: A violation form designated by the Department, which is sent to the owner by the water supplier with copies sent to the Department, plumbing inspectors, and Board of Health delineating cross connection violations found on the owner's premises and a procedure for corrective action.
- O. Department: The Massachusetts Department of Environmental Quality Engineering.
- P. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly
- Q. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.
- R. Owner: Any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.
- S. Permit: A document issued by the Department which allows a cross connection installation.
- T. Person: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United states, except that nothing herein shall be constructed to refer to or to include any American Indian tribe or the United states Secretary of the Interior in his capacity as trustee of Indian lands.
- U. Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.



- V. Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two more check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, and (4) necessary appurtenances for testing.
- W. Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shutoff valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.
- X. Reviewing Authority: The Department, its Designee, or the local plumbing inspector, authorized by M.G.L. c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

## **Section 5: Administration**

- A. The Commission will operate an active cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the state MASSDEP's Cross Connection Regulations and is approved by the Department.
- B. The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Commission's program and the Department regulations.

## **Section 6: Requirements**

### **A. Commission**

1. On new installations, the Commission will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.
2. For premises existing prior to the start of this program, the Commission will perform surveys of the premises and reviews of as-built plans and issue a cross connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.
3. The Commission will not allow any connection to remain unless it is protected by an approved backflow preventer for which a permit has been tested to insure satisfactory operation.
4. If the Commission determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
5. The Commission shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.
6. The Commission will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department, during calendar year 1994. Initial focus will be on high hazard industries and commercial premises.

### **B. Owner**

1. The Owner shall be responsible for the elimination or protection of all cross connection on his premises.
2. The Owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices, and

applying annually for the renewal of each permit.

3. The Owner shall have any device that fails an inspection or test repaired by a licensed plumber.
4. The Owner shall inform the Commission of any proposed or modified cross connection and also any existing cross connections of which the owner is aware but has not been found by the Commission.
5. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device (s) must supply additional devices necessary to allow testing to take place.
6. The Owner shall install backflow preventers in a manner approved by the Department and by the Commission.
7. The Owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by the state MassDEP.
8. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Commission's system. Permission to cross connect may be denied by the Commission. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Commission's system.
9. The Owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.
10. The owner shall be responsible for the payment of all fees for permits, device testing, retesting in the case that the device fails to operate correctly and second re-inspections for non-compliance with commission or Department requirements.

#### **Section 7: Degree of Hazard**

The Commission recognizes the threat to the public water system arising from cross connections. As such, the Commission, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross connections, could contaminate the public water supply system.

#### **Section 8: Enforcement**

The Commission shall not allow a cross connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and permits have been issued.

#### **Section 9: Existing in-use Backflow Prevention Devices**

Any existing backflow preventer shall be allowed by the Commission to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

## Section 10: Periodic Testing

- A. Reduced pressure backflow preventers and double check valve assemblies shall be tested and inspected at least semiannually by the Commission.
- B. Periodic testing shall be performed by the Commission's certified tester or his delegated representative, who shall be a certified tester.
- C. The testing shall be conducted during the Commission's regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Commission.
- D. Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the Owner, independent of the semi-annual test by the water supplier, and said test must be conducted by a certified tester.
- E. Any backflow preventer which fails during periodic testing must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the Owner desires such continuity.
- F. Backflow prevention devices will be tested more frequently than specified above in "A" in cases where there is a history of test failures and the Commission feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Owner.
- G. Tests must be ninety (90) days apart.

## Section 11: Records and Reports

### A. Records

The Commission will initiate and maintain the following:

- 1. Master files on customer cross connection tests and/or inspection.
- 2. Master files on approved cross connection installations.
- 3. Copies of lists and summaries supplied to the MassDEP

### B. Reports

The Commission will submit the following to the MassDEP:

- 1. Initial listing of high hazard cross connections.
- 2. Initial listing of low hazard cross connections.
- 3. Annual update lists of Items 1 and 2 above.
- 4. Annual summary of cross connection inspections and surveys.

## ADDENDUM

### 1. Residential Dual Check

Effective the date of the acceptance of the Cross-Connection Control Program for the Cherry Valley and Rochdale Water District, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Water Commission at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Commission.

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the Owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

### 2. Strainers

The Commission strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

**CHERRY VALLEY & ROCHDALE WATER DISTRICT**  
**148 HENSHAW STREET, LEICESTER, MA 01524**  
**MAILING: PO BOX 138**  
**ROCHDALE, MA 01542-0138**  
**T: (508) 892-9616 F: (508) 892-4371**

**ATTACHMENT I**

**CHERRY VALLEY AND ROCHDALE WATER DISTRICT**  
**REQUEST FOR SERVICE**

Account # \_\_\_\_\_

Subject to all terms, conditions, and restrictions printed or written below, permission is hereby granted to:

\_\_\_\_\_ of \_\_\_\_\_  
 (Name) (Company Name)  
 to renew ☐ repair ☐ or install ☐ a water service line at the location of \_\_\_\_\_  
 (Service Address)  
 for \_\_\_\_\_  
 (Property Owner)

**REQUIREMENTS**

1. For any new water service, a tie-in fee of \$4,500.00 is due and payable on or before a service permit is issued. The water service tie-in fee is calculated by the number of living units multiplied by \$4,500.00. (\_\_\_\_\_ # of living units x \$4,500.00 = \_\_\_\_\_.) Also due is an Application fee of \$100.00, an Inspection fee of \$75.00 and a meter fee of \$358.80 (Total of \$5033.80 per living unit). Please make check payable to: Cherry Valley Rochdale Water District.

2. All services will be type K seamless coil copper. They will be a minimum of one inch (1") in diameter or polyethylene pipe tubing with a minimum rating of 250 PSI; as directed by the Superintendent. Any service pipes larger than two (2) inches and less than eight (8) inches in diameter will be of material approved by the District.

3. There will be a minimum of five feet (5') of cover over the water line. A two-foot (2') minimum of sand backfill material will be carefully placed around the service pipe to protect it from normal backfill and compaction. The remainder of the trench will be backfilled with a material free of pieces of bituminous pavement and containing no stone larger than six inches (6"). Compaction of the rest of the trench above the zone around the pipe shall be done in layers not exceeding twelve inches (12") in depth and by use of power-driven tampers.

4. All new services will be tapped/installed by an approved contractor under the supervision of the Water Department.

5. The gate box will be placed on all existing water services over the corporations. On new services, a gate box will be installed on the corporation stops. All boxes shall be set one inch (1/4") below the existing road surface.

6. All service lines will have a ball type curb stop set no more than five feet (5') from the edge of the paved surface of the roadway. An Erie type curb box with a rod will be used on all curb stops under one inch (1") in size. For curb stops over one inch (1") in size, a buffalo type curb box must be used. These boxes will be set flush with the ground.

7. All water service lines will be run in as straight line as possible from the corporation to wherever they enter the building. They will enter the foundation wall at a point no less than twelve inches (12") above the finished floor surface. The service will protrude through the wall a minimum of six inches (6") and a flared fitting will be used to connect a quarter turn ball valve of the appropriate size.

8. No service line may be run in the same trench as a sewer service or any other utility line.

9. All service lines must be inspected by Cherry Valley and Rochdale Water District personnel before being backfilled. If not inspected, the District will require that the line be uncovered for this purpose. The District requires twenty-four hours (24 hrs.) notice before all services are installed.

Note: All services shall be done to the satisfaction of the Cherry Valley and Rochdale Water District's personnel.

Note: No permits/construction will be approved after the first Monday in November or before the first Monday in April.

Note: For slab on grade applications the interior water service shall be installed in a continuous non-metallic sleeve beginning three feet outside the foundation, backfilled with clean sand prior to the installation of the finished concrete floor via a long radius sweep,

Note: Any and all labor and parts requiring Cherry Valley and Rochdale Water District personnel will be charged at prevailing rates.

ATTACHMENT I

## CHERRY VALLEY AND ROCHDALE WATER DISTRICT

REQUEST FOR SERVICE (PAGE 2)

In consideration of the granting of this permit, I \_\_\_\_\_, hereby  
 agree to all terms described herein. (Signature)

Date: \_\_\_\_\_ Applicant's Mailing Address: \_\_\_\_\_

Applicant's Telephone #: \_\_\_\_\_

Approved ☐ Disapproved ☐ Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Water Commissioner

\_\_\_\_\_  
 Signature of Water Commissioner

\_\_\_\_\_  
 Signature of Water Commissioner

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

ATTACHMENT I

CHERRY VALLEY AND ROCHDALE WATER DISTRICT

REQUEST FOR SERVICE (PAGE 3)

PLEASE DIAGRAM PLOT PLAN BELOW:



THE FOLLOWING DISCLOSURE NOTICE CAN BE USED WHEN COLLECTING RACIAL/SEX DATA  
FOR CIVIL RIGHTS MONITORING PURPOSES

In order to comply with Title VI of the Civil Rights Act of 1964, certain data must be gathered by all recipients of federal financial assistance. The following disclosure should appear in the monitoring section of the application form, which usually is placed after the applicant's signature. If a separate document is used for monitoring information, the disclosure should appear immediately above the request for monitoring information.

"The following is requested by the US Government in order to monitor Cherry Valley Sewer District's compliance with the Title VI of the Civil Rights Act of 1964 and other federal laws that prohibit discrimination against applicants on the basis of race, national origin, and sex. You are not required to furnish this information but are encouraged to do so. This information will not be used in evaluating your application or to discriminate against you in any way. Should you not provide the requested information, an employee or representative of the program for which you are applying is required to complete the information based upon "visual observation."

☐ I do not wish to furnish this information

Race/National Origin

- ☐ American Indian or Alaskan Native
- ☐ Black, not of Hispanic Origin
- ☐ Asian or Pacific Islander
- ☐ Hispanic
- ☐ White, not of Hispanic Origin

Sex

☐ Male                      ☐ Female

NONDISCRIMINATION STATEMENT

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

Rural Development is an Equal Opportunity Lender.  
Complaints of Discrimination should be sent to: Secretary of Agriculture, Washington, DC, 20250

**CHERRY VALLEY & ROCHDALE WATER DISTRICT**  
**148 HENSHAW STREET, LEICESTER, MA 01524**  
**MAILING: PO BOX 138**  
**ROCHDALE, MA 01542-0138**  
**T: (508) 892-9616 F: (508) 892-4371**

**ATTACHMENT IA**

**CHERRY VALLEY AND ROCHDALE WATER DISTRICT**

**REQUEST FOR SERVICE RENEWAL**

Account # \_\_\_\_\_

Subject to all terms, conditions, and restrictions printed or written below, permission is hereby granted to:

\_\_\_\_\_ of \_\_\_\_\_  
 (Name) (Company Name)  
 to renew ☐ repair ☐ or install ☐ a water service line at the location of \_\_\_\_\_  
 for \_\_\_\_\_ (Service Address)  
 (Property Owner)

**REQUIREMENTS**

1. For any renewal of a water service, the following fees apply:

Service Renewal Application fee: \$225.00      Inspection fee: \$75.00

Please make check payable to: Cherry Valley and Rochdale Water District.

2. All services will be type K seamless coil copper. They will be a minimum of one inch (1") in or polyethylene pipe tubing with a minimum rating of 250 PSI; as directed by the Superintendent. Any service pipes larger than two (2) inches and less than eight (8) inches in diameter will be of material approved by the District.
3. There will be a minimum of five feet (5') of cover over the water line. A two-foot (2') minimum of sand backfill material will be carefully placed around the service pipe to protect it from normal backfill and compaction. The remainder of the trench will be backfilled with a material free of pieces of bituminous pavement and containing no stone larger than six inches (6"). Compaction of the rest of the trench above the zone around the pipe shall be done in layers not exceeding twelve inches (12") in depth and by use of power-driven tampers.
4. All renewal services will be tapped/installed by an approved contractor under the supervision of the Water Department.
5. The gate box will be placed on all existing water services over the corporations. On renewal services, a gate box will be installed on the corporation stops. All boxes shall be set one inch (1/4") below the existing road surface.
6. All service lines will have a ball type curb stop set no more than five feet (5') from the edge of the paved surface of the roadway. An Erie type curb box with a rod will be used on all curb stops under one inch (1") in size. For curb stops over one inch (1") in size, a buffalo type curb box must be used. These boxes will be set flush with the ground.
7. All water service lines will be run in as straight line as possible from the corporation to wherever they enter the building. They will enter the foundation wall at a point no less than twelve inches (12") above the finished floor surface. The service will protrude through the wall a minimum of six inches (6") and a flared fitting will be used to connect a quarter turn ball valve of the appropriate size.
8. No service line may be run in the same trench as a sewer service or any other utility line.
9. All service lines must be inspected by Cherry Valley and Rochdale Water District personnel before being backfilled. If not inspected, the District will require that the line be uncovered for this purpose. **The District requires twenty-four hours (24 hrs.) notice before all services are installed.**

Note: All services shall be done to the satisfaction of the Cherry Valley and Rochdale Water District's personnel.

Note: No permits/construction will be approved after the first Monday in November or before the first Monday in April.

Note: For slab on grade applications the interior water service shall be installed in a continuous non-metallic sleeve beginning three feet outside the foundation, backfilled with clean sand prior to the installation of the finished concrete floor via a long radius sweep,

Note: Any and all labor and parts requiring Cherry Valley and Rochdale Water District personnel will be charged at prevailing rates.

ATTACHMENT IA

## CHERRY VALLEY AND ROCHDALE WATER DISTRICT

REQUEST FOR SERVICE RENEWAL (PAGE 2)

In consideration of the granting of this permit, I \_\_\_\_\_, hereby  
 agree to all terms described herein. (Signature)

Date: \_\_\_\_\_ Applicant's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Telephone #: \_\_\_\_\_

-----

Approved ☐ Disapproved ☐ Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature of Water Commissioner

\_\_\_\_\_  
 Signature of Water Commissioner

\_\_\_\_\_  
 Signature of Water Commissioner

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

ATTACHMENT IA

CHERRY VALLEY AND ROCHDALE WATER DISTRICT

REQUEST FOR SERVICE RENEWAL (PAGE 3)

PLEASE DIAGRAM PLOT PLAN BELOW:

THE FOLLOWING DISCLOSURE NOTICE CAN BE USED WHEN COLLECTING RACIAL/SEX DATA FOR  
CIVIL RIGHTS MONITORING PURPOSES

In order to comply with Title VI of the Civil Rights Act of 1964, certain data must be gathered by all recipients of federal financial assistance. The following disclosure should appear in the monitoring section of the application form, which usually is placed after the applicant's signature. If a separate document is used for monitoring information, the disclosure should appear immediately above the request for monitoring information.

"The following is requested by the US Government in order to monitor Cherry Valley Sewer District's compliance with the Title VI of the Civil Rights Act of 1964 and other federal laws that prohibit discrimination against applicants on the basis of race, national origin, and sex. You are not required to furnish this information but are encouraged to do so. This information will not be used in evaluating your application or to discriminate against you in any way. Should you not provide the requested information, an employee or representative of the program for which you are applying is required to complete the information based upon "visual observation."

☐ I do not wish to furnish this information

Race/National Origin

- ☐ American Indian or Alaskan Native
- ☐ Black, not of Hispanic Origin
- ☐ Asian or Pacific Islander
- ☐ Hispanic
- ☐ White, not of Hispanic Origin

Sex

☐ Male                      ☐ Female

NONDISCRIMINATION STATEMENT

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CHERRY VALLEY ROCHDALE WATER DISTRICT  
 148 HENSHAW STREET, LEICESTER, MA 01524  
 MAILING: PO BOX 138  
 ROCHDALE, MA 01542  
 T: (508) 892-9616  
 F: (508) 892-4371

**ATTACHMENT II**

**CHERRY VALLEY AND ROCHDALE WATER DISTRICT**

**REVIEW OF SUB-DIVISION PLANS**

Request for Service No.: \_\_\_\_\_

Date: \_\_\_\_\_

If in the opinion of the Commissioners of the Cherry Valley and Rochdale Water District, the sub-division plans and impact study submitted, entitled \_\_\_\_\_

(Name of Project)

require review and comment by the District's Engineer selected for that purpose,

I \_\_\_\_\_ hereby agree to pay for all costs associated with the  
 (Applicant)  
 review of the plans and impact study submitted.

\_\_\_\_\_  
 (Signature of Applicant)

Date: \_\_\_\_\_ Applicant's Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Telephone #: \_\_\_\_\_

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)"

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

CHERRY VALLEY & ROCHDALE WATER DISTRICT  
 148 HENSHAW STREET, LEICESTER, MA 01524  
 MAILING: PO BOX 138  
 ROCHDALE, MA 01542-0138  
 T: (508) 892-9616  
 F: (508) 892-4371

**ATTACHMENT III**

**CHERRY VALLEY AND ROCHDALE WATER DISTRICT**

**APPLICATION FOR LICENSE**

License No.: \_\_\_\_\_

Date: \_\_\_\_\_

I \_\_\_\_\_ hereby apply for a license to make connections to the  
 (Individual/Firm Name)

Cherry Valley and Rochdale Water District distribution system during the calendar year \_\_\_\_\_.

I understand that I am required to pay a sixty-two dollars (\$62.00) filing fee which will be refunded in full if the license is rejected. *(Please make check payable to: Cherry Valley Rochdale Water District.)* I further understand that said license gives me the general right to work on the distribution system provided that I have delivered the necessary insurance certificates. Once the license is issued to \_\_\_\_\_

\_\_\_\_\_  
 (Individual/Firm Name)

the licensee will be required to obtain the particular permits needed for each individual job and to comply with all the District's Rules and Regulations.

\_\_\_\_\_  
 (Signature of Applicant)

Applicant's Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Applicant's Telephone #: \_\_\_\_\_

\_\_\_\_\_

Approved ☐

Disapproved ☐

Date: \_\_\_\_\_

\_\_\_\_\_  
 Commissioner

\_\_\_\_\_  
 Commissioner

\_\_\_\_\_  
 Commissioner

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)"

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."



CHERRY VALLEY & ROCHDALE WATER DISTRICT  
 148 HENSHAW STREET, LEICESTER, MA 01524  
 MAILING: PO BOX 138  
 ROCHDALE, MA 01542-0138  
 T: (508) 892-9616  
 F: (508) 892-4371

**ATTACHMENT IV**

**CHERRY VALLEY AND ROCHDALE WATER DISTRICT**

**APPLICATION FOR INSTALLATION OF WATER LINES – COMMERCIAL/INDUSTRIAL**

I, hereby apply for, ☐ Commercial Water Service  
☐ Industrial Water Service

To the Cherry Valley and Rochdale Water District, the undersigning being, \_\_\_\_\_,  
 (Owner/Applicant)

Of the property located at \_\_\_\_\_,  
 (Street Address) (City) (State) (Zip Code)

Does hereby request a permit to install and connect a new water service to supply, \_\_\_\_\_  
 \_\_\_\_\_ at said location.  
 (Name of Business)

**REQUIRED INFORMATION**

The following must be completed in full:

1. 1. Size of structure \_\_\_\_\_  
 (Square Footage)
2. 2. Size of service pipe requested \_\_\_\_\_  
 (Inches)
3. 3. Number of employees \_\_\_\_\_
4. Briefly describe the nature of your business as it relates to water demand (i.e. type of fixtures  
 demanding water supply)

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## CONT. PAGE 2

**APPLICATION FOR INSTALLATION OF WATER LINES – COMMERCIAL/INDUSTRIAL**

In consideration of granting this permit, the undersigned agrees:

1. To furnish any additional information relating to the installation of the fire service which this permit is sought as may be requested by the Cherry Valley and Rochdale Water District.
2. To accept and abide by all provisions of the Rules and Regulations of the Cherry Valley Sewer District, and of all other pertinent Rules and Regulations that may be adopted in the future.
3. To cooperate at all times with the Cherry Valley and Rochdale Water District and its' representatives in their inspecting and supervision of fire service planning and construction.
4. To accept and abide by all provisions of the Rules and Regulations of the Town of Leicester.

NOTE: No permits will be approved after the first Monday in November or before the first Monday in April.

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For Office Use Only:

Approved ☐

Disapproved ☐

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Commissioner)

\_\_\_\_\_  
(Signature of Commissioner)

\_\_\_\_\_  
(Signature of Commissioner)

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

CHERRY VALLEY & ROCHDALE WATER DISTRICT  
 148 HENSHAW STREET, LEICESTER, MA 01524  
 MAILING: PO BOX 138  
 ROCHDALE, MA 01542-0138  
 T: (508) 892-9616  
 F: (508) 892-4371

ATTACHMENT V

CHERRY VALLEY AND ROCHDALE WATER DISTRICT  
APPLICATION FOR FIRE PROTECTION

To the Cherry Valley and Rochdale Water District, the undersigned being, \_\_\_\_\_  
 (Owner/Applicant)  
 of the property located at, \_\_\_\_\_ does hereby request a permit to install and  
 (Number and Street)  
 connect a fire service to supply \_\_\_\_\_ at said location.  
 (Name of Business)

REQUIRED INFORMATION

The following information must be completed:

1. Size of structure \_\_\_\_\_  
 (Square footage)
2. Construction of structure \_\_\_\_\_
3. Size of service pipe requested \_\_\_\_\_  
 (Inches)
4. Number of hydrants requested \_\_\_\_\_

5. Briefly describe the nature of your business as it relates to demand (i.e. types of storage, materials stored, type of manufacturing process).

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Any service pipe to be used for fire protection purposes (i.e. feeding hydrants, sprinkler systems, etc.) Shall be a separate from the main and subject to an entrance fee of Two Thousand Three Hundred and Thirteen Dollars (\$2,313.00) for any eight (8) inch or smaller and Three Thousand Seven Hundred and Forty Dollars (\$3,746.00) for any size greater than eight (8) inches. Article III, C.

### APPLICATION FOR FIRE PROTECTION (Page: 2)

In consideration of the granting of this permit, the undersigned agrees to:

1. Furnish any additional information relating to the installation of the water service which this permit is sought as may be requested by the Cherry Valley and Rochdale Water District.
2. Accept and abide all provisions of the Rules and Regulations of the Cherry Valley and Rochdale Water District, and of all other pertinent Rules and Regulations that may be adopted in the future.
3. Cooperate with the Cherry Valley and Rochdale Water District and its representatives at all times in their inspecting and supervision of water service planning and construction.
4. Accept and abide by all provisions of the Rules and Regulations of the Town of Leicester.

Note: No permits will be approved after the first Monday in November or before the first Monday in April.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Approved ☐

Disapproved ☐

Date: \_\_\_\_\_

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

DIAGRAM PLOT PLAN BELOW OR ON OPPOSITE SIDE

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

## CHERRY VALLEY SEWER DISTRICT

### THE RULES AND REGULATIONS OF THE CHERRY VALLEY SEWER DISTRICT

RULES AND REGULATIONS REGULATING THE USE OF  
PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE  
SEWERAGE DISPOSAL, THE INSTALLATION AND  
CONNECTION OF BUILDING SEWERS, AND THE  
DISCHARGE OF WATER AND WASTES INTO THE PUBLIC  
SEWERAGE SYSTEM; ESTABLISHING CHARGES AND  
PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN  
THE CHERRY VALLEY SEWER DISTRICT, COUNTY OF  
WORCESTER, COMMONWEALTH OF MASSACHUSETTS.

**TABLE OF CONTENTS****INTRODUCTION****ARTICLE**

- I. Definitions
- II. Construction of Sewers by Private Developers
- III. Building Sewers and Connections
- IV. Licensing of Persons Authorized to Make Connections to the Public Sewers
- V. Responsibilities of Licensed Drain Layers
- VI. Use of Public Sewers
- VII. Pretreatment Measures and Requirements
- VIII. Power and Authority of Inspectors
- IX. Protection from Damage
- X. Use of Public Sewers Required
- XI. Sewer Charges
- XII. Penalties
- XIII. Validity
- XIV. Rules and Regulations in Force

**APPENDIX**

Private Sewerage Disposal Application

Industrial Sewer Connection Application

Application for Connection of Building Sewer

## RULES AND REGULATIONS OF THE CHERRY VALLEY SEWER DISTRICT

### INTRODUCTION

RULES AND REGULATIONS REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWERAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWERAGE SYSTEM; ESTABLISHING CHARGES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CHERRY VALLEY SEWER DISTRICT, COUNTY OF WORCESTER, COMMONWEALTH OF MASSACHUSETTS.

a. The Commissioners of the-Cherry Valley Sewer District, as authorized by Chapter 33 of the Acts of 1998, and by any other applicable statutory, hereby makes the following Rules and Regulations relative to the construction, extension, maintenance, use and operation of the sanitary sewerage system in the Cherry Valley Sewer District including any subsequent alterations and extensions thereof, and relative to the control of connections to said sanitary sewerage system.

The construction, extension, maintenance and operation of the Public Sanitary Sewerage System of the Cherry Valley Sewer District and connections therewith up to the point where the sewer pipe enters any building shall be under the control of and subject to the regulations of the Commissioners under the provisions hereof and any other applicable statutes, regulations, or by-laws.

b. Pursuant to the authority and in compliance with the directive of the General Court as found in Chapter 33 of the Acts of 1998, the Commissioners have established the following Rules and Regulations covering the discharge of wastewater, Drainage, substances or waste into any sewer under their control.

Be it ordained and enacted by the Commissioners of the Cherry Valley Sewer District, Commonwealth of Massachusetts, as follows:

Attention is invited to the fact that the above referred to legislation provides that the following Rules and Regulations may be enforces through the courts or otherwise and include the right of the Cherry Valley Sewer District to seek injunctive relief in appropriate cases.

## ARTICLE I

### Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

Section 1. "COD" (denoting chemical oxygen demand) shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter with a strong chemical oxidant under standard laboratory procedure and expressed in milligrams per liter.

Section 2. "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 deg C, expressed in milligrams per liter.

Section 3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Section 4. "Building Sewer" shall mean the extension from the building to the public sewer or other place of disposal.

Section 5. "City of Worcester," Massachusetts, a municipal corporation acting by and through its Department of Public Works.

Section 6. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewerage

Section 7. "Commercial Establishment" shall mean a place of business such as a restaurant, store or market which deals primarily with the public on a retail basis and shall exclude industry.

Section 8. "Commissioners" shall mean the Commissioners of the Cherry Valley Sewer District.

Section 9. "District" shall mean the Cherry Valley Sewer District.

Section 10. "Domestic Sewer" Shall mean a sewer which carries domestic sewerage and to which storm, surface, and groundwater are not intentionally admitted.

Section 11. "Excessive" shall mean amounts of concentrations of a constituent of a waste in the judgment of the Commissioners will cause damage to any District facility, which will be harmful to the sewage treatment process, which cannot be removed in the sewage treatment plant to the degree required to meet the limiting stream classification standards of Massachusetts or which can otherwise endanger life, limb, or public property, and/or which can constitute a nuisance.

Section 12. "Facilities" shall include structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing, or disposal of domestic wastewater and/or industrial or other wastewater's as are disposed of by means of such structures and conduits including treatment and disposal works, necessary intercepting, outfall, and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

Section 13. "Garbage" shall mean the animal and vegetable wastes resulting from the handling, preparation, cooking, and serving of food. It is composed largely of putrescible organic matter and its natural moisture content.

Section 14. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, laboratory, trade or business as distinct from sanitary sewage



Section 15. "Industry" shall mean an establishment with facilities for mechanical, testing, trade, or manufacturing purposes.

Section 16. "Natural Outlet" shall mean any outlet into a watercourse, pond ditch, lake, or other body of surface or groundwater.

Section 17. "Parcel" shall mean an area of land as marked on the assessment drawings on file in the office of the Town Assessor, Leicester, Massachusetts.

Section 18. "Person" shall mean any individual, firm, company, association, society, corporation, group, trust, or governmental authority.

Section 19. "pH" Shall Mean the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter.

Section 20. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch in any direction.

Section 21. "Public Sanitary Sewer System" shall mean the public system of sanitary sewer owned by the District.

Section 22. "Public Sewer" shall mean any portion of the District sanitary sewer system in which all owners of abutting properties have equal rights, and which is controlled by the District.

Section 23. "Receiving Waters" shall mean any watercourse, river, pond ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of sewage.

Section 24. "Sanitary Sewage" shall mean a combination of the water-carried domestic wastes from residences, business buildings, institutions, and industrial establishments.

Section 25. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater's are not intentionally admitted.

Section 26. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and stormwater's as may be present.

Section 27. "Sewage Works" shall mean all facilities for collecting, pumping, and disposing of sewage. Including Pump Stations, Lift Stations and Grinder Pumps.

Section 28. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 29. "Shall" is mandatory; "May" is permissive.

Section 30. "Sludge" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Section 31. "Storm Drain" (sometimes termed "storm sewer") shall mean a pipe or conduit which carries storm and surface waters and drainage, but sewage and industrial wastes, other than unpolluted cooling water, are intended to be excluded.

Section 32. "Superintendent" or "inspector" shall mean a person duly appointed by the Commissioners or their representatives.

Section 33. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquid, and which are removable by laboratory filtering and are referred to as non-filterable residue in the laboratory test prescribed in the current edition of "Standard Methods for the Examination of Water and Wastewater".

Section 34. "Toilet" shall mean each individual toilet bowl.

Section 35. "Upper Blackstone Water Pollution Abatement District" (UBWPAD), a body corporate established under chapter 752 of the Acts of 1968 as amended, which owns and operates a regional wastewater facility in Millbury, Massachusetts (WWTF) and is authorized to collect, treat and dispose wastewater generated from certain member cities, towns and sewer districts within the commonwealth including the Cherry Valley Sewer District.

Section 36. "Water Pollution Control Plant" or "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 37. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 38. "Wastes" shall mean substances in liquid, solid, or gaseous form that can be carried in water.

## ARTICLE II

### Construction of Sewers by Private Developers

Section 1. The Developer approved subdivisions, after the enactment of these Rules and Regulations, desiring to connect into the existing sewer, shall bear the cost of the sewer connection to the existing sewer. In addition, the Developer shall be required to pay the cost of any engineering inspection and record drawings required by the District.

Section 2. When a developer installs sewers in proposed streets or right-of-way in anticipation of the extension of an existing sewer, the cost of building connections shall be born by the Developer.

Section 3. The design of any proposed sewer construction must be submitted to the Commissioners for approval prior to issuance of a permit for construction.

Section 4. All sewers constructed by Developers must be separate sanitary sewers and must be designed in accordance with ("Guides for Sewage Works Design" prepared by the Technical Advisory Board of the New England Interstate Water Pollution Control Commission.)

Section 5. Upon completion of a sewer and its acceptance by the Commissioners, the sewer shall become incorporated in the District's sanitary sewer system.

### ARTICLE III

#### **Building Sewers and Connections**

Section 1. The construction, extension, maintenance, and operation of the Public Sanitary Sewer System of the District and connections therewith up to the point where the sewer pipe enters any building shall be under the control of and subject to the regulations of the District under the provisions hereof and any other applicable statutes, regulations, or bylaws.

Section 2. Before any sewerage work is commenced in the District, when the same is to be connected with the Public Sanitary Sewer System and before any opening is made in any public street, highway, public ground or private way therefore, and before any addition, alteration, maintenance, or repair work is made to any connecting line or connections with the Public Sanitary Sewer System, permits for such work shall first be obtained from the District or its authorized agent, and from the Highway Department or other appropriate department of the respective town. Applications for such permits shall be on forms provided by the District and by the town. One copy of each permit shall be available for inspection at all times at the site of the work.

Section 3. At such time as a direct connection is made to the public sewer as a substitute for a private system consisting of a septic tank, cesspool, or similar facility, the private disposal system shall be sealed off, abandoned, cleaned of sludge, and filled with clean bank run, gravel, gravel dirt or optional approved fill material.

Section 4. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commissioners. A permit fee of two hundred and fifty dollars (\$250.00) and inspection fee of fifty dollars (\$50.00) for residential and an additional commercial service of twenty five dollars (\$25.00) for service to establishments producing industrial waste shall be paid to the District at the time the application is filed.

A plan of proposed work with complete explanation thereof shall be filed in triplicate before any installations are begun. Said plan shall be signed by a duly licensed Master Drain Layer, Journeyman Drain Layer, or an Engineer registered in the Commonwealth of Massachusetts, accompanied by an application for approval and issuance of a permit. The application shall also be signed by the property owner or his agent.

All plans shall show locations of gas and water lines and all buildings to be sewered. Any changes to the plan as submitted and approved by the District shall be submitted in writing and approved by the Commissioners or their representative.

Section 5. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Commissioners. All the work related to the installation of building sewers, and the connection to the public sewers shall be performed by persons licensed by the District.

Section 6. No person shall break, cut or remove any pipe of the public sanitary sewer, or make or cause to be made, any connection to said sewer except through the connection branches provided for that purpose, except as hereinafter provided.

Section 7. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 8. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building, if approved by the commissioners, and the whole considered as one building sewer.

Section 9. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, from examination and test, by the Commissioners, to meet all requirements of the Rules and Regulations.

Section 10. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened.

Section 11. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 12. The building sewer shall be polyvinyl chloride pipe (PVC), SDR-35 solid wall pipe or ductile iron pipe with calcium laminate cement mortar lined (with seal coat) in accordance with AWWA/ANSI, C104/A21.4 or polyethylene 40 mils nominal thickness. Joints shall be tight and waterproof. Cement mortar joints shall not be permitted. Any part of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of ductile iron water tight pipe with water tight joints. A Tyton type pipe or approved may be used. Ductile iron pipe with water tight joints may be required by the District where the building sewer is exposed to possible damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of ductile iron pipe, except if laid on a suitable concrete bed or cradle.

Section 13. The size and slope of the building sewer shall be subject to the approval of the Commissioners, but in no event shall the diameter be less than six (6) inches. The slope of such 6-inch pipe shall not be less than one-quarter (1/4) inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or properly curved pipe and fittings, as approved by the Commissioners.

Building sewers shall not be constructed in lengths' greater than three hundred (300) feet without the installation of a manhole. Manholes shall be constructed in accordance with "Guides for Sewage Work Design" as prepared by the Technical Advisory Board of the New England Interstate Water Pollution Control Commission.

A cleanout shall be located a minimum of four (4) inches above the basement floor.

The depth of cover over the sewer shall be sufficient to afford protection from frost.

Section 14. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Commissioners. Pipe laying and backfill shall be performed in accordance with ASTM (American Society of Testing Material) Specification, except that no backfill shall be placed until the work has been inspected.

The excavation for the building sewer shall start at the public sewer.

When water is present in a trench, a sump of crushed stone shall be constructed, and water shall be pumped at all times. The trench shall be kept dry at all times during construction.

At all times when pipe installation is not in progress, the open ends of the pipe shall be closed with temporary watertight plugs.

Section 15. No blocks or stones will be used to support the pipe.

All sewer pipe shall be laid on a bed of crushed stone at least four (4) inches in depth. Stone shall be installed before the pipe is laid in the trench and the pipe shall then be covered with at least four (4) inches of crushed stone.

Excavation and backfill shall be done in accordance with plans and specifications approved by the Commissioners.

Section 16. All joints and connections shall be made watertight. Ductile iron pipe for sanitary sewers shall be calcium aluminate cement mortar lined (with sealcoat) in accordance with AWWA/ANSI, C104/A21.4 or polyethylene (40 mils nominal thickness) lined or lined with a high-build, multi-component, amine-cured novalac epoxy lining, such as Protecto 401; and shall have a bituminous coating inside and outside. Methods

of shipping shall be as acceptable to the ENGINEER and shall be such as to avoid injurious impact on the pipe. Damaged pipe shall be removed from the job. Pipe lengths shall be the longest available.

Ductile iron pipe joints shall be of the push-on joint type, unless otherwise specified, and shall have the same pressure rating as the pipe of which they are a part. Gaskets for rubber-gasket joints for ductile iron pipe shall be oil resistant and shall conform to the requirements of ANSI/AWWA C111/A21.11 – current edition.

16.1.1 Ductile iron mechanical joint and push on joint fittings shall be rated for 350 psi working pressure.

16.1.2 The minimum thickness class of ductile iron pipe to be buried shall be as follows:

| <u>Pipe Diameter</u> | <u>Thickness Class</u> | <u>Depth of Cover</u> |
|----------------------|------------------------|-----------------------|
| 4 to 12 inches       | 52                     | 0 to 20 ft.           |
| 4 to 12 inches       | 54                     | over 20 ft.           |
| 14 to 24 inches      | 52                     | 0 to 20 ft.           |
| 14 to 24 inches      | 54                     | over 20 ft.           |
| over 24 inches       | 54                     | 0 to 20 ft.           |
| over 24 inches       | 56                     | over 20 ft.           |

16.2.1 Polyvinyl Chloride Pipe (PVC) joints shall be elastomeric, oil resistant gasket joints, acceptable to the ENGINEER. PVC resin compound shall conform to ASTM D1784 and elastomeric rings shall conform to ASTM D1869 and F477. Joints for PVC pipe and fittings with nominal diameters 18-27 inches shall meet the requirements of ASTM Specifications D-3212, standard specification for joints for drain and sewer plastic plastic pipes using flexible elastomeric seals, and the requirements of Uni-Bell Plastic Pipe Association Specification UNI-B-1, standard specification for thermoplastic pipe joints, pressure and non-pressure applications. Manufacturer's details and recommendations for installation shall be furnished for approval before delivery, and samples shall be furnished as required.

Section 17. The connection of the building sewer into the public sewer shall be made at the "Y" at "T" branch, if such branch or tee is available at a suitable location.

If no branch is available, a connection may be made by tapping the existing sewer by an approved method, then inserting a "Y" or "T" saddle, all encased in concrete.

Section 18. No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.)

Section 19. All work carried on or required under the provisions of these regulations shall be subject to the inspection of the Commissioners or their authorized representative. No sewer connection branch shall be open, no pipe laid, and no joints made except under the supervision of an agent of the District. The District shall be notified at least twenty-four (24) hours before the beginning of any work upon building sewers or connections. No trench shall be backfilled or any part of pipe or fittings covered until twenty-four (24) hours notice has been given to the Commissioners or their authorized agent that the work is ready for inspection and such inspection and approval has been made by the Commissioners or their authorized agent. Every such inspection shall be made as soon as practicable after the receipt of such notice and the inspector shall have the power to apply any proper tests to the pipe or fittings, and owner or contractor doing the work shall furnish all necessary (tools and labor for such test, and shall remove any defective materials or repair any work improperly done as the inspector shall direct.

Section 20. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Commissioners at the contractor's expense.

Temporary bridges shall be installed over trenches when deemed necessary in the judgment of the

Commissioners to provide convenient public travel.

Section 21. Nothing herein provided shall be interpreted to prevent an owner from doing any necessary excavating on his own property without a license.

## ARTICLE IV

### Licensing of Persons Authorized to Make Connections to the Public Sewers

Section 1. Plumbers and drain layers of established reputation and experience will be licensed by the District as Master Drain Layers authorized to perform work, subject to compliance with the following requirements.

- a. Applicants for licenses are required to pay a filing fee of twenty-five dollars (\$25.00) as master drain layer, payable to the District, all of which will be refunded to the applicant if his application is rejected.
- b. If approved by the Commissioners, applicants for licenses shall file with the District a proper and acceptable Performance and Guarantee Bond in the amount of five thousand dollars (\$5,000.00) which shall remain in full force and effect for a period of one (1) year from the date of application.
- c. Applicants for licenses, after approval by the Commissioners, shall file with the District a Certificate of Insurance in the sums of Five Hundred Thousand Dollars per One Million Dollars (\$500,000/1,000,000) to cover Public Liability and a Certificate of Insurance in the sum of One Hundred Thousand Dollars (\$100,000.00) covering Property Damages. In addition, a Certificate of Insurance covering Workmen's Compensation shall be filed, all of which shall remain in full force and effect for a period of at least one (1) year from the date of approval.

Said insurance shall indemnify the Commissioners and the District against any and all claims, liability or action for damages, incurred in or in any way connected with the performance of the work by a Master Drain Layer, and for or by reason of any acts or omission of said Master Drain Layer in the performance of his work.

All policies shall be so written that the Commissioners will be notified in writing of cancellation or restrictive amendment at least fifteen (15) days prior to the effective date of such cancellation or amendment.

- d. Applicants for licenses will be approved or disapproved within a period of thirty-one (31) days after filing the application.

Section 3. All licenses expire one year from the date of issuance thereof and no licenses are transferable. The fee for each renewal thereof shall be twenty-five dollars (\$25.00) which shall be due and payable on or before the anniversary date of issue.

Section 4. The Commissioners reserve the right to revoke any license if any provision of said license is violated.



## ARTICLE V

### Responsibilities of Licensed Drain Layers

Section 1. All licensees are required to give personal attention to all installations and shall employ only competent workers.

Section 2. No building shall be connected to the public sanitary sewer system unless said building has a soil line extended to a point above the roof, properly vented.

Section 3. the Commissioners or their duly authorized agent shall be notified at least twenty-four (24) hours prior to the beginning of any work on sewer or building sewer connections.

Section 4. When it is necessary to close off a street or any part thereof, the Fire Department and Police Department of the respective town shall be notified by the Contractor. A street opening permit shall be obtained from the appropriate department of the respective town and a Performance Bond shall be posted with the Board of Selectmen of the respective town, if required, at least twenty-four (24) hours before opening the street.

On state highways an additional permit shall be secured from the State Department of Public Works before any work can be started.

Section 5. All licenses are required to give a full written report to the Commissioners within twenty-four (24) hours in the event that prohibited substances are found in a sewer or building sewer during the course of the work.

Failure to so report shall render the licensee, whether firm or corporation, liable to the penalty of a fine of not more than five-hundred dollars (\$500.00) for each failure to so report. Finding substances these regulations in the sewer connection of any building shall be prima facie evidence of violation of these regulations by both the owner and occupant of the premises, or either of them.

Section 6. It shall be the responsibility of the licensed drain layer to properly pump all contents and fill with bank-run gravel all septic tanks and cesspools at the time of connection to the sewer system.

Section 7. Notification of the completion of the work with certification that all conditions of the Rules and Regulations have been complied with shall be filed in writing with the District within twenty-four (24) hours after the completion of the work covered in each permit. This notification shall include a drawing of the work done. The drawing shall show sufficient measurements to locate all components of the work installed.

Section 8. Whenever, in the opinion of the Commissioners or their authorized agent, any licensee hereunder has violated any of the provisions of these regulations, the Commissioners may revoke the license of said licensee. With respect to any person, firm, or corporation who shall violate any of the provisions of these regulations and shall have refused or neglected to make good, to the satisfaction of the Commissioners, any defective or imperfect work resulting from such violation, or to pay any fees, or penalties on account thereof or otherwise imposed under the provisions of these regulations, no permit from the Commissioners under any of the provisions of these regulations for any work to be done by any such person, firm, or corporation shall be issued, nor shall a license or a renewal of a license as a Drain Layer hereunder be issued to any such person, firm, or corporation, until such default shall have been fully remedied and satisfied.

## ARTICLE VI

### Use of the Public Sewers

Section 1. No stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters shall be discharged or cause to be discharged to any sanitary sewer.

Section 2. None of the following described waters or waste shall be discharged or caused to be discharged to any public sewers:

- a. Gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b. Waters or wastes containing toxic or poisonous solids, liquid, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 0.5 mg/L as CN in the wastes as "discharged to the public sewer.
- c. Waters or wastes having a PH lower than 6.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.
- d. Water or wastes having a PH in excess of 10.
- e. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as, but not limited to, stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plastics, cement, mortar, shavings, metal, glass, rags, feathers, tar, plastic, cement, mortar, wood, brewery mash, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers etc., either whole or ground by garbage grinders or any other substance detrimental to the sewers or to the operation of the sewer system.

Section 3. No person shall discharge, cause or allow to be discharged into any sewer the following described substances, materials, water, he wastes in excessive amounts or concentrations if it appears likely in the opinion of the Commissioners that such substances, materials, waters or wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance.

In forming this opinion as to the acceptability of these wastes, the Commissioners shall give consideration to such factors as: the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

The substances prohibited are:

- a. Liquids or vapor having a temperature higher than one hundred fifty (150) deg. F (65 deg. C).
- b. Water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) deg. F (0 and 65 deg. C)
- c. Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Commissioners.
- d. Waters of wastes containing iron, chromium, copper, mercury, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Commissioners for such materials.
- e. Waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Commissioners as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters
- f. Any noxious malodorous gas or substance capable of creating a public nuisance.
- g. Wastes containing caustic alkalinity, calculated as CaCo<sub>2</sub> (calcium carbonate), in excess of 75 mg/L (milligrams per liter), or in volume which may be determined by the Commissioners to be excessive.

- h. Radioactive wastes or isotopes in excessive amounts or of such half-life or concentration as may exceed limits established by the Commissioners in compliance with applicable state or federal regulations.
- i. Materials which exert or cause:
  - 1. Unusual concentrations of inert suspended solids such as, but not limited to, (fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
  - 2. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
  - 3. Unusual BOD, COD, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- j. Overflow by draining from septic tanks, cesspools, or other receptacles storing organic wastes.
- k. Wastes which contain night soil solids that are not diluted sufficiently to assure that all particles will be carried freely under all flow conditions in facilities.
- l. Steam exhausts, boiler blowoffs, sediment traps, or pipes carrying hot circulating water.
- m. Wastes having a five (5) day BOD greater than 300 mg/L o. Wastes containing more than 350 mg/L of suspended solids
- n. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- o. Wastes having ammonia-nitrogen concentration greater than 1.0 mg/L as N.
- p. Wastes having a total nitrogen concentration greater than 25 mg/L.
- q. Wastes having a phosphate concentration greater than 1,0 mg/L, as P.

Section 4. Wastewater containing heavy metals including but not limited to cadmium, chromium, cobalt, copper, lead, mercury, nickel, selenium, tin, silver, gold, or zinc will require pretreatment before discharge to the District's system. Pretreatment shall be such as to reduce the concentration of heavy metals in the pretreatment system effluent to a level equal to or less than the solubility of the oxide or hydroxide of the heavy metal. Sludges resulting from the pretreatment process shall not be discharged to the Sewerage system. The above requirement is in compliance with the policy of the Massachusetts Division of Water Pollution Control. Stricter limits may be imposed if it is found necessary to meet Water Quality standards.

Section 5. Any industry or person discharging wastewater's directly or indirectly into District facilities that does not comply with these Rules and Regulations may be subject to direct action by the Commissioners when in the opinion of the Commissioners time is of the essence and may include the withdrawal of permission to discharge wastewater's into District facilities appurtenant thereto.

Section 6. Cost for unauthorized additional treatment in or for repairing damages to District facilities, resulting due to violation of the District Rules and Regulations, shall be reimbursed to the District by the person from which the wastewater's originated that caused the adverse effect. The amount to be reimbursed the District by that person will include not only the aforementioned costs but also the costs of ascertaining responsibilities. The Commissioners may ask the person for reimbursement of such costs if the responsible person can be determined.

## ARTICLE VII

### Pretreatment Measures and Requirements

Section 1. If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in Article VI, and which in the judgment of the Commissioners may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Commissioners may:

- a. Reject the wastes;
- b. Require pretreatment to an acceptable condition for discharge to the public sewers;
- c. Require control over the quantities and rates of discharge; and/or
- d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of the Rules and Regulations.

If the Commissioners permit the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to review and approval by the Commissioners and subject to the requirements of all applicable codes, regulations, and laws.

Section 2. Persons or industries who desire to discharge industrial waste into the District facilities shall make these requests to the Commissioners. If forming these opinion as to limitations on the acceptability of any wastes, the Commissioners will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the waste water treatment process, capacity of the waste water treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

Furnishing required analyses, flow data, etc. shall be the responsibility of the industry where the wastes originate. The Commissioners will stipulate the minimum analyses and other data that shall be obtained and shall conduct such waste sampling and measuring programs as are required. Expenses thus incurred by the District shall be completely reimbursed by the requesting industry.

Section 3. All applications to discharge any sewage, drainage, substances, or wastes directly into any sewer under the control of the District, or tributary thereto, shall be accompanied by an agreement signed jointly by the applicant contributing such sewage, drainage, substance, or wastes, stating that the applicant in question agrees to abide by all Rules and Regulations of the District, that the applicant shall provide such works for the District, pretreatment of the waste water, drainage, substances or wastes as may be required by the District, and that the applicant shall permit duly authorized representatives of the District to enter the premises of the industry to sample and measure waste waters, as needed to check characteristics of the waste waters. Copies of all such applications are to be accompanied by a plan showing essential characteristics of all wastewater outlets, analyses of existing wastewater, and statements as to existing and expected average and maximum wastewater flows. All applications shall be accompanied by a performance bond in an amount determined by the Commissioners.

Section 4 When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 5. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in the Rules and Regulations shall be determined in accordance with the latest edition of "Standard Methods for the examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be

considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken). Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

Section 6. In the event that no special manhole has been required by the District, samples may be taken at suitable locations within the establishment from which the wastes are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur.

Section 7. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commissioners, that are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Commissioners, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Section 8. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when in place, shall be gaslight and watertight.

Section 9. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 10. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the industrial concern.

## ARTICLE VIII

### **Power and Authority of Inspectors**

Section 1. The Commissioners and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the Rules and Regulations. The Commissioners or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind of discharge to the sewers or waterways or facilities for waste treatment.

Section 2. While performing the necessary work on private properties referred to in Article X, Section 1 above, the Commissioners or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless of injury or death to the District employee and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be negligence or failure of the company to maintain safe conditions as required in Article IX.

Section 3. The Commissioners and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**ARTICLE IX****Protection from Damage**

Section 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works, Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## ARTICLE X

### Use of Public Sewers Required

Section 1. It shall be unlawful to discharge to any natural outlet within, any sewage polluted waters, except where suitable treatment has been provided in accordance with the provisions of this bylaw and the requirements of the Commonwealth of Massachusetts.

Section 2. Except as hereinafter provided, it shall be unlawful to construct or maintain in the District any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except where no sewage facilities are available.

Section 3. The owners of the houses, buildings, or other properties used for human occupancy, employment, recreation, or other purpose, situated within the District and abutting on any way in which there is located a public sewer of the District, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this bylaw within ninety (90) days after the date of official notice to do so by the Sewer Commissioner or by the applicable town board of health, provided that said public sewer is within one hundred (100) feet of the property line, unless prevented by topographical or other engineering factors as determined by the Sewer Commissioners of the District.



## ARTICLE XI

### Sewer Charges

The District has established the following procedures in order to recover the costs of constructing, and maintaining sewage work. These costs shall be recovered by collection of betterment assessments, sewer connection fees, sewer service charges, and general assessments.

Section 1. The purpose of this article is to define and clearly state the structure of sewer charges assessed to all new applicants.

#### Section 2.0 Cherry Valley Sewer District

Section 2.1 The purpose of this section is to define and clearly state the structure of sewer charges assessed to all new applicants for the direct operation and administration of the District.

#### Section 2.2 Betterment Assessment Methods (EDU, Frontage, and Real Estate Appraised Value Assessment.)

Each parcel of land which abuts a way or a right-of-way, and in which there has been constructed a public sewer shall be assessed the prevailing betterment assessment rate for the installation of the sanitary sewer. Whenever a parcel of land contains a building in the rear of a building or buildings fronting on a way that are, in the opinion of the Commissioners, potential sewer connection, the same front foot assessment on each additional building or buildings shall be levied as hereinbefore set forth.

- a. Each parcel of land abutting two ways or right-of-way in which there has been constructed a public sanitary sewer shall be assessed the prevailing per linear front foot rate along the longer side which abuts the way as above describes. If the sewer abutting the short side is installed first, the parcel of land shall be assessed at the above rate for the sewer. At the time the sewer abutting the longer side is installed, the parcel of land shall be also assessed at the above rate for the difference in the length of the sides. When a parcel of land abuts more than two right-of ways in which there has been constructed a public sewer, each other side of the parcel shall be assessed the prevailing per lineal front foot rate in excess of one hundred feet.
- b. The betterment assessment shall be paid at the time the sewer in front of the parcel of land is accepted by the District except that at the discretion of the Commissioners the payment may be paid over a period of twenty years or less, with interest at the rate of 6 percent per year
- c. The frontage of each benefited property shall be figured to the nearest foot as shown on the assessment drawings on file in the office of the respective Town Assessor or the actual measurement of the frontage of each benefited property as measured by the Sewer Commissioners, their agents, servants, or employees. The starting point for the measurement of the frontage of corner lots shall be the point of the intersection of the street lines, or if the corner is an arc, the middle point of the arc of the corner curve.
- d. The Commissioners shall make reasonable allowances whenever the particular size, shape, or location of any property shall require an allowance in keeping with the fundamental principle that no assessment shall be made against any property in excess of the betterment benefit to accrue to such property.
- e. Each parcel of land which abuts a way or a right-of-way in which there has been constructed a public sanitary sewer shall be assessed a minimum betterment assessment on the basis of fifty (50) linear feet of front footage.
- f. The assessment charges noted herein are those in effect at the time of this publication and may not reflect future charges to be made by the District in its assessment policy.
- g. Each parcel of land which abuts a way or a right-of-way in which there has been constructed a public sanitary sewer and which, in the opinion of the Commissioners, may not be served by the sanitary sewer system because of topographical or other engineering factors, may have its betterment assessment suspended on approval of the Commissioners. As herein used, "topographical or other engineering factors" refer to the capacity of the property to be served by means of a gravity flow connection but not exclude the use of a forced flow to enter the sanitary sewer.

- h. All properties exempt from general property taxation under the provisions of the Massachusetts General Laws by virtue of their ownership by government, religious, charitable, or non-profit organizations shall be exempt from the provisions of this section.

**Section 3. Sewer Connection Fee.** An assessment, known as the sewer connection fee of eight thousand dollars (\$8,000) for the installation of the building sewer from the public sanitary sewer to the property line shall be made

- a. The sewer connection fee shall be paid at the time the building sewer to the parcel of land is accepted by the District except that at the discretion of the Commissioners the payment may be paid over a period of twenty years or less, with interest at the rate of 6 percent per year.
- b. Whenever a building sewer is larger than six (6) inches in diameter, the Commissioners shall be empowered to charge a larger connection fee to cover such additional costs as may be incurred over and above the fee hereinbefore set forth.
- c. The assessment fees noted herein are those in effect at the time of this publication and may not reflect future charges to be made by the District in its assessment policy.
- d. All properties exempt from general property taxation under the provisions of the Massachusetts General Laws by virtue of their ownership by government, religious, charitable, or nonprofit organizations shall be exempt from the provisions of this section

**Section 4. Sewer Service Charge.** An assessment, known as a sewer service charge, to be established by the Commissioners shall be assessed against each structure connected to the sanitary sewer system for the operation and maintenance of the sewage works and shall apply to the following:

- For each family living unit
  - For each commercial establishment employing four (4) or less people
  - For each commercial establishment employing five to thirty (5-30) people
  - For each industry
- a. The assessment charges noted herein are those in effect at the time of this publication and may not reflect future charges to be made by the District in its assessment policy
  - b. All properties exempt from general property taxation under the provisions of the Massachusetts General Laws by virtue of their ownership by government, religious, charitable, or non-profit organizations shall be exempt from the provisions of this section.

**Section 5. General Assessment.** Each parcel of land within the District shall be assessed a general assessment for the general betterment of the District. The general assessment shall be established annually by the Commissioners and shall consist of the total annual cost to the District for the operation and maintenance of sewage works, amortization of debts, and other costs incurred by the District less assessments, charges, and fees, as collected.

- a. The assessment charges noted herein are those in effect at the time of this publication and may not reflect future charges to be made by the District in its assessment policy
- b. All properties exempt from general property taxation under the provisions of the Massachusetts General Laws by virtue of their ownership by government, religious, charitable, or non-profit organizations shall be exempt from the provisions of this section.

## ARTICLE XII

### Penalties

Section 1. Any person found to be violating any provisions of the Rules and Regulations except Article VIII shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for an Article XII, Section 1, shall be guilty of a misdemeanor, and on conviction there of shall be fined in the amount not exceeding fifty dollars (\$50.00) each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of the Rules and Regulations shall become liable to the District for any expense, loss, or damage occasioned the District by reason of such violation.

**ARTICLE XIII****Validity**

Section 1. The invalidity of any section, clause, sentence, or provisions of the Rules and Regulations shall not affect the validity of any other part of the Rules and Regulations which can be given effect without such invalid part or parts.

Section 2. The Commissioners may waive any of the requirements of the Rules and Regulations whenever they determine that strict compliance therewith is not required in the public interest.

Section 3. If any provisions of the Rules and Regulations or the application thereof to any person or circumstances shall for any reason be held invalid, the remainder of the Rules and Regulations or the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 4. The Rules and Regulations may be added to, modified, or amended from time to time.

## ARTICLE XIV

### Rules and Regulations in Force

Section 1. These Rules and Regulations shall be in force and effect from and after its passage, approval, recording, and publication as approved by law

Section 2. Passed and adopted by the Commissioners of the Cherry Valley Sewer District this \_\_\_\_\_ day of \_\_\_\_\_ by the following vote:

Ayes - 3 votes, Unanimous

Nays - None

Approved this \_\_\_\_\_ day of

\_\_\_\_\_  
Donald G. Manseau, Chairman

\_\_\_\_\_  
Victor M. Taylor, Commissioner

\_\_\_\_\_  
Michael L. DellaCava, Commissioner

Attest:

\_\_\_\_\_  
Michael F. Knox, District Clerk

### NONDISCRIMINATION STATEMENT

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC

20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

**APPENDIX**

**PRIVATE SEWAGE DISPOSAL APPLICATION**

To the Cherry Valley Sewer District:

The undersigned, being the \_\_\_\_\_ of  
 (Owner, Owner's Agent)  
 the property located at \_\_\_\_\_  
 (Number) (Street) (Town)

does hereby request a permit install sanitary sewage disposal facilities to serve the \_\_\_\_\_  
 \_\_\_\_\_  
 (Residence, Commercial Building, etc.)

1. The proposed facilities include: \_\_\_\_\_

\_\_\_\_\_ to be constructed in complete accordance with the plans and specifications attached hereunto as Exhibit "A".

2. The area of the property's \_\_\_\_\_ square feet

3. The name and address of the person or firm who will perform the work is \_\_\_\_\_

4. The maximum number of persons to be served by the proposed facilities is \_\_\_\_\_

5. The locations and nature of all sources of private or public water supply and gas lines within one hundred (100) feet of any boundary of said property are shown on the plan attached hereto as Exhibit "B".

In consideration of the granting of this permit, the undersigned agrees:

1. To furnish any additional information relating, to the proposed work that shall be requested by the Commissioners.
2. To accept and abide by all provisions of the District Rules and Regulations and off all other pertinent regulations that may be adopted in the Future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the District and at no expense to the District.
4. To notify the appropriate department of the respective town at least twenty-four (24) hours prior to commencement of the work proposed, and again at least twenty-four (24) hours prior to the covering of any underground portion of the installation.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
 (Applicant)

\_\_\_\_\_  
 (Address of Applicant)

\$ \_\_\_\_\_ Inspection fee paid

\_\_\_\_\_  
 (Certification by Cherry Valley Sewer District Commissioners)

Application approved and permit issued:

Date: \_\_\_\_\_

Signed: \_\_\_\_\_



"This institution is an equal opportunity provider, and employer."

### INDUSTRIAL SEWER CONNECTION APPLICATION

To the Cherry Valley Sewer District: The undersigned, being the \_\_\_\_\_  
 \_\_\_\_\_ of the property located at \_\_\_\_\_  
 \_\_\_\_\_ does hereby request a permit to \_\_\_\_\_  
 Industrial sewer connection serving the \_\_\_\_\_  
 which company is engaged in \_\_\_\_\_  
 at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit are attached hereunto as Exhibit "A".
3. A complete schedule of all process waters and industrial wastes produces or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

In consideration of the granting this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Cherry Valley Sewer District.
2. To accept and abide by all provisions of the Rules and Regulations of the Cherry Valley Sewer District, and of all other pertinent rules or regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, in an efficient manner at all times, and at no expense to the District.
4. To cooperate at all times with the Cherry Valley Sewer District and its representatives in their inspecting, sampling and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the Cherry Valley Sewer District immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the Public sewers or any wastes or process waters not covered by this permit.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

\$ \_\_\_\_\_ Inspection fee paid \_\_\_\_\_

Application approved an permit granted:

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

#### NONDISCRIMINATION STATEMENT

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

## Cherry Valley Sewer District Application for Connection of Building Sewer

Application/Owner Name \_\_\_\_\_ Signature of Owner \_\_\_\_\_

Mailing Address \_\_\_\_\_

Service Address \_\_\_\_\_ Map/Parcel # \_\_\_\_\_

Owner's Telephone # \_\_\_\_\_

Name of Licensed Drainlayer/Contractor \_\_\_\_\_ Telephone # \_\_\_\_\_

Connection Type: Gravity \_\_\_\_\_ Pump \_\_\_\_\_

Building Type: \_\_\_\_\_  
Residential Commercial Industrial

Projected Flow: \_\_\_\_\_  
GPD 110 GPD per bedroom or Title V estimated flows

Application Fee: \_\_\_\_\_  
(\$250.00)

Connection Fee: \_\_\_\_\_ Total Paid: \_\_\_\_\_  
(\$8,000.00 per living unit)  
(for new construction only)

Inspection Fee: \_\_\_\_\_  
(\$50.00)

Applicant hereby agrees to comply with all Cherry Valley Sewer District Rules and Regulations governing the use of public sewers within the District. Permit(s) shall be valid for a period of one (1) year from the date of authorization. All fees are non-refundable after expiration of permit.

Connection and inspection fees are due and payable upon completion of "Application for Connection of Building Sewer."

Signature of Owner or Authorized Agent \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_ Title

\_\_\_\_\_ Dig Safe #

(Over)

THE FOLLOWING DISCLOSURE NOTICE CAN BE USED WHEN COLLECTING RACIAL/SEX DATA FOR CIVIL RIGHTS MONITORING PURPOSES

In order to comply with Title VI of the Civil Rights Act of 1964, certain data must be gathered by all recipients of federal financial assistance. The following disclosure should appear in the monitoring section of the application form, which usually is placed after the applicant's signature. If a separate document is used for monitoring information, the disclosure should appear immediately above the request for monitoring information.

"The following is requested by the US Government in order to monitor Cherry Valley Sewer District's compliance with the Title VI of the Civil Rights Act of 1964 and other federal laws that prohibit discrimination against applicants on the basis of race, national origin, and sex. You are not required to furnish this information, but are encouraged to do so. This information will not be used in evaluating your application or to discriminate against you in any way. Should you not provide the requested information, an employee or representative of the program for which you are applying is required to complete the information based upon "visual observation."

( ) I do not wish to furnish this information

Race/National Origin

- ( ) American Indian or Alaskan Native
- ( ) Black, not of Hispanic Origin
- ( ) Asian or Pacific Islander
- ( ) Hispanic
- ( ) White, not of Hispanic Origin

Sex

( ) Male ( ) Female

NONDISCRIMINATION STATEMENT

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discrimination on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD)."

Rural Development is an Equal Opportunity Lender.  
Complaints of Discrimination should be sent to: Secretary of Agriculture, Washington, DC, 20250

## RULES AND REGULATIONS OF THE HILLCREST WATER DISTRICT

The following rules and regulations, until further notice, shall be considered a part of the contract with every person, corporation, and owner of property who uses the water; and every person, corporation and property owner taking water be considered expressing his assent to be bound thereby.

A copy of the Rules and Regulations shall be furnished to every consumer, or be obtained upon application, and all persons are requested to read the same carefully. Failure to know the Rules and Regulations will not excuse anyone from consequences of neglect or infringement of such Rules and Regulations.

1. All applications for the use of water must be made to the Board of Water Commissioners on the form prescribed, stating fully the various uses to which the water is to be applied and signed only by the owner of the premises or his authorized agent. The connecting fee on any mains belonging to the District at the time shall be \$150.00. **SHALL BE AMENDED TO READ: CONNECTION FEES: \$3,000.00.**

2. Water mains shall be installed subject to the following rules and regulations: Plans for all extensions of water mains whether in public, private, easement ways or subdivision, must first be submitted to the District at a meeting and be approved by a majority vote before such extension can be made. Type of pipe to be used shall be submitted with the plans. Extension of all six inch lines shall be no greater than eight hundred feet. All extensions must be no less than eight inches in diameter. The Superintendent shall inspect and approve all the extensions of the mains before they can be covered.

3. The applicant shall provide not less than 3/4" Type K copper pipe from the street main to and through the cellar wall, a stop and waste valve and a water meter. Accredited contractor, approved by the Commissioners, will in all cases lay the service pipe from the street main to and through the cellar wall. **SHALL BE AMENDED TO READ: WATER METER WITH AN OUTSIDE READER.**

4. All water must be metered. The consumer must provide a place for the meter approved by the Commissioners or their agent. The consumer shall not permit access for any purpose whatsoever, except to authorized employees of the District, to the meter or interfere with it. In all cases where the meter is damaged, the consumer shall pay the District the value of such meter or cost of repairs. If a complaint is made by a consumer concerning the operation of a water meter, it will be tested and, if necessary, removed and repaired at the expense of the consumer.

5. The owner of the property supplied will be held responsible for the water bill and other proper charges until he has notified the Water Commissioners, in writing, to discontinue service. When the ownership of the property changes, the full name and address of the new owner shall be given by the seller to the Water District Office at once in order that billing may be properly rendered. New owner is responsible for any unpaid water bill from previous owner

6. Consumers shall maintain in good condition, all pipes and fittings and shall protect the same from freezing. They also shall be responsible for all damage caused by their failure to do so, and shall be responsible from property line through the cellar wall.
7. The Water Commissioners and their agents shall have access, at any reasonable time, to the premises supplied with water to examine pipes and fixtures, to ascertain the quantity of water used, and to shut off the water for nonpayment, or violation of these Rules and Regulations.
8. No person shall, without written permission of the Water Commissioners, connect, cause to be connected, alter or repair any service pipe for the conveying of water from any main or distributing pipe to any house, building, or manufacturing place for any purpose whatsoever. The Water Commissioners reserve the right to shut off the water for the purpose of making repairs or alterations.
9. When water has been shut off because of disregard of the Rules and Regulations or nonpayment of bills, it will be turned on again when the Commissioners are satisfied that there will be no further cause of complaint and upon payment of \$25.00. A like charge of \$25.00 will be made when a customer requests that the water be turned off for any reason. This charge is to include the turning on again. The Commissioners reserve the right to restrict the use of water whenever public emergency so requires. No damage shall be allowed any taker of water for shutting off same for any purpose or for doing repairs on pipes, gates, valves, hydrants, or other fixtures, or for any work on the main pipe system. A reasonable notice shall be given all takers before their supply will be cut off except in cases of emergency. Steam boilers or hot water tanks supplied directly with water should be supplied with proper safeguards against danger from collapsing, water hammer or back pressure; however, the Commissioners will not be held responsible for damages to the premises in any event.
10. In event of a problem from the water main to the meter, and if the property owner requests the District to repair same, the property owner will sign an agreement with the District that they will be responsible for all charges incurred. Under no circumstances shall the work be done unless and agreement is signed by the property owner. **SHALL BE AMENDED TO READ: FROM THE PROPERTY LINE TO THE METER.**
11. These Rules and Regulations may be altered or amended at a District Meeting only upon majority vote.
12. Whoever violates any of these sections shall be punished as prescribed by Section 39G, Chapter 40, of the General Laws of Massachusetts, as amended.
13. Under General Laws of Massachusetts, Chapter 40, Section, 42A to 42F, inclusive as amended on January 1, 1947, any bill overdue for six months is subject to alien on the property.

## **RULES AND REGULATIONS OF THE HILLCREST WATER DISTRICT**

**Accepted at the May 9, 2000 Annual Meeting**

The following rules and regulations, until further notice, shall be considered a part of the contract with every person, corporation, and owner of property who uses the water; and every person, corporation and property owner taking water be considered expressing his assent to be bound thereby.

A copy of the Rules and Regulations shall be furnished to every consumer, or be obtained upon application, and all persons are requested to read the same carefully. Failure to know the Rules and Regulations will not excuse anyone from consequences of neglect or infringement of such Rules and Regulations.

1. All applications for the use of water must be made to the Board of Water Commissioners on the form prescribed, stating fully the various uses to which the water is to be applied and signed only by the owner of the premises or his authorized agent. The connecting fee on any mains belonging to the District at the time shall be \$3,000.00.
2. Water mains shall be installed subject to the following rules and regulations: Plans for all extensions of water mains whether in public, private, easement ways or subdivision, must first be submitted to the District at a meeting and be approved by a majority vote before such extension can be made. Type of pipe to be used shall be submitted with the plans. Extension of all six inch lines shall be no greater than eight hundred feet. All extensions must be no less than eight inches in diameter. The Superintendent shall inspect and approve all the extensions of the mains before they can be covered.
3. The applicant shall provide not less than 3/4" Type K copper pipe from the street main to and through the cellar wall, a stop and waste valve and a water meter with an outside reader. Accredited contractor, approved by the Commissioners, will in all cases lay the service pipe from the street main to and through the cellar wall.
4. All water must be metered. The consumer must provide a place for the meter approved by the Commissioners or their agent. The consumer shall not permit access for any purpose whatsoever, except to authorized employees of the District, to the meter or interfere with it. In all cases where the meter is damaged, the consumer shall pay the District the value of such meter or cost of repairs. If a complaint is made by a consumer concerning the operation of a water meter, it will be tested and, if necessary, removed and repaired at the expense of the consumer.
5. The owner of the property supplied will be held responsible for the water bill and other proper charges until he has notified the Water Commissioners, in writing, to discontinue service. When the ownership of the property changes, the full name and address of the new owner shall be given by the seller to the Water District Office at once in order that billing may be properly rendered. New owner is responsible for any unpaid water bill from previous owner.

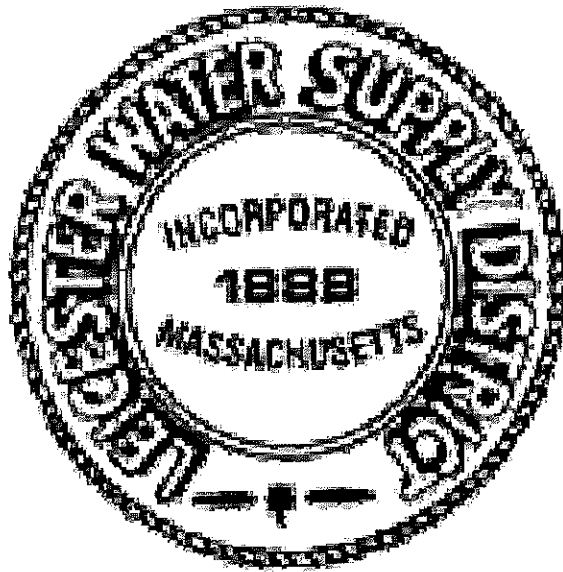
6. Consumers shall maintain in good condition, all pipes and fittings and shall protect the same from freezing. They also shall be responsible for all damage caused by their failure to do so, and shall be responsible from property line through the cellar wall.
7. The Water Commissioners and their agents shall have access, at any reasonable time, to the premises supplied with water to examine pipes and fixtures, to ascertain the quantity of water used, and to shut off the water for nonpayment, or violation of these Rules and Regulations.
8. No person shall, without written permission of the Water Commissioners, connect, cause to be connected, alter or repair any service pipe for the conveying of water from any main or distributing pipe to any house, building, or manufacturing place for any purpose whatsoever. The Water Commissioners reserve the right to shut off the water for the purpose of making repairs or alterations.
9. When water has been shut off because of disregard of the Rules and Regulations or nonpayment of bills, it will be turned on again when the Commissioners are satisfied that there will be no further cause of complaint and upon payment of \$25.00. A like charge of \$25.00 will be made when a customer requests that the water be turned off for any reason. This charge is to include the turning on again. The Commissioners reserve the right to restrict the use of water whenever public emergency so requires. No damage shall be allowed any taker of water for shutting off same for any purpose or for doing repairs on pipes, gates, valves, hydrants, or other fixtures, or for any work on the main pipe system. A reasonable notice shall be given all takers before their supply will be cut off except in cases of emergency. Steam boilers or hot water tanks supplied directly with water should be supplied with proper safeguards against danger from collapsing, water hammer or back pressure; however, the Commissioners will not be held responsible for damages to the premises in any event.
10. In event of a problem from the property line to the meter, and if the property owner requests the District to repair same, the property owner will sign an agreement with the District that they will be responsible for all charges incurred. Under no circumstances shall the work be done unless and agreement is signed by the property owner.
11. These Rules and Regulations may be altered or amended at a District Meeting only upon majority vote.
12. Whoever violates any of these sections shall be punished as prescribed by Section 39G, Chapter 40, of the General Laws of Massachusetts, as amended.
13. Under General Laws of Massachusetts, Chapter 40, Section, 42A to 42F, inclusive as amended on January 1, 1947, any bill overdue for six months is subject to alien on the property.



Amended 8/9/2007

**SEWER USE REGULATIONS  
LEICESTER WATER SUPPLY DISTRICT  
TOWN OF LEICESTER, MASSACHUSETTS**

**August 2007**



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**NOTE:**

These regulations control the following:

- 1.) The use of public and private sewers and drains.
- 2.) The installation of building sewers and lateral sewers.
- 3.) The discharge of waters and wastes into the public sewer system.

These regulations also authorize penalties for violations of the above outline regulations adopted by the Leicester Water Supply District of Worcester County and the Commonwealth of Massachusetts .

## Leicester Water Supply District Regulations for Sewer Use

RULES AND REGULATIONS GOVERNING THE USE OF PUBLIC SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE LEICESTER WATER SUPPLY DISTRICT IN THE TOWN OF LEICESTER, COUNTY OF WORCESTER, COMMONWEALTH OF MASSACHUSETTS.

Be it ordained and enacted by the Water Commissioners of the Leicester Water Supply District in the Town of Leicester, Massachusetts, that the following are the rules and regulations as adopted by the Water Commissioners on January 6, 1968 and revised December 21, 1977, August 9, 1986, April 12, 2001 and August, 2007.

### ARTICLE I DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these regulations shall be as follows:

**Leicester Water Supply District Sewer System:** The wastewater infrastructure that is generally comprised of two separate collection and pumping systems. One system collects sewerage from the north, central and south sections of town and directs it by gravity and pump stations to the Leicester Water Supply Wastewater Treatment Plant for treatment. The second system collects sewerage from the West section of town and directs it by gravity and pump station to the Leicester Water Supply Wastewater Treatment Plant for treatment.

**Act:** The Federal Water Pollution Control Act (P.L. 92-500), also known as the Clean Water Act, as amended (33 U.S.C. 1251, et. seq.).

**Applicant:** Any person requesting approval to discharge wastewater into the Leicester Water Supply District wastewater facilities.

**Approval:** Shall mean "Written" approval.

**Appurtenance:** Any component associated with the physical operation of the sewer system.

**ASTM:** American Society for Testing and Materials

**Authority:** The Leicester Water Supply District Board of Water Commissioners.

**Supplemental Authority:** Industrial and business/commercial sewer users are subject to rules, regulations and conditions in effect and under the jurisdiction the Leicester Water Supply District Board of Water Commissioners.

**Authorized Representative of Industrial User:**

- a. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; or
- b. A general partner or proprietor if the industrial user is a partnership or proprietorship respectively; or
- c. A duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the discharge of wastewater originates.
- d.

**Average Daily Flow:** The amount of effluent utilized daily averaged over a period of time. In instances that are not specifically addressed, the time period shall be one (1) calendar year.

**Betterment:** An assessment levied on a property that allows that property to receive an equitable entitlement, for a limited period, and in conformance with these Sewer Use Regulations, to connect to the municipal sewer system. Said entitlement allows a single residential dwelling unit, or equivalent, to discharge a wastewater volume of less than two hundred and fifty gallons per day (250 gpd). In the case of multiple unit(s) only the first unit, or equivalent, shall receive the benefit of the entitlement, additional units may be subject to System Development charges.

Following the assessment of a betterment, where there is a division of property into two or more parcels, each parcel newly created in accordance with current zoning regulations, covered by the original betterment assessment, shall have an equitable entitlement for a single residential dwelling unit, or equivalent, with an estimated wastewater volume discharge of less than two hundred and fifty gallons per day (250 gpd). Determination of eligibility shall be at the sole discretion of the Board of Water Commissioners and subject to any usage limitations that may be set by the Board.

Where conditions that may affect wastewater use, such as in the case of:

- (i) a change in the use of property whose owners were assessed a betterment, following such assessment, to provide for a use that was not in existence at the time of assessment or permitted by right under zoning in effect at the time of assessment; or
- (ii) an expansion of the use of property whose owners were assessed a betterment, which use was in existence at the time of assessment, following such assessment; or
- (iii) the establishment of any use in an area greater than two hundred feet (200') from the established street line at the time of assessment of the land that is within two hundred feet (200') from such street line; or
- (iv) any reconstruction, extension, structural change or alteration of a structure on land whose owners were assessed a betterment, following such assessment, the owner of the land upon which such change or expansion of use, establishment of use beyond two hundred feet (200') or reconstruction, extension, structural change or alteration,

the proponent shall apply to the Board of Water Commissioners for a determination as to whether such connection is reasonably anticipated to increase the wastewater effluent flow by an estimated average daily flow of more than fifty percent (50%), or by two hundred and fifty gallons per day (250 gpd) or more, or to a total estimated average daily flow in excess of two hundred and fifty gallons per day (250 gpd), as determined by the anticipated usage. If the Board of Water Commissioners approves such connection, the parcel(s) may also be subject to System Development Charge(s) and limitations of wastewater usage.

**Biochemical Oxygen Demand (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) Celsius, expressed in milligrams per liter.

**Board:** The Board of Water Commissioners or its authorized representative.

**Building Drain:** The part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins ten (10) feet outside the inner face of the building wall.

**Building Sewer or Service Connection:** The extension from the building drain to the public sewer or other place of disposal.

**Business/Commercial Establishment:** Any use of the property that is not herein defined as "residential" or "industrial."

**District :** Shall mean the Leicester Water Supply District

**Control Manhole:** A manhole that is installed along a sewer, which provides access for the observation, sampling, and measuring of wastes.

**Cooling Water:** The water discharged from any system of condensation, air conditioning, cooling, refrigeration or other sources. Such water shall contain no polluting substances, which could produce a Biological Oxygen Demand, Suspended Solids, toxic pollutants or substances limited in these regulations.

**DEP:** Massachusetts Department of Environmental Protection

**Domestic Wastewater:** The wastewater discharged from, but not limited to, washing machines, sinks, showers, bath tubs, dishwashers, toilets, urinals or any drain equipped with a garbage grinder, exclusive of Industrial Wastes.

**Drain Layer:** A person licensed by the Leicester Water Supply District to lay building sewers from existing public sewers to building drains.

**Easement:** An acquired legal right for the limited use of land owned by others.

**EPA:** The United States Environmental Protection Agency.

**Equitable Entitlement:** The right for ten (10) years following the date of the tax-collector's notice of a betterment assessment upon land that abuts a public or private way in which a public sewer has been laid, of the availability to connect such land to the public sewer. After the period of entitlement expires the property owner's right to connect to the municipal sewer system will be on a "first come-first served" basis. If sufficient capacity is not available, then the property owner will be required to locate additional capacity, or remove/reduce sufficient wastewater flows, to accommodate their request as outlined in Article II, Section 7, Creation of Sewer Capacity.

**Excessive:** An elevated level of quantity and/or concentration of a wastewater constituent, which in the judgment of the Superintendent meets any of the following criteria:

- a. Will cause damage to any P.O.T.W.
- b. Will be harmful to wastewater treatment process.
- c. Cannot be removed in the treatment works or P.O.T.W. to the degree required to meet effluent discharge limitations.
- d. Can otherwise endanger life, limb, or public property.
- e. Can constitute a nuisance.
- f.

**Facilities:** Include structures and conduits for the purpose of collecting, treating, or disposing of domestic, industrial, or other wastewaters (including, but limited to, treatment and disposal works, lateral, interceptor, outfall, and outlet sewers, pumping stations, equipment and furnishings, and other connected appurtenances).

**Floatable Oil:** Oil, fat, wax, or grease that will separate from wastewater under the force of gravity. Wastewater shall be considered free of floatable oil if it is properly treated and does not cause an increase in operation and maintenance costs, or cause the types of failures within the collection system that can typically be attributed to the presence of floatable oil.

**Flow equalization facilities:** Tanks and/or equipment that provide storage of wastewater for release to a sewer system or treatment plant at a controlled rate, thus mitigating variations in flow and composition.

**Garbage:** Shall mean solid waste from domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce

**Hauler:** Any person who contracts for the disposal of septage and has obtained a Septage Handler Permit from the Board of Health.

**Improved Property:** Any property with a structure that shall discharge domestic wastewater, and/or industrial wastes.

**Incompatible Pollutant:** A substance that is not amenable to substantial removal by the P.O.T.W., or a substance that may cause damage to transmission or treatment facilities, or that may impact overall treatment of wastewater. Incompatible Pollutants include, but are not limited to, toxic biocumulative Organics, toxic metals and persistent Organics.

**Industrial Establishment:** Any room, group of rooms, building or other facility used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article, from which any process waste, as distinct from domestic wastewater, may be discharged.

**Industrial User:** A manufacturing, processing, or other non-residential facility (such as hospitals, commercial laundries, and tank and barrel cleaning operations, etc.) that discharges non-sanitary industrial wastes into a public sewer.

**Industrial Wastes:** Any solid, liquid or gaseous wastes and wastewater, exclusive of domestic wastewater, resulting from an industrial or manufacturing process; or discharged from a commercial, governmental or institutional facility; or from the development, recovery or processing of natural resources and any wastes not listed as conventional pollutants under 40CFR.17.

**Infiltration:** Surface runoff or groundwater that unintentionally enters the public sewer system through such means as, but not limited to, defective pipes, pipe joints, connections or manholes.

**Inflow:** The water discharged into a sanitary sewer system and/or service connection from such illegal sources as, but not limited to, roof leaders, downspouts, cellars, swimming pools, yard drains, foundation drains, cooling water discharges, or storm drains that collect surface runoff.



**Interference:** A discharge which, alone or in conjunction with discharges from other sources:

- a. Inhibits or disrupts the treatment facility, its treatment processes or operations, or its sludge processes, or disposal; and
- b. Causes a violation of any requirement of the treatment facility NPDES permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Waters Act, the Solid Waste Disposal Act (SWDA) (including Title 11, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- c.

**Invert:** The bottom inside of the sewer pipe.

**Major Contributing Industry:** A facility that: (1) has flow of 25,000 gallons or more per average work day; (2) has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste; (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of P.L. 92-500; or (4) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.

**National Categorical Pretreatment Standard or Pretreatment Standard:** Any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347), which applies to Industrial Users.

**National Pollution Discharge Elimination System (NPDES) Permit:** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

**Natural Outlet:** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**OSHA:** Occupational Safety and Health Administration

**Owner:** Any person or persons vested with ownership, legal or equitable, sole or partial, of any property.

**Pass Through:** A discharge that exits the treatment facility into waters of the United States in quantities or concentrations that alone or in conjunction with discharges from other sources, are a cause of a violation of any requirement of the treatment facilities NPDES permit (including an increase in the magnitude or duration of a violation).

**Person:** Any individual, firm, company, association, society, corporation, group, or municipality.

**pH:** The logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$  to the negative seven (-7). Any EPA approved method of measurement may be used for this measurement.

**Phosphorus or Total Phosphorus:** The total of organic phosphorus and inorganic phosphorus.

**Pretreatment Requirements:** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a user.

**Properly Shredded Garbage:** Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

**Pollutant:** Any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of a treatment facility or its receiving waters.

**Publicly Owned Treatment Works (POTW) or Treatment Facility:** Treatment works operated by the Town of Abington, the Town of Rockland, or the City of Brockton or their agents, including any devices and systems (whether owned by them or under their control) used in the collection, storage, treatment, recycling and reclamation of wastewater including the Wastewater Treatment Works and appurtenances, structures, pipes, pumping stations and systems whether operated by the Towns and/or City directly or by their agent.

**Public Sewer:** Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

**Receiving Waters:** Any watercourse, river, pond, ditch, lake, aquifer, or other body of surface water or groundwater receiving wastewater discharges.

**Sanitary Sewer:** A sewer that carries wastewater, and was not designed to carry storm water, surface water, or groundwater.

**Septage:** The solid and semi-solid material resulting from on-site wastewater pretreatment in a septic tank.

**Sewage:** See wastewater.

**Sewer:** A pipe or conduit that carries wastewater which includes sewer manholes.

**Sewer Connection:** The sewer pipes and appurtenant works necessary to connect a building or estate to a sewer system.

**Sewer Extension:** The addition to a sewer system of sewer pipe, together with appurtenant works, which when connected to the sewer system becomes the property of, and is operated and maintained by, the entity owning the system.

**Sewerage:** The complete system of piping, pumps, and appurtenances for the collection and transport of wastewater which includes the sewer manholes.

**Shall:** Is mandatory; "May" is permissive.

**Slug:** Any discharge of water, wastewater, or industrial waste that exceeds by more than five (5) times the average twenty-four (24) hour constituent concentration, or flow, during normal operation for any duration longer than fifteen (15) minutes.

**State:** The Massachusetts Department of Environmental Protection, Division of Water Pollution Control.

**Storm Drain or Storm Sewer:** A pipe that carries storm water, surface water, drainage, and unpolluted cooling water, but excludes wastewater.

**Superintendent:** The duly authorized agent, or his designee, acting on behalf of the Board of Water Commissioners of the Leicester Water Supply District.

**Suspended Solids:** Solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are not removable by laboratory filtering. Suspended solids are referred to as nonfilterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater."

**System Development Charge:** A fee assessed under M.G.L. c. 83 § 17, to property that has not had a "betterment assessment" levied and now has applied to connect to the municipal system, or to properties that have been assessed a "betterment" but wish an increase in their current total estimated average daily flow volume, as determined by the anticipated usage, by fifty percent (50%) or more, or to a total estimated average daily flow in excess of two hundred and fifty gallons per day (250 g.p.d.), which shall require written approval by the Board. See Article I Definitions Betterment; and Article II Building Sewers (Service Connections) Section 4, Connections Costs.

**Wastes:** Substances in liquid, solid or gaseous form that can be carried in water.

**Wastewater:** The spent water of a community. May be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

**Wastewater Treatment Works:** Any arrangements of devices and structures used for treating wastewater.

**Wastewater Works:** All structures, equipment and processes for collecting, pumping, treating, and disposing, of wastewater.

**Watercourse:** A channel in which a flow of water occurs, either continuously or intermittently.

**Water Commissioners:** Shall mean the Board of Water Commissioners of the Leicester Water Supply District who according to the By Laws have the general direction of the affairs of the District and have the duty of making such Rules and Regulations as may be necessary for the operation of the District.

## ARTICLE II BUILDING SEWERS (SERVICE CONNECTIONS)

### **Section 1. Prohibitions:**

Building sewers shall be constructed by the Leicester Water Supply District Board licensed drain layers only. No person may uncover, connect to, open, use, alter, repair, or disturb a public sewer or sewage works without a connection permit from the Superintendent. Any person proposing a new discharge of wastewater into a public sewer or an increase in their current total estimated average daily flow volume, as determined by the Superintendent based on the anticipated usage, of fifty percent (50%) or more, or by two hundred and fifty gallons per day (250 gpd) or more, or to a total estimated average daily flow in excess of two hundred and fifty gallons per day (250 g.p.d.), or any change in the character of pollutants in an existing discharge, must notify the Superintendent at least forty-eight (48) hours before such proposed discharge or change, except, in emergency cases, as determined by the Superintendent. No person may break, cut, connect to, or remove any part of the public sewer without written (permit) permission. Building sewers shall connect to the existing connection branches unless the Superintendent approves an alternative manner.

### **Section 2. Connection Permits:**

There are three classes of connections permits:

- (A) Residential connection permits
- (B) Business/Commercial connection permits
- (C) Industrial connection permits.

Applications shall be made on a special form furnished by the Leicester Water Supply District Sewer Department. Included with the Connection Permit is a notification to the Plumbing Inspector and Health Agent that work that could affect the sanitary sewer is to commence and that they are authorized by the applicant to review the property to determine if further work would be required. This "Notice" shall in no way negate the need for a "Plumbing Permit" issued by the Plumbing Inspector or any Health Department Permit that may be required. Completed applications shall be forwarded to the Superintendent of the Leicester Water Supply District for approval.

All industrial permits and permits for average daily flows in excess of 1,000 gallons per day (including residential) require approval from the Board of Water Commissioners. It is noted that all Industrial sewage generated in the Leicester Water Supply District is treated at the wastewater treatment facility.

### **Availability of Capacity:**

Notwithstanding the provisions of Article IV, Section 3, Required Connection to the Public Sewer, of these regulations, the amount of the Leicester Water Supply District sewer service capacity available to an Owner or Applicant including residential, business, commercial, and/or industrial applications shall be equal to:

The presently available discharge capacity (average daily flow) permitted in the discharge requirements of the Leicester Water Supply District.

LESS: The actual average daily effluent flow to that system for the previous twelve (12) months.

LESS: The anticipated daily effluent flow to that system from fifty percent (50%) of the unconnected properties that have an existing equitable entitlement.

LESS: The projected average daily effluent flow of previously approved connections to that system that are not yet connected.

These figures indicating the Availability of Capacity shall be on file and available at the office of the Leicester Water Supply District. The Water Commissioners reserve the right to limit future proposed connections based on the above formula.

### **Section 3. Connection Costs:**

#### **System Development Charge (Connection fee)**

For existing residential properties, a System Development Charge shall be paid by owners of single residential dwelling units prior to connection to the sewer system. Upon payment of the System Development Charge, existing single residential dwelling units shall be allowed to discharge a maximum of two hundred and fifty gallons per day (250 gpd). The System Development Charge shall be assessed as indicated below, and paid at the time of application.

For new residential construction, a System Development Charge shall be paid to gain a municipal sewer service of less than two hundred and fifty gallons of effluent flow per day (250 gpd) for a single lot area consistent with the zoning requirements at the time of the fee assessment, which is not to exceed two hundred feet (200') from the existing or proposed street line. The System Development fee(s) shall be assessed as indicated below, and must be paid in full prior to the Sewer Department's signing of the "Application for Building Permit."

No two (2) properties shall utilize the same municipal service granted through payment of a System Development fee without written approval from the Board of Water Commissioners.

Requests for new connection to the public sewer that extend beyond the parameters outlined above shall require written approval from the Board of Sewer Commissioners and shall be subject to System Development Charges as indicated below. Determination of eligibility shall be at the sole discretion of the Board of Water Commissioners and subject to any usage limitations that may be set by the Board.

Where conditions that may affect wastewater use, such as in the case of:

- (v) a change in the use of property that was in existence at the time of the assessment of the System Development Fee.
- (vi) any reconstruction, extension, structural change or alteration of a structure or an expansion of the use of property that may effect wastewater use, which use was not in existence at the time of System Development Fee assessment,
- (iii) the establishment of any use in an area greater than two hundred feet (200') from the established street line at the time of System Development Fee assessment,

the proponent shall apply to the Board of Water Commissioners for a determination as to whether such activity is reasonably anticipated to increase the wastewater effluent flow by an estimated average daily flow of more than fifty percent (50%), or by two hundred and fifty gallons per day (250 gpd) or more, or to a total estimated average daily flow in excess of two hundred and fifty gallons per day (250 gpd), as determined by the anticipated usage. If the Board of Water Commissioners approve such connection or continued connection, the parcel(s) may also be subject to System Development Charge(s) and limitations of wastewater usage.

**Residential Costs**—Each single residential dwelling unit shall be assessed a minimum of \$5,500.00\*. Additional charges, beyond the basic \$5,500.00\*, shall be applied to all properties with more than one dwelling unit, and shall be reviewed and assessed by the Board on an individual basis.

**Business/Commercial/Industrial/Dormitories/School Facilitie/churches/etc** — The assessed fee for commercial and industrial installations, shall be determined by the Commissioners based on the Title 5 requirements at the rate of Twelve Dollars (\$20.00\*) per gallon and shall be payable to the Leicester Water Supply District before connection is approved by the Commissioners.

#### **Connection Permit and Inspection Fees**

The fee, under M.G.L. c. 83 §24, for connecting a building sewer with a public sewer shall be:

|                     |                          |
|---------------------|--------------------------|
| Residential         | \$150.00* per connection |
| Business/Commercial | \$500.00* per unit       |
| Industrial          | \$1,000.00* per unit     |

### **Pump Station Maintenance Fee**

A minimum pump station maintenance fee of \$38,500.00\* must be paid prior to the acceptance by the Board as part of the P.O.T.W., as allowed M.G.L. c. 83, §1. (\*See note page 13)

### **Section 4. Notification to Health Agent and Plumbing Inspector:**

As part of the permitting process when the "Application for Connection to the Municipal System, is issued for any work on a building sewer, service connection, or for the removal of the septic tank, the Plumbing Inspector and the Health Agent, will be notified of the work and may review the property to ensure that all sanitary codes are being complied with. Additional charges may be assessed for their services.

### **Section 5. Sewer Connection Permit Time Limit:**

A sewer connection permit shall be valid for no more than sixty (60) calendar days from date of issuance. If the building drain is not connected to the public sewer within sixty (60) days, the connection permit shall continue to be valid only if the Superintendent confirms in writing that there has been reasonable cause for delay, such as the need for additional work on the building drain or interior plumbing and in such case the property shall be assumed to be connected and billing of sewer use charges shall thereupon commence.

### **Section 7. Creation of System Capacity:**

In the absence of system capacity, the applicant for any new connection(s) shall be required to create new capacity or remove/reduce existing flow from the sewer system proportionate to ten (10) gallons of sewage for every one (1) gallon anticipated for new construction or a new use. To satisfy this requirement the applicant may remove, with written permission from the Board, five (5) documented infiltration and/or inflow sources to be accredited, on a case by case basis, for every one (1) residential connection, or it's equivalent, for new construction or a new use. The Applicant shall provide documentation to the Board, for its approval indicating compliance with the "ten-for-one" or "five-for-one" requirement(s) before connection permit is issued.

### **Section 8. Changes to a Permitted Connection:**

Wastewater connection permits are issued to all properties at the time of connection to the municipal system for an intended purpose and anticipated flow rate at the time of issue. After the property is connected to the system, if a new, relocated or larger-capacity connection is proposed for such property, or there is to be a change in the use of such property or any structure thereon to provide for a new use or an expansion of an existing use or any reconstruction, extension, structural change or alteration of a structure on such property, and such change or activity is reasonably anticipated to increase the volume of total estimated average daily flow by fifty percent (50%) or more, or in excess of two hundred and fifty gallons per day (250 gpd), as estimated by the Superintendent based on the anticipated usage, above the prior calendar year, or the last actual operational year, then the connection or continued connection of such property shall require the written approval of the Board of Water Commissioners, which approval shall not be unreasonably withheld. The Board shall also determine whether the connection or continued connection is subject to a System Development Charge. Failure to adhere to limitations set by the Board shall be subject to fines as listed in Article VII Penalties, Section 2. Fines.

### **Section 9. Incidental Cost and Indemnification:**

All costs incidental to the installation and connection of the building sewer to the public sewer, and the inspection by the Superintendent or his designee, shall be borne by the property owner or owner of the building. In either case, the owner shall indemnify the District from any loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer.

**Section 10. Separate Building Sewers (Service Connections) Required:**

A separate and independent building sewer shall be provided for every building, unless otherwise approved by the Superintendent. In cases where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered one building sewer, if approved by the Board, and the owner of the front lot grants a recordable easement to the owner of the rear lot allowing such connection. The District will not assume any responsibility for damages caused by any such connection.

**Section 11. Existing Building Sewers:**

When connecting to the municipal sewer system, existing building sewers may be used for buildings only when the Superintendent, or his designee, finds through examination and/or testing that the existing building sewers meet all requirements of these regulations. The applicant shall pay for the costs of the examination and tests.

**Section 12. Connection to the Building Drain:**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. If the building drain is too low, or the public sewer system is too high, to allow wastewater to flow by gravity to the public sewer, then the wastewater shall be lifted by a means approved by the Superintendent and discharged to the gravity public sewer system. Approved lifting devices shall be installed and maintained by the Owner. Said lifting devices shall be limited to less than two (2), within one thousand linear feet (1,000 l.f.) of each other, except in cases of severe prohibition(s), which shall require written permission from the Board. No building sewer may be laid parallel to or within three (3) feet of any bearing wall, except as approved by the Superintendent. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or properly curved pipe and fittings. A manhole or cleanout shall be installed where there is a change in direction of ninety (90) degrees or more, or as required by the Superintendent. A frame and cover may be required to be installed at each manhole or cleanout as the Superintendent determines. Cleanouts or manholes shall not be covered except by naturally occurring materials. A cleanout in the building drain shall be located a minimum of six (6) inches above the basement floor.

**Section 13. Prohibited Connections:**

No person shall connect roof downspouts, exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer which discharges to a sanitary sewer. Any business, commercial, or industrial establishment, residence or building found to have any of the above-mentioned connections, shall immediately eliminate said connection, regardless of when the connection was made, or be subject to fines outlined in Article VII Section 2, Fines. Any flow source not requiring treatment shall be permanently diverted away from the sanitary waste system and disposed of according to the requirements of the Board or Officer having jurisdiction. If a reinspection is refused, or an extraneous flow source(s) attached to the sewer system is discovered upon reinspection, then a fine, as specified in Article VII, shall commence immediately and shall remain in place until either the source is shown to be permanently removed, and the reinspection is allowed.

**Section 14. Method of Pipe Laying and Backfilling:**

The size, slope, alignment, and materials of construction of a sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling, and paving of the trench shall all conform to the requirements of the Leicester Water Supply District, the building and plumbing codes, and other applicable rules and regulations of the District. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (ASTM) and in Water Pollution Control Federation (WPCF) Manual of Practice

No. 9 shall apply. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District, or the procedures set forth in current specifications of the A.S.T.M and WPCF Manual of Practice No. 9.

All such connections shall be made gastight and watertight. Special appurtenances to prevent the backflow of wastewater may be required if deemed necessary by the Superintendent. Any blasting required shall be done by a person licensed to perform blasting in the Commonwealth, and only after receiving a blasting permit from the Leicester Fire Department. The applicant shall submit Certificates of Insurance in the sum of \$100,000 to cover General Liability, including bodily injury and property damage, and \$300,000 for explosion, collapse, or underground damage coverage (XCU). Any deviation from the prescribed procedures and materials must be approved in writing by the Superintendent, or the Board before installation, denoting the grounds for such deviation. New and replacement sanitary sewage systems shall be designed to not allow infiltration.

**Section 15. Notification and Inspection of Work:**

The applicant for the building sewer permit shall notify the Superintendent at least twenty-four (24) hours prior to the start of an approved installation, unless a emergency exists, as determined by the Superintendent, and with a "Dig-Safe" number being issued. Also, the applicant shall notify the Superintendent that the building sewer is ready for inspection and connection to the public sewer, prior to actual connection. The applicant shall connect all sanitary sewer discharges to the building sewer. The connection to the public sewer shall be made under the supervision of the Superintendent or an appointed representative. All connections shall be made in the approved manner. No caps and/or plugs are to be removed without explicit orders, and under the direct supervision of the Superintendent or his designee. The existing septic tanks must be pumped, crushed when and where reasonable, filled with stone, and then inspected by the Superintendent or his designee before any approval can be granted. When leaching fields are encountered the Health Agent shall be notified. No backfilling of any trench shall be made without the approval of the Superintendent. The property may be inspected by the Plumbing Inspector, the Health Agent or their designee, to assure compliance with all applicable Plumbing and Health code requirements.

**Section 16. License for Drain Layers:**

Drain layers must obtain a license from the District before performing any work. Licenses shall be issued for one calendar year commencing annually on January 1<sup>st</sup>. The names of individual licensed drain layers are to be listed in an order as determined by the District. A \$200.00\* annual fee will be required with the completed license application. The applicant will supervise and be responsible for all work performed under the license. The applicant must also submit a bond, cash deposit or certified check for \$10,000\* and three letters of recommendation. The insurance policy as required under Article II, Section 14, may not be canceled without thirty (30) days prior written notice by registered mail to the Superintendent. Such insurance shall indemnify the District against all claims, liabilities, or actions for damages incurred in, or resulting from or in any way connected with the drain layer's performance, or by reason of any acts or omission(s) of said drain layer in the performance of said work. If insurance or bond is canceled or expires the drain layers license shall immediately become void.

**Section 17. Licensee Not to Allow Use of Name by Another:**

No person duly licensed to construct building sewers and other private sewers, and make connections with public sewers, may allow his name to be used by any other person for the purpose of obtaining permits, or for doing work under his license. Licenses are issued to individuals only, not to companies. More than one person may be listed on an individual license at the discretion of the Board of Water Commissioners. Building sewer installation work may only be performed by drain layers licensed by the Board. Applicants for permits to do such work must be licensed drain layers, or the property owners.

**Drain Layer Permit Restrictions**—A drain layer may not have more than three (3) connection permits outstanding without written permission from the Superintendent. The permit shall be available for inspection at the site of work. Drain layers may install building sewers only during normal working hours of



the Sewer Department. Emergency working hours may be approved by the Superintendent or the Board, on an individual basis.

**Section 18. Wastewater Metering:**

If a user is not connected to the public water supply, or if connected has additional water from a private source entering the system, and is connected to the public sewer, then said user shall install and maintain a water meter, at his expense, from which the District may monitor the use of the sewer from outside the building. The type of meter and the method of installation shall be acceptable to the Water and Sewer Department. In the absence of a water meter, a sewer use fee shall be assessed, for Residential, Commercial, Industrial units as per 310 CMR 15.203, (Title V).

**Section 19. Annual Fee:**

The Board of Sewer Commissioners may from time to time establish just and equitable annual charges for the use of public sewers and the wastewater treatment works. This annual fee shall be assessed and paid quarterly by every person with a connection to the public sewerage system. The money received may be applied to the costs for operation and maintenance of the wastewater works or any debt contracted for sewerage purposes. There will be an administrative fee charged of \$150.00 per account for the processing of liens for unpaid sewer usage charges.

**Section 20. Non-Sewer Use Water:**

The Board, after receiving a written request from a user, may credit the user for disposal charges associated with water that is not discharged to the wastewater collection system from his property (e.g. outside watering, filling swimming pools.). The volume of non-sewer use water must be measured with a second (2<sup>nd</sup>) water meter, or other means that is acceptable to the Water Department and the Superintendent. Said second (2<sup>nd</sup>) meter shall be permanently connected (hard plumbed) to the domestic water system, after the existing water meter, to service only those waters not entering the public sewer system. The second (2<sup>nd</sup>) meter shall be inspected by the Superintendent and the plumbing inspector, or their designee(s). The user will receive a credit on his user charge bill for non-sewer use water. All water meter and plumbing costs shall be borne by the user. A portable water meter is available, subject to certain restrictions, from the Water Department on a limited temporary basis to those users who do not have a permanent non-sewer use water meter. The District is responsible for reading and reporting the meter readings quarterly. Readings and requests for abatements shall be submitted in writing to the Water Department prior to the end of each quarter, and are subject to corroboration by the Department, prior to consideration of the abatement. Consideration for non-filed, forgotten or non-current years' use requests shall not be honored. Approved abatements will be credited during the users next billing cycle, following the Board's action. During periods where the Water Manager has restricted outside water use, no abatements will be granted.

**\* Said fees may be reviewed and adjusted from time to time by the Board.**

### ARTICLE III EXTENSIONS OF PUBLIC SEWERS

#### **Section 1. Prohibitions:**

No person shall extend, uncover, connect to, open, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining written notification of the Board's permission, with the exception of a single residential connection, which may be permitted by the Superintendent. Permission for sewer extensions may be denied at the sole discretion of the Board.

Furthermore, Sewer extensions and certain connections can not be constructed until a permit is received from DEP. Permit fees and requirements are published by the DEP, referenced by the application categories in the following table:

| <b>DEP Permit Application Categories</b> |  |
|--|--|
| BRP WP 13                                | Major Sewer Extension or extensions with new pump station(s)           |
| BRP WP 14                                | Minor Sewer Extension; or connection with pump station                 |
| BRP WP 17                                | Major Sewer Connection (>50,000 g.p.d) No Industrial                   |
| BRP WP 18                                | Minor Sewer Connection (between 15,000 and 50,000 g.p.d) No Industrial |
| BRP WP 55                                | Any Industrial Wastewater  |

#### **Section 2. Notification and Review:**

Any person proposing an extension of the public sewer shall notify the board at least forty-five (45) days prior to the proposed beginning of construction. Included with this notification shall be two sets of construction plans and specifications in sufficient detail to allow the Board to determine whether or not the proposed extension of the public sewer complies with both the technical provisions of this regulation and good sanitary engineering practice. The plans and specifications shall be stamped by a registered professional engineer. It is recommended that any person proposing an extension of the public sewer submit a preliminary conceptual design for tentative approval by the Board. If not acted upon, said "conceptual approval" shall expire six (6) months after the date of the approval, unless an extension is granted in writing by the Board, and a new submission of application for "conceptual approval" shall be necessary. If deemed necessary by the Board, the Board's engineer shall review the definitive plans and specifications, at the expense of the owner/contractor/applicant (Contractor). For extensions serving residences, the cost of engineering services shall be paid in full before review or final approval of plans is given. The engineering review fee for residential extensions shall be as a minimum \$250.00 \* for a single or double residence, with each additional residence assessed as a minimum \$100.00\* per residence. The engineering review fee is not to exceed the actual cost of services plus an additional ten percent (10%)\* administrative fee. The engineering review fee for business/commercial or industrial properties is to be set by the Board on an individual basis, with an additional ten percent (10%)\* administrative fee. After written final approval has been granted, if the Board deems that sufficient construction has not been accomplished within two (2) years from the date of final approval, and a written extension from the Board has not been granted, then said approval shall automatically expire. A new submission of application for approval shall be required.

#### **Section 3. Incidental Cost and Indemnification:**

All costs incidental to the installation and connection of the public sewer shall be borne by the Contractor. The Contractor shall indemnify the Town from any loss or damage that may directly or indirectly be caused by the installation and connection of the public sewer.

**Section 4. House Service Connection Required:**

A separate and independent house service connection shall be provided between the sewer main and the property line for each separate piece of property which the public sewer abuts, unless otherwise approved by the Superintendent.

**Section 5. Inspection during Construction:**

During construction there must be a full-time qualified inspector, approved by the Board, unless otherwise waived by the Board, to inspect the work for its conformance with these regulations, with the approved plans and specifications, and with good sanitary engineering practice. All costs related to the engineering inspection shall be borne by the Contractor and shall be paid prior to the issuance of the permit. The costs related to the engineering inspection shall be set by the Board, with an additional ten percent (10%)\* administrative fee.

**Section 6. Record Drawings:**

Within thirty (30) days of construction completion, the Contractor must submit to the Board one set of reproducible as-built record drawings. The drawings shall show the actual in-place plan and profile of the public sewer, as well as house service connections. Three (3) location ties shall be provided for each manhole and house service. Depths of house service shall also be provided.

**Section 7. Public Safety and Property Restoration:**

All excavations for sewer installation shall be adequately guarded by the Contractor with barricades and lights, or a police detail may be required, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent of Streets and/or the Sewer Superintendent. When deemed necessary by the Police Chief, the Board, or the Superintendent, uniformed police officers shall be on-site for safety purposes at the expense of the owner. When it is deemed necessary by the Board of Water Commissioners or the Superintendent to close off a street, the Town's Fire Department and Police Department shall be notified in writing no later than twenty-four (24) hours in advance, except in the case of an emergency. A street opening permit shall be obtained from the Town at least seventy-two (72) hours before opening the street, except under emergency conditions as determined by the Superintendent and approved by the Leicester Police Department.

**Section 8. Qualifications of Contractor:**

Whenever public sewers are to be constructed, the Board, as it deems necessary, may investigate to determine the ability of the Contractor to perform the work. Prior to beginning work, the Contractor's qualifications shall be approved by the Board. The Contractor shall furnish to the Board all such information the Board may request, including but not limited to bonding capability, proof of insurance, references, resumes, and a list of equipment to be used. The Board reserves the right to reject the Contractor if the evidence submitted fails to satisfy the Board that he is properly qualified to complete the work as proposed. As a minimum, the Contractor shall have been engaged in the mainline public sewer construction business for at least three (3) years; shall have good references; shall have adequate equipment to complete the work; shall have personnel experienced in mainline sewer construction; and shall be bondable for the full amount of the estimated construction cost.

\* Said fees may be reviewed and adjusted from time to time by the Board.

## ARTICLE IV USE OF THE PUBLIC SEWERS

### **Section 1. Unlawful Discharges to the Leicester Water Supply District Sewer System:**

It is unlawful to deposit, discharge, or otherwise dispose of domestic wastewater, industrial wastes, or other wastes in the District sewer system, except according to these regulations and any special or additional requirements imposed by the Leicester Water Supply District.

### **Section 2. Unlawful Discharges to Natural Outlets:**

It shall be unlawful to discharge any domestic wastewater, industrial wastes, or other wastes to a natural outlet without first obtaining any necessary Federal, State, and Local discharge permits and performing proper treatment subject to the approval of the Board.

### **Section 3. Required Connection to Public Sewer:**

Owners of houses, buildings, or properties abutting a street, alley, easement, or right-of-way in which a public sewer is located, or may in the future be located, may be ordered by the Town's Board of Health (acting under Title 5, 310 CMR, SEC. 15.02 and M.G.L. c.83, §11) to connect to such public sewer for the disposal of domestic wastewater, with the approval of the Board of Water Commissioners.

### **Section 4. Disposal of Unpolluted Waters:**

No person shall discharge or cause to be discharged to the sewer system, either by gravity drain or by pump, any unpolluted waters such as storm water, surface water, sump pump discharge, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Private sewers shall be maintained so as to preclude the entrance of excessive amounts of infiltration and inflow. If it is determined by the Superintendent that excessive amounts of infiltration/inflow are entering the public sewer from a private sewage collection system, the owner shall be responsible for determining the cause and for making all necessary repairs to the system, to the Superintendent's satisfaction. All work shall be done by a Contractor experienced in sewer rehabilitation work and acceptable to the Superintendent. Televising of the private sewer lines and submission of TV logs shall be required if determined necessary by the Superintendent.

### **Section 5. Industrial Wastewater:**

Persons, including industries, who desire to discharge industrial wastewaters to town facilities shall make their requests in writing to the Board, after obtaining written approval from either the Leicester Water Supply District depending upon which facility will be treating the waste. In addition to information furnished to the Leicester Water Supply District, the Board may require the applicant to furnish analyses of the proposed wastewater discharge to determine its acceptability for discharge into the Abington sewer system. If violations of the Board's rules and regulations cause damages to Municipal (Leicester Water Supply District) facilities, or result in a need for additional treatment, then the violating person or industry shall reimburse the District for the costs of repairs or additional treatment.

### **Section 6. Prohibited Wastes and Local Limits:**

No person shall discharge, cause discharge, or allow to be discharged into any sewer under the control of the Board, any substances that have been identified by the District and/or the community to which the wastes are sent for treatment, as likely to, either singly or by interaction with other substances:

- A. Harm either the sewer system or the wastewater treatment process;
- B. Pass through, cause interference with, or be otherwise incompatible with the treatment process, including sludge disposal;
- C. Cause a violation of any Federal or State permits issued to the wastewater treatment facilities;
- D. Affect receiving waters adversely, or violate the receiving waters' water quality criteria;
- E. Endanger life, limb, or public property; or

F. Constitute a nuisance.

**Specific Local Limitations for Discharges:**

No person shall admit, without the prior written approval of the Board, into the public sewers any water or wastes having or containing:

- A. Concentrates of suspended solids greater than 350 mg/l, by weight (such as, but not limited to, fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- B. Concentrations of BOD greater than 300 mg/l, by weight.
- C. Concentrations of total kjeldahl nitrogen greater than 85 mg/l, by weight.
- D. Concentrations of phosphorus greater than 20 mg/l, by weight.
- E. An average daily flow of greater than two percent (2%) of the average daily sewage flow of the Town.
- F. Toxic pollutants designated and listed in 40 CFR 401.15.

The discharge of the following materials is prohibited without the prior written approval of the community to which the wastes are to be sent for treatment:

- A. Mercury;
- B. PCBs;
- C. Pesticides, including, but not limited to, Dieldrin, Chlordane, 4-4 DDT, Demeton, Endosulfan I, Endosulfan II, Endrin, Guthion, Heptachlor, Malathion, Methoxychlor, Mirex, Parathion, Acrolein, Aldrin, Tetrachlorodiphenylethane (TDE), DDE, Hexachlorocyclohexane, Lindane, BH Hexachlorocyclopentadiene, and Toxaphene.
- D. No person shall discharge into the sewer system any waters of wastes containing materials included in, but not limited to, the following list, in concentrations that exceed the following:

| <b>Material</b>  | <b>Daily Average Limit (mg/l)</b> |
|--|-----------------------------------|
| Antimony (total)   | 10.0                              |
| Arsenic (III) (total)  | 0.5                               |
| Boron (total)  | 5.0                               |
| Cadmium (total)  | 0.1                               |
| Chromium (hexavalent)  | 0.1                               |
| Copper (total)   | 1.5                               |
| Cyanide (total)  | 0.5                               |
| Lead (total)   | 0.4                               |
| Nickel (total)   | 1.0                               |
| Selenium (total)   | 5.0                               |
| Silver (total)   | 2.0                               |
| Zinc (total)   | 1.0                               |
| Chromium (total)   | 1.0                               |
| Chlorinated Naphthalenes   | 0.8                               |
| Fluoranthene   | 1.5                               |
| Hexachlorobutadiene  | 3.0                               |
| Pentachlorophenol  | 0.05                              |
| Phenol   | 5.0                               |
| Phenolic Compounds (as defined herein)   | 0.5                               |
| TTO (any one Toxic Organic not elsewhere limited in these regulations may not exceed 1.0 mg/l) | 5.0                               |

**Specific Local Septage Regulations:**

**Municipal Permit Requirements**—No entity or person shall discharge, cause discharge, or allow to be discharged, directly or indirectly, into the sewer system any septage, unless approved by the Board.

**Industrial Septage**—No person shall discharge, cause discharge, or allow to be discharged, directly or indirectly, into the sewer system any septage that includes industrial waste, unless the user has obtained written permission from the Board and from the community to which the wastes are to be sent for treatment.

**Specific Local Variances:**

Notwithstanding the limitations set forth in these regulations, a special variance or amendment to an existing permit between the District and the user may be issued whereby a waste of unusual character or strength may be accepted, if the Board determines that unusual or extraordinary circumstances compel such special terms and/or conditions. As a separate and additional requirement, such variance or amendment will be issued only when both the opinion of the Board and written approval of the authorities of the municipality to which the waste is to be sent for treatment agree that the waste would not have any deleterious effect on the system, such as causing interference with or disruption to the treatment works, or causing a violation of the National Pollutant Discharge Elimination System (NPDES) permits or State water quality criteria or standards. In no case shall a discharge be approved which would exceed the limits established by a National Categorical Pretreatment Standard.

A user seeking a variance should submit a written request to the Board in the form of an updated permit application that includes written approval from the municipality to which the waste is to be sent for treatment and documentation of the exceptional circumstances that the user believes would justify a variance. The Board will treat the request as an application for a new permit.

**National Pretreatment Standards:**

All users of the sewer system shall comply with the most stringent of current National Pretreatment Standards as set by the EPA, state, or local requirements, or the limits contained in 360 CMR 10.024. Upon the promulgation of National Pretreatment Standards for the particular industrial category, it will be the responsibility of the user to comply with all applicable requirements under the Act and under subtitles C and D of the Resource Conservation and Recovery Act. Users within those industrial categories shall submit to the Town all reports required by 40 CFR 403.12.

**Specific Prohibitions:**

The following discharges are specifically prohibited:

- A. Groundwater, storm water and surface waters, including but not limited to, roof and surface runoff, and subsurface drainage.
- B. No water from pools, reservoirs, or cellars shall be drained into any sanitary sewer either by gravity or pump
- C. Non-contact cooling water and non-contact industrial process waters, or uncontaminated cooling water and uncontaminated industrial process water.
- D. Fuel oils, crude oils, lubricating oils or any other oils, or greases, of hydrocarbon or petroleum origin, in excess of fifteen milligrams per liter (15 mg/l).
- E. Any liquids, solids, or gases that, by their nature or quantity, are or may be sufficient, either alone or by their interaction with other substances, to cause fire or explosion, or to damage or degrade the sewerage system or receiving waters in any other way. At no time shall a reading on an explosion hazard meter exceed ten percent (10 %) of the lower explosive limit of the substance, when sampling at the point of discharge to the sewer, or at any point therein. Substances regulated hereby include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides and methyl ethyl ketone and any other substances which the Board, DEP, or EPA has notified the user is a fire hazard or a hazard to the sewer system or receiving waters.

- F. Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to prevent entry into the sewers for maintenance and repair.
- G. Waters or wastes that have a pH lower than 5.5 or higher than 9.0, or that have other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewer systems, and personnel. If National Pretreatment Standards promulgated by the EPA impose more stringent standards, affected users must comply with the more stringent limitations.
- H. Waters and wastes that adversely affect the ability of the treatment facilities to dispose of wastewater residuals in an environmentally sound and economic manner, in accordance with applicable State and Federal requirements.
- I. Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer system, including but not limited to, sand, mud, metal, glass, wood, plastic, improperly shredded garbage, rubber, latex, lime or other slurries, grease, animal guts or tissues, bones, hair, hides or fleshings, whole blood, entrails, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, rags, spent grains, spent hops, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, or from glass grinding or polishing wastes.
- J. Liquids or vapors having a temperature higher than 82 degrees Centigrade, or 180 degrees Fahrenheit, unless the Board approves alternative temperature limits. In no case shall heat be allowed in such quantities that it may cause the temperature of the influent at the wastewater treatment facilities to exceed 40 degrees centigrade, or 104 degrees Fahrenheit.
- K. Waters or wastes containing fats, wax, grease or oils not specifically prohibited elsewhere in this Ordinance, in excess of 100 mg/l or containing other substances which may solidify or become viscous at temperatures between 32 degrees and 180 degrees Fahrenheit, or 0 degrees and 82 degrees Centigrade. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible floating oils, fats and greases. The use of chemical or physical means to bypass or release fats, oils, and greases into any sewer is prohibited.
- L. Waters or wastes containing amounts of toxic or objectionable metals or non-metals in excess of the limits contained herein, designated by the Board, or in the Sewer Use Discharge Permits. Such designation shall be made in accordance with the criteria contained in these regulations.
- M. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by Federal or State regulations.
- N. Wastewater treatment facility sludge.
- O. Substances exerting or causing turbidity or discoloration in such quantities as to change noticeably the color of the wastewater at the sewage treatment facilities, including but not limited to, dye waters and vegetable tanning solutions.
- P. Slugs as defined herein.
- Q. Hazardous waste or wastewater resulting from treatment of hazardous or toxic wastes, as designated under state or federal law, and discharged to the sewage system by dedicated pipe, truck, or rail.
- R. Discharges containing pathogenic organisms in such quantities as determined by appropriate Local, Federal and/or State officials to be a hazard to public health.
- S. Filter backwash from industrial pretreatment processes or wastewater treatment plants unless specifically authorized by the Board.
- T. Any substance which will violate any NPDES and/or state permit, or the receiving water quality standards, or otherwise violates any Federal or State law, regulation, or administrative rule.
- U. Wastewater originating from outside the town unless approved in writing by the Board, and by other authorities having jurisdiction.
- V. In no case shall a substance discharged to the system cause the Board, or any receiving facility, to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed

under Section 405 of the Clean Water Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or State criteria applicable to the sludge management method being used. In no case shall a substance discharged to the sewer system cause the Board, or any receiving facility, to incur additional expense for the handling, treatment, or disposal of wastewaters of sludge because of the nature or characteristics of the discharged substance.

- W. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than the limitations imposed under these regulations for sources in the subcategory, shall immediately supersede the limitations imposed hereunder. The user shall be responsible for all applicable reporting requirements under Section 9 of this Article. State requirement and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those set forth in these regulations.

#### **Section 7. Industrial Sewer Discharge Permit:**

All industrial users shall obtain an Industrial Sewer Discharge Permit. All new facilities or facilities under new ownership shall obtain an Industrial Sewer Discharge Permit before connection or as a condition of continued connection to the public wastewater collection system. Industrial users required to obtain an Industrial Sewer Discharge Permit shall complete and file with the District an application in the form prescribed by the District.

Proposed new users shall apply at least ninety (90) days prior to connecting or contributing to the Sewer System. Permits shall be issued for a specific time period, approved by the receiving municipality, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. An industrial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of the permit may be subject to modification by the Board during the terms of the permit as discharge standards or requirements are modified or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Industrial Sewer Discharge Permits are issued to a specific user for a specific operation. An Industrial Sewer Discharge Permit shall not be reassigned or transferred to a new owner, a new user, different premises, or a new operation without the approval of the Board.

#### **Section 8. Disposal of Prohibited Wastes:**

If any waters or wastes, which contain characteristics of prohibited wastes as outlined in these regulations, are discharged, or are proposed to be discharged, to the public sewers, then the Board may:

- A. Reject the waters or wastes.
- B. Require pretreatment of the wastewaters or wastes to modify them to an acceptable condition for discharge to the public sewer system.
- C. Require control over the quantities and rates of discharge of the wastewaters or wastes (equalization), and/or
- D. Require payment to cover the added cost of handling and treating the wastewaters or wastes

If the Board permits the pretreatment or equalization of wastewater or waste flows, then the design and installation of the plants and equipment shall be subject to the review and approval of the Board, and subject to the requirements of all applicable codes, ordinances, and laws, and the rules and regulations of the Board. Any costs involved with such reviews shall be paid by the person requesting the permit. The applicant shall maintain and operate pretreatment and equalization facilities at his own expense.

#### **Section 9. Pretreatment Requirements:**

All categories of users subject to Categorical Pretreatment Standards and requirements are required to submit to the Board records and reports as required and defined by 40 CFR 403.12 and State regulations, and to



comply with Sections (A), (B), and (C), below, and to any other reasonable requests for information from the Board. All industrial users are required to submit information regarding Sections (D) through (Q) below. All reports submitted to the Town must be signed by a responsible corporate officer of a corporation, a general partner of a partnership, the sole proprietor of a sole proprietorship, or a duly authorized representative of an individual. Such reports are to include, but are not limited to:

- A. Baseline Report, including compliance schedule, is due within one hundred and eighty (180) days after the effective date of an applicable Categorical Pretreatment Standard, or one hundred and eighty (180) days after the final administrative decision made upon a category determination submission under 40 CFR 403.6 (a) (4), whichever is later.
- B. Report on compliance with Categorical Pretreatment Standard deadline is due within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new user following commencement of introduction of wastewater into the POTW.
- C. Periodic reports on continued compliance are due during the months of June and December, unless required more frequently by the Board or in the Categorical Pretreatment Standard.
- D. Notice of slug loading or any other potential problem or condition of violation. The industrial user must submit the following information within two (2) hours of becoming aware of the violation (if this information is provided orally, a written submission must be provided within five (5) days):
  1. A description of the discharge and cause of the violation;
  2. The period of the violation, including exact dates and times. If not corrected, the anticipated time the violation is expected to be corrected;
  3. Steps being taken and/or planned to reduce, eliminate, and prevent the recurrence of the violation.
- E. Continuous pH measurement records, if user stores, uses, or discharges any materials with a potential to alter the pH of the sewer discharge to a degree of violation. Users that have a potential discharge waste with a pH lower than 5.5, greater than 9.0, or having any other corrosive properties, will be required to install a holding tank at their own expense so that the Town or its agent may take representative sampling of the effluent for analysis. A primary flow measurement device must be installed in such a manner that it is the final collection point for waste before joining sanitary discharge points entering the Town's sewer system.
- F. Records pertaining to changes in the level or nature of business activity, production capacity, staffing, or other activity that significantly alters the amount of wastewater produced, or the characteristics of the discharge.
- G. Records of on-site storage (inventories) for all toxic or hazardous substances present at the facility, including the type and maximum quantity for each material located on the premises.
- H. Records of generation rates and disposal shipments for all special and hazardous wastes, including residual substances produced or concentrated by any wastewater pretreatment systems or processes.
- I. Training records and other documentation of qualifications for all personnel involved in the handling of hazardous wastes, special wastes, and pretreatment systems or processes.
- J. Purchasing records and logs for certain materials that have a bearing on the proper operation and maintenance of any wastewater pretreatment system. Such materials may include purchased acids, bases, polymers, filtration aids, media replacement cartridges, etc. The Town may also request the documentation of material throughout for any compounds or substances determined to be of particular concern because of interference, inhibition, pass-through, toxicity or safety to the public treatment works, the workers, or the environment.
- K. Water consumption records, such as meter readings, log books, line drawings, and process schematics that describe the water using processes, the water sources, and the final discharge

- points for water, including an itemization of water used in sanitary processes, cooling, or product uses.
- L. Water treatment additive dosage calculations and records, particularly any toxic additives, such as biocides and anti-fouling agents.
  - M. Wastewater collection and treatment operation and maintenance records.
  - N. Records of any related permits, such as direct discharge permits for cooling water disposal or hazardous waste permits.
  - O. Laboratory analysis records of effluent discharged into the POTW and any materials hauled off site for resource recovery or disposal.
  - P. Records of any and all enforcement actions, notices of violation, compliance schedules or pretreatment system approval letters.
  - Q. Documentation of design flows, capacities, rated efficiencies and settings for all pollution control devices and systems, including, but not limited to, the wastewater pretreatment system components such as pumps, tanks, mixers, clarifiers, filter presses, centrifuges, pH meters, recorders, flow meters and primary flow measurement devices.

Any industrial user subject to the reporting requirements established in this Article shall be required to maintain for a minimum of three (3) years all records of monitoring activities and results and shall make such records of monitoring activities available for inspection and copying by the EPA and the Board. The period of retention shall be extended during the course of any unresolved litigation in which the industrial user is involved.

Information and data obtained from reports and other information supplied by any category of users shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge trade secrets or secret processes. Any user or industrial user able to make that demonstration is entitled to have those portions of reports and other requests for information, which would reveal trade secrets and secret processes, withheld from the public but other governmental entities may receive such information upon written request. Wastewater constituents and characteristics will not be recognized as confidential information under any circumstances.

#### **Section 10. Grease, Oil, and/or Sand Interceptors:**

Grease, oil, and/or sand interceptors shall be provided in all floor drains from garages, filling stations, restaurants, cleaning establishments and when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing floatable material in excessive amounts, or any flammable wastes, sand, or harmful ingredients. Such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the Board, and shall be located where they can be readily and easily accessible for cleaning and inspection. The installation and material cost of such grease, oil, and/or sand interceptors shall be the responsibility of the property owner producing the waste discharge.

Grease interceptors shall be designed and constructed in accordance with Title V of the State Sanitary Code, and oil interceptors shall be constructed and installed in accordance with Massachusetts Plumbing Code. Both shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. For establishments that utilize less than two hundred and fifty gallons of water per day (250 g.p.d.), grease interceptors shall be of a size and type approved by the Superintendent. For establishments that utilize over two hundred and fifty gallons of water per day (250 g.p.d.) grease traps shall have a minimum capacity of one thousand (1,000) gallons. All traps shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Deviations from the above requirements shall require written approval from the Board.

Grease interceptors shall be cleaned at least every three months, unless otherwise approved by the Superintendent. Evidence of cleaning shall be submitted with the user's quarterly user charge payment. Failure to submit cleaning documentation may result in a fine (See Article VII).

Installation of a grease trap shall require the installation of an inspection manhole, immediately downstream of the grease trap, which shall be used to confirm the serviceability of the grease trap.

**Section 11. Compliance Requirements:**

The Board may require a user of the sewerage system to provide information needed to determine compliance with this ordinance. These requirements may include, but are not be limited to:

- A. Wastewater peak discharge rate and volume over a specified time period.
- B. Chemical analyses of wastewaters.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. A plot plan of sewers of the user's property showing sewer and pretreatment facility locations.
- F. Details of wastewater pretreatment facilities.
- G. Details of systems to prevent and control the loss of materials through spills to the municipal sewer.
- H. When preliminary treatment or flow equalizing facilities are provided for any wastewaters or wastes, they shall be maintained continuously and satisfactory in effective operation by the owner at his expense.

**Section 12. Control Structures for Industrial Discharges:**

When required by the Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater or wastes. Such structure, when required, shall be constructed in accordance with plans approved by the Board. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times to the District personnel.

**Section 13. Sampling and Analyses:**

All measurements, tests, and analyses of the characteristics of wastewaters to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and EPA test methods listed in 40 CFR 136 or suitable procedures adopted by the EPA, and shall be determined at the control structure provided, or from suitable samples taken at said control structure. In the event that no special structure has been required by the Board, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls from an individual discharger is appropriate or separate samples should be taken.) The frequency of sampling shall be established by the Board on an individual basis.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board and/or other duly authorized employee of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Board. Upon request by the Board, such records shall be made available to other agencies having jurisdiction over the discharges to the receiving waters. Any costs involved in examination and tests shall be paid by the individual industry. The Board may check these tests as necessary.

**Section 14. Alternative Requirements:**

If any industrial wastewaters contain the substances or possess the characteristics enumerated in Article IV of these regulations, then the Board may:

- A. Modify the Industrial Sewer Discharge Permit;
- B. Require pretreatment to modify the wastewater to an acceptable condition for discharge.
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover the added cost(s) of handling and treating the wastes, or incurred for procedures as stated in Article IX; and/or
- E. Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable Pretreatment Standards and Requirements.

**Section 15. Dilution:**

It shall be illegal to meet the requirements of this ordinance by diluting wastes in lieu of proper treatment.

**Section 16. Sewer User Fees:**

Charges for the treatment of sewage from residential and commercial users shall be based on a formula established by the Board of Water Commissioners as authorized by the Massachusetts General Laws, Chapter 83, Section 16. Currently, the formula assesses costs based strictly on water use, however the formula may be reviewed annually by the Board of Sewer Commissioners. The annual cost to be paid on a quarterly basis to the District, shall be based on both a charge for fixed costs and a charge for operation and maintenance. For Industrial use the annual cost, in addition to a minimum fee not less than the residential rate, may include charges imposed by the municipality to which the waste is to be treated: a minimum annual fee will be determined for these items based on a sewerage fee schedule established by the Board, and subject to periodic review and revision.

## ARTICLE V PROTECTION FROM DAMAGE

**Section 1. Vandalism:**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with, any structure, appurtenance, or equipment that is part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and a fine not to exceed Three Hundred Dollars (\$300.00)\* for each incident.

**Section 2. Trespass:**

No unauthorized person may enter or remain in or upon any land or structure of the sewerage works. Any person violating this provision shall be subject to charges of trespass.

**Section 3. Flood Plain Construction:**

In reviewing all proposed municipal sewer facilities to be located in the Flood Plain Wetlands Protection Zone established under the Leicester Zoning By-Law and in areas identified by the Federal Insurance Administration as having special flood hazards, the Board of Sewer Commissioners shall require new and replacement municipal sanitary sewerage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

**Section 4. Tree Planting Prohibition:**

It shall be unlawful for any person to plant or maintain any shrub, bush, tree or similar plant in such proximity to a public sewer that the roots thereof in any manner obstruct or damage the proper functioning of said sewer, or appear likely to do so.

**Section 5. Blasting:**

Blasting for excavation will be permitted only after securing approval of the Leicester Fire Department and only when proper precautions are taken for the protection of persons and property, including the District's sewerage works. Any damages caused by the blasting shall be repaired by the Contractor at his own expense

to the satisfaction of the Superintendent. The Contractor's methods of procedure and blasting shall conform to all applicable State laws and municipal ordinances.

## ARTICLE VI POWERS AND AUTHORITY OF INSPECTORS

### **Section 1. Permission for Inspection:**

The Board of Water Commissioners, and other duly authorized representatives of the Board bearing proper credentials and identification, shall be vested with the authority and responsibility to enforce these regulations, and to make determinations with respect to the actual or potential illegal or improper discharge, inflow or infiltration of storm water, surface water, groundwater, roof runoff or subsurface drainage into the public sanitary sewer system.

The Board, and other duly authorized representatives of the Board bearing proper credentials and identification, shall be permitted to enter at reasonable times, without prior notification, all business/commercial, industrial and residential properties for the purpose of inspection, observation, measurement, repair, maintenance, sampling, and testing in accordance with these regulations. The Board or their representatives may inquire into metallurgical, chemical, oil, refining, ceramic, paper, or other industrial activity bearing on the kind and source of discharge to the public sewers, natural outlets, or sewerage works.

### **Section 2. Entry on Easements:**

The Board, and other authorized agents of the District bearing proper credentials and identification, shall be permitted to enter upon all private properties through which the District holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance, and testing of any portion of the sewerage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

**\* Said fees may be reviewed and adjusted from time to time by the Board.**

## ARTICLE VII PENALTIES

### **Section 1. Written Notice:**

Any person found to be violating any provision of these regulations, except Article V, shall be served by the District with a written notice by certified mail stating the nature of the violation and a reasonable time limit for the satisfactory correction thereof. The offender shall permanently cease all violations within the period of time stated in such notice. The Superintendent, at his discretion, can order an immediate cease and desist of discharge to the public sewers.

### **Section 2. Fines:**

Any person who continues any violation beyond the time limit provided for above, whether intentionally or accidentally, may be assessed a civil penalty of up to Five Thousand Dollars (\$5,000.00)\* per day of violation. In addition, any violation of these regulations shall be punishable by a fine of Fifty Dollars (\$50.00)\* per day. Each day in which any such violation shall continue shall be deemed a separate violation for purposes of both the civil penalty and fine provisions of this Section.

Failure to clean grease interceptors on a quarterly basis may result in a fine of Three Hundred Dollars (\$300.00)\* per violation. Exceeding daily Pretreatment Standards shall be deemed a separate violation as each effluent characteristics listed in Article IV of these regulations or regulations by federal or State Categorical Pretreatment Standards.

Any person found to be in violation of Article II Building Sewers (Service Connections), Section 13, named Prohibited Connections of these regulations, in excess of thirty (30) calendar days from the time of notice to correct the violation, and without a written extension from the Board of Water Commissioners shall receive a fine of fifty dollars (\$50.00)\* per day until the violation is shown to be removed and proven to be remedied.

Any property found to be in violation of the average daily flow capacity limitations imposed by the Board, shall be subject to a fine of one thousand dollars (\$1,000.00)\* and a surcharge, at three times (3X)\* the current usage rate each quarterly billing period for all wastewater usage above the allocated amount. Said limitations are based on the average daily flow during the quarterly billing period. Said fine and surcharge shall become part of their sewer usage bill and subject to the interest and lien penalties of their usage bill.

**Section 3. Drain Layers:**

Any licensed drain layer who violates these regulations, or who does not perform in a satisfactory manner, as determined by the Board, shall be subject to penalties. The degree of penalties shall depend on the severity of the violation as determined by the Board, and shall range from a verbal warning to revocation of license. In addition, fines shall be assessed in an amount determined by the Board, based upon the severity of the incident.

**Section 4. Liability:**

Any person violating any of the provisions of these regulations shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation. In addition, if such violation results in any expense, loss or damage occasioned by the Leicester Water Supply District and/or the Town of Leicester, said violators shall become liable for any additional fines that may be imposed by the Leicester Water Supply District and/or the Town of Leicester,

**Section 5. Suspension of Treatment Service:**

The Board may suspend a wastewater treatment service or an Industrial Sewer Discharge Permit in order to stop an actual or threatened discharge that may endanger the health or welfare of persons or the environment, may cause interference to the POTW, or may cause the District treating the waters to violate any condition of its NPDES Permit, any Federal or State law, regulation, or administrative rule or order. Any person notified of a suspension of a wastewater treatment service or an Industrial Sewer Discharge Permit shall immediately cease discharge. Failure to comply with the suspension order may be cause for immediate severance of the sewer connection, to prevent damage to the POTW system or endangerment to any individuals. Costs related to such severance shall be the responsibility of the owners. The Board shall allow reinstatement of the Industrial Sewer Discharge Permit or the wastewater treatment service upon proof of the elimination of the non-compliant discharge. The user shall submit to the Board within fifteen (15) days of the date of occurrence, a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

**Section 6. Cause to Revoke Permit:**

Any user who violates the following conditions of these regulations or applicable State and/or Federal regulations, is subject to having their permit revoked, after a hearing before the Board.

- A. Failure of a user to report the constituents and characteristics of its discharge
- B. Failure of a user to report significant changes in operations or wastewater volume, constituents and characteristics
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring
- D. Violation of conditions of the permit
- E. Violation of these Sewer Use Regulations

**Section 7. Legal Action:**

At any time the District Counsel may take appropriate legal action in order to halt a discharge in violation of these regulations, the POTW's NPDES Permit, or any Federal or State law, regulation, or District's

administrative order, or to enforce any provision of these regulations. In exercising its authority to halt or prevent discharges or to enforce penalties, the Board will follow the guidelines of 40 CFR 403.8.

**Section 8. Liens**

The Board, pursuant to filing a certificate of acceptance of conditions for the issuance of a sewer discharge lien with the Worcester County Registry of Deeds, may place a lien upon the property or premises for which Sewer Users Charges, Service Charges, fees, penalties, or other related expenses are more than sixty (60) days overdue. Notwithstanding such lien, any overdue Sewer Use Charges or Service Charges may be collected through any legal means.

**Section 9. Fraud:**

Any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these regulations, or Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations, shall be penalized according to the established enforcement and penalty provision of these regulations.

**Section 10. Publication of Violators:**

At least once a year, the Board will publish a list of industrial users that significantly violated Pretreatment Requirements during the previous twelve (12) months. A significant violation is a violation that remains uncorrected for forty-five (45) days after notification of noncompliance, which is part of a pattern of noncompliance over a twelve (12) month period, which involves a failure to report noncompliance, or which resulted in the Board exercising its emergency authority under Article VII Section 1 Written Notice of these regulations.

**Section 11.** Any person violating any provisions of these Rules and Regulations shall become liable to the Water District for any expense, loss or damage occasioned the Water District by reason of such violation.

- A. For penalties for non-payment of bills; refer to Article 4, Section 1 and 2 of the Water Rules and Regulations.

## ARTICLE VIII WATER DISTRICT RESPONSIBILITY

**Section 1.** The Water District shall not be responsible for any inconvenience or damage due to breakdowns or stoppages outside of the definition of Sewer or Sewerage.

## ARTICLE VIII SEWER BILLS

**Section 1** See Article 3, Section 1 of the Water Rules and Regulations.

\* Said fees may be reviewed and adjusted from time to time by the Board.

## ARTICLE X VALIDITY

**Section 1. Conflicting Regulations:**

All regulations or part of regulations in conflict herewith are hereby repealed.

**Section 2. Severability:**

The invalidity of any section, clause, sentence or provision of these regulations shall not affect the validity of any other part of these regulations, which can be given effect without such invalid part or parts.

**ARTICLE XI  
REGULATIONS IN FORCE**

These regulations shall be in full force and effect from and after their passage, approval, and publication as provided by law.

Any rules and regulations consistent with these regulations may be adopted and/or amended by the Board in conformance with Section 10, Chapter 83 of the General Laws of the Commonwealth of Massachusetts.

Any and all Leicester Water Supply District previous sewer use regulations are to be repealed upon adoption and implementation of these regulations.

Revised, passed and adopted at a duly authorized meeting of the Board of Water Commissioners, of the Leicester Water Supply District, State of Massachusetts held on the Eighth day of September 2004.

**BOARD OF WATER COMMISSIONERS  
LEICESTER, MASSACHUSETTS**

Robert F. Wilson, Chairman

Leonard S. Gabrila Commissioner

J. Donald Lennerton Jr. Commissioner

,

Witnessed By:

Frank W. Lyon, District Clerk

A true copy, ATTEST:



**APPENDIX A  
LEICESTER WATER SUPPLY DISTRICT  
SPECIFICATIONS FOR LAYING PUBLIC SEWERS,  
BUILDING SEWERS, AND BUILDING DRAINS**

**Materials:**

**1. Pipes**

Polyvinyl Chloride (PVC), Ductile Iron (DI), and Cast Iron (CI), without written approval from the Board for other, are the only types of pipe that may be used. Pipes shall conform to the following specifications:

**A. PVC Sewer Pipe Minimum**

**1.) Gravity Sewers**

The PVC pipe and fittings shall conform to American Society of Testing and Materials (ASTM) Standard specifications for Type PSM PVC Sewer Pipe and Fittings, Designation ASTM D3034 latest revision. The pipe shall have a maximum pipe diameter to wall thickness ratio (SDR) of 35, without written approval from the Board for other. The pipe shall be tested by the flat plate deflection method at a minimum of 45 psi at 5 percent deflection in accordance with ASTM D2412.

**2.) Pressure Sewers**

PVC pressure pipe shall be rated a maximum of SDR 21, without written approval from the Board for other, pressure rated 200 psi with a factor of safety of 2.5 with integral thickened wall bells. Pipe shall be made from clean, virgin approved Class 12454-B PVC compound conforming to ASTM resin specification D1784. The pipe shall be delivered in standard 20-foot lengths. DI Sewer Pipe may be substituted at the discretion of the Board of Water Commissioners.

**B. DI Sewer Pipe Minimum**

The DI pipe shall conform to American National Standards Institute (ANSI) A21.50 American Water Works Association H3 and ANSI A12.51 American Water Works Association C151 and shall be a minimum of Class 52. Fittings shall be Class 150 conforming to ANSI A21.10.

**C. CI Sewer Pipe Minimum**

The CI pipe and fittings shall be extra heavy CI soil pipe with factory-fabricated joints, or other means as approved by the Superintendent, and shall conform to ASTM Standard Specifications A-74.

**2. Crushed Stone**

Crushed stone bedding shall be 3/4-inch in size consisting of acceptably clean stone fragments, crushed from hard durable stone, and washed or screened as required. The crushed stone bedding shall be free from lumps of clay, organic matter, frozen material, construction debris, or other objectionable material, and shall have reasonably even gradation from coarse to fine, in accordance with the Massachusetts Highway Department Standard Specifications for Highways and Bridges specification for Aggregates and related materials M2.010 (Sect. 230.61)

**3. Backfill Material**

Suitable material for trench backfill above the crushed stone shall be material excavated during the course of construction, but excluding debris, pieces of pavement, frozen material, organic matter, top soil, all wet or soft muck, peat or clay, ledge excavation and rocks over six (6) inches in largest dimensions, or any material

which, as determined by the Superintendent, will not provide sufficient support or maintain the completed construction in a stable condition. In certain instances control density fill (CDF) or other as determined by the Superintendent, may be required. Placement of backfill material shall include the working of material to achieve suitable moisture content and compaction to the specified density, in accordance with Massachusetts Highway Department Standard Specifications (Spec. 150.60, backfilling for structures and pipes.)

#### **4. Sewer Cleanout Frame and Cover**

The sewer cleanout frame shall be, as a minimum, approximately eight (8) inches inside diameter, ten (10) inches outside at the top with an inside lip of nine (9) inches, and eleven and one-half (11-1/2) inches at the bottom. It shall have an outside flange at the base for stability that protrudes out one (1) inch from the side of the frame in all directions. The cover shall be clearly marked "SEWER" and shall be approximately eight (8) inches in diameter and two (2) inches deep. The frame and cover shall weigh at least fifty (50) pounds.

#### **5. Manhole Frame and Cover**

All precast concrete manholes shall conform to the ASTM "Specifications for Precast Reinforced Concrete Manhole Sections," Designation D478. The barrel shall be at least forty-eight (48) inches inside diameter with a minimum wall thickness of five (5) inches. The outside of the manholes shall be coated with bituminous damp proofing. Segment flanges or joints shall be sealed with approved "gasket" material. All perforations, whether complete or partial, shall be repaired, filled, with non-shrinking grout and sealed with bituminous damp proofing prior to backfilling. Manhole steps shall be three-eighths (3/8) inch grade 60 steel reinforcing rod encapsulated with molded copolymer polypropylene, or equal. The embedded portion of the steps shall be insulated from the concrete by the manhole manufacturer to prevent deterioration of the metal due to interaction with the concrete. Manhole frames and covers shall be at least Class 25 conforming to ASTM "Standard Specification for Gray Iron Castings," Designation: A48. Manhole frames shall have as a minimum, a clear opening of twenty-six (26) inches. The surface of the cover shall have a pattern with the word "SEWER" cast thereon for sanitary sewers, as manufactured by E. L. LeBaron Foundry Co. #LK-110, with #L26C 2 cover or equal. Watertight manhole covers shall be secured with four (4) stainless steel bolts and have a watertight gasket, as manufactured by E.L. LeBaron Foundry Co. #LAB-268-2, or equal. The frame and cover shall be watertight up to fifteen (15) psi external pressure. Elevations of less than twelve (12) inches from the precast concrete manhole and the roadway shall be accomplished with red clay sewer brick and mortar or other means, as determined by the Superintendent. Elevations greater than twelve (12) inches shall be made with precast concrete riser rings, designed for that purpose.

### **Pipe Installation:**

#### **1. Pipe Diameter**

The minimum interior pipe diameters for gravity building sewers and public sewers shall be six (6) and eight (8) inches, respectively.

#### **2. Preparation of Pipe**

All pipes and fittings shall be carefully inspected before being laid and no cracked, broken or defective pipe or fittings shall be used in the work. The ends of the pipe shall be cleaned with a brush, washed and thoroughly scrubbed where necessary to remove dirt or other foreign material. Care shall be exercised to insure that the inside surfaces of the bell are smooth and free from any projections which would interfere with the assembly of water tightness of the joint.

#### **3. Handling Pipe**

Pipe shall be handled in an approved manner, using slings or other approved devices. No pipe shall be dropped from trucks or into trenches.

#### **4. Laying Pipe**

- A. Pipe shall be laid accurately to line and grade on a minimum of six (6) inches of bedding (crushed stone) in earth, and a minimum of twelve (12) inches of bedding in rock, measured below the outside of the pipe barrel. Crushed stone shall extend up to a point six (6) inches

above the pipe. The stone shall be placed in layers not over six (6) inches thick, and each layer shall be thoroughly compacted by tamping and chinking on each side of pipe to provide uniform support. Impervious material may be required on service connections for a distance ten (10) feet from the inside wall of the foundation to where crushed stone can start.

- B. All work on sewer lines shall be done only by qualified persons or contractors experienced in this kind of work, and they shall carry liability insurance for Personal Injury and Property Damage with the limits satisfactory to the District. Certificates of Insurance shall be in the hands of the Superintendent before work is started. Road permits will be required of every installer of a sewer service in a public way before any work is started. These permits are issued by the Town of Leicester or the State of Massachusetts depending upon the location of the work.
- C. Pipe shall be laid with the spigot end pointing in the direction of the flow.
- D. Joints shall be in accordance with approved factory recommendations. Cement mortar joints will not be permitted. Joints for PVC shall conform to ASTM D3212. Transitions between different pipe sizes shall be accomplished by using flexible eccentric reducing couplings with stainless steel bands equal to "Fernco" couplings.
- E. Completed pipelines shall be free of deviations from grade. Visible leaks, broken pipes, etc., shall be repaired or replaced.
- F. Pipe shall be laid during normal hours of the Leicester water Supply District unless otherwise approved by the Superintendent. Provisions shall be made for plugging with a watertight plug at night or when work is suspended. Sewers shall not be used to carry groundwater from the trench (dewater). The Contractor shall keep all debris, and other material from sewers. He/She shall clean the area on a daily basis and remove all debris, equipment and excess material at the completion of the work, in that area.
- G. When a sewer line is exposed for a connection, the connection shall be made and the sewer line shall be suitably backfilled the same day unless special permission is given by the Superintendent.
- H. Sewers shall be located at least ten (10) feet horizontally from existing water mains, where possible. If it is not possible for absolutely essential reasons, to achieve such separation, then the sewer may be located not less than three (3) feet from a water main, horizontally, provided where possible there is at least eighteen (18) inches vertical separation between the bottom of the water main and the top of the sewer, with the sewer below the water main. When it is impossible to obtain the required separation, the sewer shall be constructed of mechanical joint pipe, or as approved by the Water Superintendent. Any sewer located within six (6) feet of a water pipe shall be constructed of mechanical joint ductile iron, or other, as approved by the Superintendent.
- I. The size, slope and alignment of the sewer shall be subject to the approval of the Superintendent. The installer shall check the elevation of the top of each length of PVC pipe laid at each end and at the midpoint. The midpoint elevation shall be within 0.01 foot of the average elevation of the two ends. The slope of the building sewer shall not be less than one-quarter (1/4) inch per foot, except where approved by the Superintendent.
- J. Pipe shall be placed in accordance with the attached Typical Trench Detail. Whenever necessary to prevent caving during excavation in gravel, sandy soil, or other unstable material, the trench shall be adequately sheeted and braced. Failure to comply with proper applicable OSHA standards with regard to; sheeting, shoring, or bracing shall be cause for a Notice of Violation. All sheeting, shoring and bracing of trenches shall conform to those standard requirements.
- K. Compaction of trenches beneath roadways shall be done using methods approved by the Superintendent. The minimum degree of compaction throughout the trench shall be ninety-two

- (92) percent. Compaction tests will be performed where directed by the Sewer Superintendent, at the expense of the applicant.
- L. The connection of the building sewer to the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no branch is available, a connection may be made by tapping the public sewer by a method approved by the Superintendent. Were possible the Main Sewer line will be cut with solid sleeves inserted on the Main Sewer Line and a "Y" branch installed. Cutting a hole in the public sewer by hand is prohibited. Building sewers must have a "Y" cleanout located ten (10) feet from the building's exterior wall.
  - M. When water is present in a trench, a sump of crushed stone shall be constructed, and water shall be pumped at all times. The trench shall be kept dry at all times during construction. When actual pipe installation is not in progress, the open ends of the pipe shall be closed with temporary watertight plugs or by other approved means. All joints and connections shall be made watertight and gastight.
  - N. Prior to final acceptance, the entire line shall be mandrelled, pressure tested, cleaned and water-jetted to remove rocks and debris and that the Superintendent may require a visual or T.V. inspection be accomplished prior to acceptance. At the manhole downstream of each section being cleaned, the effluent line shall be plugged and that all rocks, debris and water shall be removed and disposed of by the Contractor.
  - O. Rapid changes in elevation of mainline sewer greater than two (2) feet are to be made at drop manholes or as approved by the Superintendent.
  - P. Changes in elevation for service laterals are to be made with vertical extensions (chimneys). Vertical extensions (chimneys) under ten (10) feet, may be made with PVC or other approved pipe(s) and fittings. Vertical extensions (chimneys) over ten (10) feet deep will require that tees and/or wyes affixed to the main line shall be of ductile iron, with mechanical joints, or other as approved by the Superintendent. In either case, the vertical extensions (chimneys), may be of PVC or approved other, and supported and protected by a surrounding layer of crushed stone the length/height of the pipe. The vertical stone shall be held in place by mechanical means (e.g.: "Sono Tube"), or as approved by Superintendent.
  - Q. No sewer service may be installed during the winter months from November 15 to April 15 unless special permission is granted by the Water Commissioners.
  - R. When main sewer trunks are installed at the expense of persons other than the District, said main trunks shall automatically become the property of the districts seven (7) years after date of installation unless said persons choose to relinquish ownership sooner.
  - S. When any change in direction is made in the sewer pipe, either in horizontal or vertical direction, curves shall be used.
  - T. No connection with the sewers at right angles shall be made. All connections shall be slants, at or near the center of the sewer trunk at any angle of not more than forty five (45) degrees.
  - U. In opening any street or public way, all materials for paving or ballasting shall be removed with the least possible injury or loss of the same and together with the excavated material from the trench, shall be placed where that shall cause the least practical inconvenience to the public
  - V. No person as a drain layer shall make any entrance into a sewer, unless he be duly authorized by the Superintendent; and such person shall make good any defects which may appear in any sewer, street, drain, or work done by him, and remunerate the State, Town or District or any person for loss or damage occurring in consequence of any work done under any permit granted him.
  - W. No person permitted by the Superintendent to make connections with sewers shall allow his name to be used by any other person either for the purpose of obtaining permits or doing any other work under his permit.

If the visual inspection of the completed sewer or any part thereof shows any pipe, manhole or joint which allows infiltration of water in noticeable stream or jet, the defective work or material, the problem area shall be replaced or repaired as directed.

After completing installation and backfill of sewer pipe to the satisfaction of the Superintendent, the applicant shall, at his expense, conduct a line acceptance test under the following procedures:

### **Testing of Public Sewer:**

#### **1. Mainline (Gravity)**

- A. After a manhole-to-manhole reach of pipe has been backfilled and cleaned, pneumatic plugs shall be placed in the line at each manhole and inflated to twenty-five (25) pounds per square inch gauge (psig), or as recommended by the manufacturer. Low-pressure air shall be introduced into this sealed line until the internal air pressure reaches four (4) psig greater than the average backpressure of any groundwater that may be over the pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize.
- B. After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall be termed "Acceptable" if the time required in minutes for the pressure to decrease from 3.5 to 2.5 psig (greater than the average back pressure of any groundwater that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

| Pipe Diameter (Inches) | Minutes |
|------------------------|---------|
| 6                      | 5.7     |
| 8                      | 7.5     |
| 10                     | 9.5     |
| 12                     | 11.3    |
| 16                     | 14.2    |
| 18                     | 17.0    |

#### **2. Pressure (Force Main)**

Once the pipeline section has been filled with clean water at normal pressure, all entrapped air removed and disconnected from water supply, the pressure shall be raised to at least fifty (50) pounds per square inch (psi) above the normal working pressure. A special pressure pump shall take water from a small tank of proper dimension to satisfactorily measure the rate of pumpage into the pipeline. This pressure shall be maintained for a minimum of sixty (60) minutes, during which time the line shall be checked for leaks by the inspector. Measured rate of water leakage shall not exceed the values give in the following table:

#### **Allowable Leakage per 1,000 feet or 50 joints**

| Pipe Diameter (Inches) | (Gallons/Hour) |
|------------------------|----------------|
| 4                      | 0.27           |
| 6                      | 0.41           |
| 8                      | 0.54           |
| 10                     | 0.68           |
| 12                     | 0.81           |

If the section of sewer fails to pass the leakage and/or pressure tests, the Contractor shall locate, uncover and repair or replace the defective pipe fitting or joint and retest all at his own expense. Pipe shall be accepted only when the leakage does not exceed the above standards. Approval does not absolve the Contractor from his responsibility if leaks develop later within the period of warranty.

### 3. Manholes

- A. Leakage tests shall be made and observed by a representative of the Sewer Department and the Contractor on each manhole.
- B. After the manhole has been assembled in place, all lifting holes shall be filled and pointed with an approved non-shrinking grout and sealed with bituminous damp proofing prior to backfilling. The test shall be made prior to placing the shelf and invert. If the groundwater table has been allowed to rise above the bottom of the manhole, it shall be lowered for the duration of the test. All pipes and other openings into the manhole shall be suitably plugged.
- C. The manhole shall then be filled with water to the top of the cone section. If the excavation has not been backfilled and observation indicates no visible leakage, that is no water visibly moving down the surface of the manhole, then the manhole may be considered to be satisfactorily watertight. If the test described above is unsatisfactory to the Department's representative, or if the manhole excavation has been backfilled, then the test shall be continued. A period of time may be permitted if the Contractor so wishes to allow for absorption. At the end of this period, the manhole shall be refilled to the top of the cone. After two (2) hours, the manhole shall be refilled to the top of the cone. This amount shall be extrapolated to a 24-hour rate and the leakage determined on the basis of depth. The leakage for each manhole shall not exceed one (1) gallon per vertical foot for a 24-hour period. If the manhole fails this requirement, the manhole will be deemed to have failed the test. It shall then be the Contractor's responsibility to uncover the manhole as necessary and to disassemble, reconstruct and replace it. The manhole shall then be retested and, if satisfactory, all interior joints and those exterior joints within six (6) feet of the surface shall be filled and pointed and sealed with bituminous damp proofing prior to backfilling.
- D. The test may be conducted either before or after backfilling around the manhole. However, if the Contractor elects to backfill prior to testing, for any reason, it shall be at his own risk and it shall be incumbent upon the Contractor to determine the reason for any failure of the test. No adjustment in the leakage allowance made for unknown causes such as leaking plugs, absorption, etc.; i.e., it will be assumed that all loss of water during the test is a result of leaks through the joints or through the concrete. Furthermore, the Contractor shall take any steps necessary to insure that the water table is below the bottom of the manhole throughout the test.
- E. If the groundwater table is above the highest joint in the manhole, and if there is no leakage into the manhole as determined by the Board's representative, such a test can be used to evaluate the watertightness of the manhole. However, if the Board's representative is not satisfied, the Contractor shall lower the water table and carry out the test as described herein above.
- F. Leakage tests for four (4) foot diameter manholes may be made using vacuum testing equipment. This type of test may be used only immediately after assembly of the manhole and only prior to backfilling. The manhole to pipe connection should only be a flexible connector. All lift holes shall be plugged with a non-shrinking mortar and sealed with bituminous damp proofing prior to backfilling. For this test, each four (4) or five (5) foot diameter manhole shall be tested under ten (10) inches of Hg vacuum. The test shall pass if the vacuum remains at ten (10) inches of Hg or drops no lower than nine (9) inches of Hg after sixty (60) seconds for manholes zero (0) to ten (10) feet deep, seventy-five (75) seconds for manholes ten (10) to fifteen (15) feet deep or ninety (90) seconds for manholes fifteen (15) to twenty-five (25) feet deep.
- G. All excess material including dirt, loose concrete, bricks, grit, stones and any other material, shall be removed from all manholes prior to final acceptance by the Board's representative.

### Inspection of Building Sewers and Building Drains

Before acceptance of the completed building sewers and drains, the pipes will be inspected by a representative of the Board. Any imperfections such as cracks, displaced joints, objectionable variations

from line and grade, or leaks shall be repaired at the expense of the applicant, to the satisfaction of the Superintendent.

**Excavation and Patching of Town Highways**

1. During trench excavation, the Contractor shall locate the excavated material so it will not obstruct a traveled roadway or street. All streets and roadways shall be kept open to at least one-way traffic, unless otherwise approved by the Sewer Superintendent, or as directed by the Leicester Police Department.
2. All paving, patching and materials shall meet Massachusetts Department of Public Works Standard Specifications for Highways and Bridges. Asphalt Plant Mix Class I, Type I meeting the specifications shall be used. Plant mix cold patch meeting Massachusetts Department of Public Works specifications shall be used when seasonally necessary but shall be replaced when hot mix material is available.
3. Excavated material shall be replaced or backfilled in layers or courses not to exceed one (1) foot in depth and shall be compacted to satisfactory density by means of vibratory or pneumatic tampers or as otherwise approved by the Board. Unsuitable material shall not be used for backfill.
4. Pavement base material, sand, gravel, crushed gravel and stone shall be replaced and compacted in the same type and thickness as removed from the trench but no gravel base shall be less than twelve (12) inches in thickness. Mixed material from excavation shall not be deemed suitable and must be removed from site.
5. Asphalt pavement thickness shall be the same thickness as removed but shall be not less than (3) inches in thickness and shall be laid in two or more courses according to methods specified by the Superintendent. Cement, concrete or stone block base shall be replaced with cement, concrete of same thickness. At the time of paving, pavement at the sides of trenches shall be a straight line or shall be sawed or cut to a straight line and all loose pavement material shall be removed. On surface treated gravel highways, feathering the edges of patches shall be allowed. No trench patch shall be less than twenty (20) inches in width.
6. The Superintendent may vary the thickness of asphalt paving, substitute other material for cement concrete or stone base, and may require temporary cold patching before streets may be opened to traffic.
7. The person, partnership, firm, corporation, etc. who obtains the permit to excavate in the patch a Town highway shall be responsible for said excavation and patching for a period of three (3) years from date of completion of the original work and may be ordered by the Superintendent at any time during the three (3) year period to improve or replace the work.

## Leicester Water Supply District Regulations For Water Use

RULES AND REGULATIONS GOVERNING THE USE OF PUBLIC WATER AND CONNECTIONS OF BUILDINGS TO THE PUBLIC WATER MAINS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE LEICESTER WATER SUPPLY DISTRICT IN THE TOWN OF LEICESTER, STATE OF MASSACHUSETTS.

Be it ordained and enacted by the Water Commissioners of the Leicester Water Supply District in the Town of Leicester, Massachusetts, that the following are the Rules and Regulations as adopted by the Water Commissioners on January 6, 1968, revised April 14, 1976, revised, August 9, 1986 and April 12, 2001:

### ARTICLE 1

Section 1 The following Rules and Regulations shall be considered a part of the contract with every person who takes water within the Water District or whose property is connected to the sewer system and every person by taking water and having his property connected to the sewer system shall be considered to express his or her consent to be bound thereby.

Section 2 The Water Commissioners reserve the right to alter these Rules and Regulations as provided for under State Law if future needs require such action.

### ARTICLE 2

#### APPLICATIONS FOR WATER AND SEWER SERVICES

Section 1 All applications for the use of water or to connect any private sanitary drain with the public sewer must be made by the owner on forms provided for that purpose by the Water Commissioners. The various uses for which water is to be applied must be fully stated. It shall not be used for any other purpose without previous notice being given and a permit obtained.

Section 2 No work of laying water services or sanitary drains shall be commenced until the application has been submitted by the owner and approved by the Water Commissioners.

Section 3 No water or sewer service may be installed during the winter from November 15 to April 15 unless special permission is granted by the Water Commissioners.

### ARTICLE 3

#### WATER AND SEWER BILLS

Section 1 All Bills for water, including the minimum charge for water furnished by meter and for sewer service shall be paid quarterly. The Treasurer shall render bills January, April, July, and October for the water and sewer for the three months ending the last day of the previous month.

Section 2 Billing of water for a new building shall start when the water is turned on from the main.



## ARTICLE 4

## NON-PAYMENT OF BILLS

Section 1 In every case of non-payment of the water and sewer bills for thirty (30) days after the date of issue, the Commissioners shall cause a written demand to be delivered at the premises where the water is taken and the sewer connection is, and unless the bill is paid within ten (10) days thereafter, the water may be shut off and shall not be turned on until the amount due plus the charge of (\$25.00) for shutting off and (\$25.00) for turning on plus other charges, if any, is paid whether other persons taking water through the same service pipe are delinquent or not.

Section 2 Under Chapter 487 of 1954, water and sewer bills shall automatically become a lien on the property thirty (30) days after the date of issue.

## ARTICLE 5

## RIGHT TO ENTER PREMISES

Section 1 The Superintendent and other duly authorized employees of the Water District bearing proper credentials and identification shall be permitted to enter all properties, which are supplied with water. The Superintendent or his representatives shall have the authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond the point to ascertain the uses that the water is being put to: to read, inspect and repair meters; to examine pipe and fixtures which must be of approved quality and arrangement; and, also to shut off water for non-payment of bills, or for violation of these Rules and Regulations.

Section 2 While performing the necessary work on private properties referred to in Article 5, Section 1 above, the Superintendent or duly authorized employees of the Water District shall observe all safety rules, applicable to the premises established by the company.

Section 3 The Superintendent and other duly authorized employees of the Water District bearing proper credentials and identification shall be permitted to enter all private properties through which the Water District holds duly negotiated easements for the purpose of, but not limited to, inspections, observations, repairs, and maintenance of any portion of the water system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the negotiated easement pertaining to the private property involved.

## ARTICLE 6

## NEW WATER INSTALLATIONS

Section 1 In no case shall the main be tapped larger than 3/4" nor more than once for the same premises unless special permission has been granted by the Water Commissioners.

Section 2 The property owner shall pay for installing the water service from the existing water main to the inner face of the building foundation including corporation cock and box, curb cock and box, where directed, and an approved valve at the inner face of the foundation.

- a) Single family houses and multiple housing connecting into an existing water line or connecting a new water service shall be subjected to a twenty five hundred (\$2500.00) connection fee for each unit or apartment payable to the Leicester Water Supply District upon application to the Commissioners for service.

- b) The connection fee for commercial and industrial installations, dormitories, schools facilities, churches, restaurants etc. shall be determined by the Commissioners based on the Title 5 requirements at a rate of eight dollars (\$8.00) per gallon and shall be payable to the Leicester Water Supply District before connection is approved by the Commissioners.

Section 3 All underground piping must have a minimum cover of 4 ½ feet and be one of the following:

- a) Copper tubing, Type K.
- b) Ductile Pipe class 52 double cement lined pipe.

Section 4 All pipe and valves must be installed according to Water District Specifications. Reasonable time must be allowed for inspections by the Superintendent of the Water District and no backfilling is to be done until the inspection is made. Any work pertaining to water services or water mains that has been covered before inspection by the Superintendent shall be uncovered for the purpose of inspection by the person responsible.

Section 5 All work on water lines shall be done only by qualified persons or contractors experienced in this kind of work and licensed by the Water District to perform such work, and they shall carry liability Insurance for Personal Injury and Property Damage with limits satisfactory to the Water District. Certificates of Insurance shall be in the hands of the Superintendent before work is started. Road permits shall be required of every installer of a water service before any work is started in a public way. These permits are issued by the Town of Leicester or the State of Massachusetts, depending upon the location of the work.

Section 6 When water mains are exposed for connections, the tapping shall be made and the main shall be suitably backfilled the same day unless special permission is given by the Water Commissioners.

Section 7 In all Subdivisions approved by the Town of Leicester Planning Board, the Developer shall furnish and install, as specified by the Water Commissioners, all water pipes, gates, hydrants, service connections, and fittings to make a complete water system. All mains shall be Ductile Iron double cement lined class 52 not less than eight (8") in diameter. The developer shall furnish a bond for satisfactory completion of his project, or before work shall be started. Continuous inspection services may be required at the discretion of the Water Superintendent during the water main installation at the expense of the developer.

Section 8 When water mains 8" or larger are installed at the expense of persons other than the Water District, said mains shall automatically become the property of the Water District seven (7) years after the date of complete installation unless said person chooses to relinquish ownership sooner.

## ARTICLE 7

### REPLACEMENT OF WATER PIPES

Section 1 The Water District will pay for replacing the service pipe from the water main in a public street to the property line.

Section 2 The owner of the premises shall pay for that portion of the service pipe as may be laid within the property line and shall bear the cost of maintaining this pipe at all times.

## ARTICLE 8

## LIABILITY OF THE WATER DISTRICT

Section 1 No damage shall be allowed any taker for shutting off water for the purpose of doing ordinary repairs on pipes, gates, hydrants, and other fixtures or on the main piping system. The Water District, however, will make as reasonable effort to notify customers who will be affected by shut-offs for repairs, except emergencies at the discretion of the Water Superintendent.

Section 2 Steam boilers and hot water tanks supplied directly with water from mains shall be protected with proper safeguards against danger from collapsing, water hammer, backflow or backpressure; however, the Water District shall not be held liable for any damage to the premises in any event.

Section 3 The Water District shall not be liable for any land or lawn damage caused by installation of service pipes, reasonable effort will be made to limit damage caused by installations.

Section 4 The Water District shall not be liable for any damage resulting from dirty water resulting from opening or closing of any gate for repairs, use of hydrants, breaking of any mains or supply lines, or any other reasons.

## ARTICLE 9

## LIABILITY OF PROPERTY OWNER

Section 1 All water takers must have their pipes so arranged that the water can be drawn from them to prevent freezing, and any portion of the water pipe between the stop and waste cock or ball valve and the street which cannot be so emptied, must be properly protected against frost by boxing or other effective means.

Section 2 Persons taking water must keep their water pipes and fixtures in good repair and protected from frost at their own expense, and they shall be held liable for all damage which may result from their neglect. THEY SHALL PREVENT ALL UNNECESSARY WASTE AND WATER SHALL NOT BE LEFT RUNNING TO PREVENT FREEZING.

Section 3 The property owner shall be liable for any damage caused to the water meter.

## ARTICLE 10

## WORK ON OR ALTERATION OF PIPES INSTALL BY THE WATER DISTRICT

Section 1 No work or alterations shall be done on any water pipes or mains installed by the Water District, except by a person authorized by the Water Commissioners.

Section 2 No pumping apparatus shall be used on water mains or services other than the pumping equipment used by Fire Department unless special approval has been granted by the Water Commissioners.

## ARTICLE 11

## CROSS CONNECTIONS

Section 1 Service pipes or fixtures of any description, that are connected with the mains of the Water District, shall not, under any circumstances, be connected with any other source

of water supply unless an approved State cross connection permit is issued and an approved cross connection device installed.

Section 2 All new service line installations shall be equipped with double check valve assemblies after the water meter.

Section 3 Whenever existing water services are replaced double check valve assemblies shall be installed at the expense of the property owner after the water meter.

Section 4 A separate and complete State Approved Cross Connection Control Regulation is added as a supplement to these Rules and Regulations October 10, 1991.

## ARTICLE 12

### USE OF HAND HOSE OR LAWN SPRINKLER

Section 1 The use of one hand hose or One Lawn Sprinkler per house is restricted to two (2) hours in any day, between 6 p.m. and 8 p.m. The water can only be used on the premises of the taker.

## ARTICLE 13

### POOLS AND RESERVOIRS

Section 1 No water from the District shall be used to fill any pool or reservoir until proper application has been made to the Commissioners.

Section 2 Pools and reservoirs shall be filled only when water is available and at the discretion of the Commissioners.

Section 3 Only one hand hose at the site shall be used to fill a pool or reservoir.

Section 4 A fee shall be charged for filling pools and reservoirs according to the rate schedule advertised.

## ARTICLE 14

### EMERGENCY SUPPLY OF WATER

Section 1 There will be no water supplied to any other water department or water district other than for fire protection or a declared emergency.

## ARTICLE 15

### HYDRANTS

Section 1 No person shall shut off, take off caps, or in any way interfere with hydrants except for the legitimate purpose of extinguishing fires without a permit from the Water Commissioners.

Section 2 The Fire Department shall have control of the hydrants in case of fire and for the necessary practices.

Section 3 No person or persons shall use the water from a hydrant without permission from the Superintendent and then only if no other suitable source is available. Any attached

apparatus shall be first approved by the Superintendent. Any amount of water used from a hydrant other than for fire protection or practice shall be metered.

## ARTICLE 16

### ONE TAKER NOT PERMITTED TO SUPPLY ANOTHER

Section 1 No water taker shall supply water to any other persons or families without the consent of the Water Commissioners nor after such permission has been withdrawn.

## ARTICLE 17

### SEPARATE SERVICE FOR EACH PROPERTY

Section 1 Every property shall be served with a separate and distinct service having a shutoff at the street line, except by special arrangements with the Water Commissioners.

## ARTICLE 18

### WATER METERS

Section 1 All water services shall be metered. 5/8" water meters will be supplied and installed by the District at the expense of the homeowner. If a larger meter is required, the owner must supply the meter and pay for the installation, which is to be done under the supervision of the Superintendent or other representative of the Leicester Water Supply District.

Section 2 The Water Commissioners shall approve the kind of water meters which shall be used and reserve the right to have any meter inspected at any time, and to refuse to furnish water through any meter which, upon inspection, may appear to be out of order or inaccurate. All meters will be repaired by the Water District at the owner's expense.

Section 3 All meters and outside registers shall be sealed with copper wire and lead seals bearing the Leicester Water Supply seal.

Section 4 In any case where the seal has been broken on either the water meter or the outside register, other than for repairs, the owner of the property where the meters are installed shall be subject to not less than \$100.00 and not more than \$500.00 fine.

Section 5 Any by-pass or attempt to by-pass the water meter or any attempt to tamper with either the meter, outside register or wire leading to the outside register shall be subject to not less than \$100.00 and not more than \$500.00 fine.

Section 6 A charge of \$5.00 shall be made to replace any seal to the meter or outside register.

## ARTICLE 19

### SHUTTING OFF AND TURNING ON WATER

Section 1 When application is made for shutting off and turning on water in cases of repairs or protection from frost by the owner, a charge will be made according to the rate schedule for shutting off and turning on. No person other than an authorized agent of the Water District shall shut off or turn on any corporation cock, curb cock or main gate without special permission from the Superintendent.

## ARTICLE 20

## VACANCY OF PREMISES

Section 1 If the building is to be vacated for any length of time and especially in the winter, the superintendent should be notified to shut off the water in the street.

Section 2 No abatement shall be allowed unless the water is shut off for three months or more.

## ARTICLE 21

## SERVICES OUTSIDE THE WATER DISTRICT

Section 1 Chapter 171, Acts of 1888, allows the Water District to supply water, if available, to services outside the geographical boundaries, but the Water District cannot install, repair, or replace any materials or furnish any labor to keep these lines in working order. A written agreement shall be required before water can be furnished to such services.

## ARTICLE 22

## MAINS INSTALLED BY OTHERS

Section 1 All future water mains smaller than 8" installed by a person or persons shall not be accepted nor supplied with water by the Water District with the exception of the 6" branches, which supply Fire Hydrants.

## ARTICLE 23

## RESTRICTION ON USE OF WATER

Section 1 The Water Commissioners reserve the right to restrict the use of water whenever a public emergency so requires.

## ARTICLE 24

## PROTECTION FROM DAMAGE

Section 1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, cover, uncover, deface or tamper with any structures, appurtenances, or equipment which is a part of the water works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

## ARTICLE 25

## PENALTIES

Section 1 Any person found in violating of any provision of these rules and regulations except ARTICLE 24, Section 1 shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2 Any person who shall continue any violation beyond the time limit provided for in ARTICLE 25, Section 1, shall be fined in the amount not exceeding fifty (\$50.00) dollars for each violation. Each day in which any violation shall continue shall be deemed a separate offence.

Section 3 Any person violating any provisions of these Rules and Regulations shall become liable to the Water District for any expense, loss or damage occasioned the Water District by reason of such violation.

Section 4 Whenever any of these Rules and Regulation is violated, the water may be shut off from the building or place where the violation occurs, although two or more parties may be receiving water through the same service pipe, and shall not be turned on again, except by order of the Water Commissioners and on payment of the shut off and turn on fees plus any other charges, if any.

#### ARTICLE 26

#### WATER DISTRICT NOT RESPONSIBLE

Section 1 The Water District shall not be responsible for any inconvenience or damage due to breakdowns or stoppages

#### ARTICLE 27

#### VALIDITY

Section 1 All Rules and Regulations or parts of the Rules and Regulations in conflict herewith are hereby repealed.

Section 2 The invalidity of any section, clause, or provision of these Rules and Regulations, shall not affect the validity of any part of these Rules and Regulations, which can be given effect without such invalid part or parts.

#### ARTICLE 28

#### RULES AND REGULATIONS IN FORCE

Section 1 These Rules and Regulations as revised in the first revision on April 14, 1976, second revision on August 9, 1986 shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

Section 2 Third revised Rules and Regulations passed and adopted by the Water Commissioners of the Leicester Water Supply District in the Town of Leicester, State of Massachusetts on this 12<sup>th</sup> day of April 2001 by unanimous vote.

Signed

\_\_\_\_\_  
Leonard S. Gabriela

\_\_\_\_\_  
J. Donald Lennerton Jr.

\_\_\_\_\_  
Robert F. Wilson

WATER COMMISSIONERS

Attest: \_\_\_\_\_ District Clerk  
Frank W. Lyon

Advertised: New Leader May 2,9,16, 2001

2001 REVISED REGULATIONS FOR WATER USE IN THE LEICESTER WATER SUPPLY DISTRICT

RULES AND REGULATIONS GOVERNING THE USE OF PUBLIC WATER AND CONNECTIONS OF BUILDINGS TO PUBLIC WATER MAINS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE LEICESTER WATER SUPPLY DISTRICT IN THE TOWN OF LEICESTER, COUNTY OF WORCESTER, STATE OF MASSACHUSETTS.

Be it ordained and enacted by the Water Commissioners of the Leicester Water Supply District in the Town of Leicester, Massachusetts, that the following are the rules and regulations as adopted by the Water Commissioners on January 6, 1968 and revised April 14, 1976, August 9, 1986 and April 12, 2001.

ARTICLE 4  
NON-PAYMENT OF BILLS

Section 1 a) Delete words "ten dollars (\$10.00)" and replace with "twenty five dollars (\$25.00)".

ARTICLE 6  
NEW WATER INSTALLATIONS

Section 2 a) Delete words "fifteen hundred (\$1500.00)" and replace "twenty five hundred (\$2500.00).

b) Add the words "The connection fee for commercial and industrial installations, Dormitories, schools facilities, churches, restaurants etc. shall be determined By the Commissioners based on the Title 5 requirements at a rate of twelve Dollars (\$12.00) per gallon and shall be payable to the Leicester Water Supply District before connection is approved by the Commissioners.

Section 7 Delete the words " All mains shall be cast iron cement lined pipe or wrought iron cement lined pie not less than six (6) inches in diameter " and replace with " All mains shall be Ductile Iron double cement lined class 52 not less than eight (8") in diameter.

Section 8 Delete the words "six (6) inches" and replace with eight (8) inches".

ARTICLE 11  
CROSS CONNECTIONS

Section 2 Add the words "All new service line installations shall be equipped with double check valve assemblies after the water meter".

Section 3 Add the words "When ever existing water services are replaced double check valve assemblies shall be installed at the expense of the property owner after the water meter".

Section 4 Add the words "A separate and complete State Approved Cross Connection Control Regulation is added as a supplement to these Rules and Regulations October 10, 1991".

ARTICLE 19  
SHUTTING OFF AND TURNING ON WATER

Section 1 a) Delete words "five dollars (\$5.00)" and replace with "twenty five dollars (\$25.00)".



ARTICLE 22  
SMALL MAINS INSTALLED BY OTHERS

Section 1 Replace with the words "All future water mains smaller than 8" installed by a person or persons shall not be accepted nor supplied with water by the Water District with the exception of the 6" branches which supply Fire Hydrants".

RULES AND REGULATIONS IN FORCE

Section 1 These Rules and Regulations as revised in the first revision on April 14, 1976, second revision on August 9, 1986 shall be in full force and effect from and after their passage, approval, recording, and publication as provided by law.

Section 2 Third revised Rules and Regulations passed and adopted by the Water Commissioners of the Leicester Water Supply District in the Town of Leicester, State of Massachusetts on this 12<sup>th</sup> day of April 2001 by unanimous vote.

Signed Leonard S. Gabrila  
J. Donald Lennerton Jr.  
Robert F. Wilson  
WATER COMMISSIONERS

Frank W. Lyon, District Clerk

## W&amp;S INFRASTRUCTURE REVIEW

## APPENDIX A-4

## HR Policies

## Appendix A. Human Resources Policy Check List

|  |   |   |
|--|---|---|
| Job Descriptions & Classification  | Verification of Information on Applications/Resumes           | New Hire Procedures                               |
| Job Descriptions   | Standard Job-Related Interview Questions in a Standard Format | Employee Orientation                              |
| Position Classification System   | Non-Discriminatory Questions                                  | Benefit Election or Rejection                     |
| Position Rating System   | Job-related Testing   | Retirement/OBRA Information                       |
| Massachusetts Pay Equity Evaluation  | Retention of Records of Applications, Interviews              | Payroll Deductions                                |
| Internal & External Job Posting & Advertising Requirements                     | Reference Checks and Corresponding Records                    | Direct Deposit                                    |
| Collective Bargaining Agreement Compliance                                     | DOT Drug Testing Records for CDL Drivers                      | Policy Distribution and Acknowledgement           |
| CORI Requirement Compliance  | Standard Rejection Letters                                    | New Hire Check List                               |
| EEO/AA Statement Compliance  | Conditional Offers of Employment                              | Central File Retention                            |
| Advertising to Outreach to Diverse Populations, Including Disabled and Veteran | Statement of Position, Wages, Title                           | Personnel Files                                   |
| Employment Applications  | Requirements Prior to Employment                              | I-9   |
| Standard Employment Application (SEA)  | Probationary Period Explanation                               | Medical Files                                     |
| Omissions & Inaccuracies Statement Regarding Applications /Resumes             | Union vs. Non-Union, Working Conditions                       | Workers Compensation Files                        |
| Lie Detector Statement   | License Verification  | Injured on Duty Files                             |
| Volunteer History Included on SEA  | Pre-employment Physicals                                      | C.O.R.I. files                                    |
| Employment at Will Statement   | Drug Testing  | Grievance Files                                   |
| Screening Applicants   | Criminal Offender Record Information (CORI)                   | Complaint Files                                   |
| Established Criteria for Screening Candidates                                  | Sex Offender Record Information (SORI)                        | Litigation Files                                  |
|  | Employment Eligibility Verification (Form I-9)                | Proper maintenance of Personnel files and records |
|  |   | Performance Evaluations                           |
|  |   | Performance Appraisal System in Place             |
|  |   | Training for Evaluators                           |
|  |   | Retention of Performance Appraisal Files          |
|  |   | Allowance for Attachment of Rebuttal or Comment   |

## Appendix A. Human Resources Policy Check List

|   |  |   |
|---|--|---|
| Policies & Training   | Vehicle Usage Policy                                   | Employee Assistance Program                         |
| Records of Current and Prior Policies                         | Smoking Policy   | Workers Compensation Program                        |
| Distribution Schedule of Policies                             | Telecommunications Policy                              | Injured on Duty Program for Police & Fire Personnel |
| Training on Policies  | Social Networking Policy                               | Fair Labor Standards Act (FLSA)                     |
| Records of Receipt/Acknowledgment and/or Training on Policies | Use of Personal Cell Phones, Iphones and Other Devices | Exempt or Non- Exempt Status of Positions           |
| Sexual Harassment Prevention Policy                           | Conduct Policy   | 7 day cycle or 28 day cycle                         |
| Discrimination Policy   | Dress Code   | Overtime Calculations Properly Applied              |
| Workplace Safety Policy                                       | Training of Department Heads/Managers/Supervisor       | Tracking of Hours Worked                            |
| Workplace Violence Policy                                     | Complaint Handling                                     | Compensatory Time Rules                             |
| Drug Free Workplace Policy                                    | Supervisory Training                                   | Meal & Break Periods                                |
| Alcohol and Drug Use Policy                                   | Performance Evaluation                                 | Leave Administration                                |
| State Ethics Commission                                       | Progressive Discipline                                 | Attendance Policy Statement                         |
| Conflict of Interest Law Policy                               | Reasonable Suspicion for Drug & Alcohol Use            | Tracking of Leave Usage and Balances                |
| Whistleblower Protection Policy                               | Benefits   | Family Medical Leave Act (FMLA)                     |
| Political Activity Policy                                     | Benefit Election Forms                                 | Small Necessities Leave Act                         |
| Issuance of Municipal Equipment and Property and Receipts     | Dependent Coverage & Documentation of Such             | Sick Leave  |
| Personal Use of Town/City Property Policy                     | HIPAA  | Maternity Leave                                     |
| Personal Leave  | COBRA  | COBRA   |
| Retirement Procedures   | Unemployment   | Vacation Leave                                      |
| Jury Duty   | Life Insurance   |   |
| Exit Interview  | Termination Procedures                                 |   |
|   | Discharge, non-renewal & layoff procedures             |   |
|   | Military Leave Unemployment Assistance Information     |   |

## APPENDIX A-5

## Financial Policies

## APPENDIX A-5. SAMPLE FINANCIAL POLICIES

### A. GENERAL BUDGET POLICIES

- Balanced Budget
- Submission of Budget and Budget Message
- Revenue and Expenditure Forecast
- Position Control/Vacancies
- Labor Contracts/Personnel Policies

### B. ENTERPRISE FUNDS POLICIES

- Self Sufficiency and Rates
- Rate Study

### C. RESERVE FUNDS/FUND BALANCE POLICIES

- Stabilization Funds
- Reserves

### D. CAPITAL IMPROVEMENT PROGRAM AND POLICIES

- Capital Improvement Program Budget
- Capital Improvement Financing Policies
- Capital Improvement Program Process
- Betterment Loans

### E. GRANTS MANAGEMENT POLICIES

- Grant Administration
- Impact on Operating Budget
- Impact on Capital Improvement Program and Debt Management

### F. USER FEES POLICIES

- Fees and Charges

### G. ONE-TIME REVENUES POLICIES

- Use of One-Time Revenue

### H. UNFUNDED LIABILITIES POLICIES

- Pensions/Retirement
- Other Post-Employment Benefits (OPEB)

### I. RISK MANAGEMENT POLICIES

- Risk Management Program

### J. ACCOUNTING/AUDITING/FINANCIAL REPORTING POLICIES

- Annual Audit
- Comprehensive Annual Financial Report
- Monthly Reporting
- Cash Collections
- Reconciling Cash and Receivables
- Cash Flow Forecasting and Budgeting
- Petty Cash

### K. PROCUREMENT AND PURCHASING POLICIES

### L. INVESTMENT POLICIES

- Investment Policy
- Post-Issuance Tax Compliance Procedure

## APPENDIX B

## Moose Hill Documents

## W&amp;S INFRASTRUCTURE REVIEW

## APPENDIX B-1

## Authorizing Agreements



(5)

A Hachmest A

## SUPPLEMENTAL WATERSHED WORK PLAN AGREEMENT NO. 2

between the

Southern Worcester County Conservation District  
Local OrganizationNorthwestern Worcester County Conservation District  
Local OrganizationTown of East Brookfield  
Local OrganizationTown of Leicester  
Local OrganizationMassachusetts Water Resources Commission  
Local Organization(hereinafter referred to as the Sponsoring Local Organization)  
Commonwealth of Massachusetts

and the

Soil Conservation Service  
United States Department of Agriculture  
(hereinafter referred to as the Service)

Whereas, the Watershed Work Plan Agreement for the Upper Quaboag River Watershed, Commonwealth of Massachusetts, executed by the Sponsoring Local Organization named therein and the Service, became effective on the 28th day of September, 1962; and

Whereas, the Supplemental Watershed Work Plan Agreement No. 1 for the Upper Quaboag River Watershed, Commonwealth of Massachusetts, executed by the Sponsoring Local Organization named therein and the Service, became effective on the 29th day of June, 1963; and

Whereas, in order to carry out the watershed work plan for said watershed, it has become necessary to modify said Watershed Work Plan Agreement, as Supplemented; and

Whereas, it has been found necessary to modify the watershed work plan as it pertains to the Shaw site by including municipal water storage for the Town of Leicester within the reservoir, by revising the individual Sponsor's responsibilities, the cost allocation and cost sharing and by including the intent of the Town of Leicester to secure a loan from the Farmers Home Administration; and



(6)

Whereas, it has become desirable to increase the fish and wildlife storage at the Horsepond site by modifying the principal spillway; and

Whereas, it has been found necessary to increase the project installation period from seven to ten years; and

Whereas, a Supplemental Watershed Work Plan which modifies the watershed work plan dated February 1961 for said watershed has been developed through the cooperative efforts of the Sponsoring Local Organization and the Service, which plan is annexed to and made a part of this agreement;

Now, therefore, the Sponsoring Local Organization and the Service hereby agree upon the following modifications of the terms, conditions, and stipulations of said Watershed Work Plan Agreement:

- ① The Massachusetts Water Resources Commission hereby agrees to become one of the local organizations sponsoring said watershed project.
- ② The Town of Leicester hereby agrees to become one of the local organizations sponsoring said watershed project and to assume, jointly with the Massachusetts Water Resources Commission, the responsibilities of the Sponsoring Local Organization as they relate to the Shaw site under Paragraphs Numbered 1, 2, 3 and 9 of the Work Plan Agreement, as supplemented, with respect to land acquisition, water rights, construction costs, and operation and maintenance. The Town of Leicester further agrees to assume the responsibility, as it relates to the Shaw site, of the Sponsoring Local Organization under Paragraph Numbered 4 of the Work Plan Agreement, as supplemented, with respect to engineering services.
- ③ It is agreed that the Town of Leicester's responsibility for carrying out this plan is limited to the Shaw site Reservoir. The Town of Leicester will have no further interest in any subsequent supplements to this plan.
4. Paragraph Numbered 1 is modified to read as follows:

The Massachusetts Water Resources Commission will acquire without cost to the Federal Government such lands, easements, or rights-of-way as will be needed in connection with the works of improvement except for the concrete dike. The Town of East Brookfield will acquire such lands, easements, or rights-of-way as will be needed for the concrete dike. (Estimated cost \$365,709.)
5. Paragraph Numbered 3 is modified with respect to the Horsepond site Reservoir and the Shaw site Reservoir, to read as follows:

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The percentages of construction costs of structural measures to be paid by the Sponsoring Local Organization and by the Service are as follows:

(7)

| <u>Works of Improvement</u>   | <u>Sponsoring Local Organization (percent)</u> | <u>Service (percent)</u> | <u>Estimated Construction Cost (dollars)</u> |
|---|--|--------------------------|--|
| Shaw Multipurpose Structure   |  |                          |  |
| Joint Cost:   | <u>35.7</u>                                    | <u>64.3</u>              | 199,700                                      |
| Specific Cost: (water supply)   | <u>100.0</u>                                   | <u>0</u>                 | 54,000                                       |
| Horsepond Multiple-purpose Floodwater Retarding and Fish and Wildlife Structure |  |                          |  |
| Joint Costs: <u>1/</u>  | 0.63   | 99.37                    | 170,447                                      |
| Specific Costs: - (Modification of Principal Spillway)                          | 50.0   | 50.0                     | 250  |
| <u>1/</u> Construction Completed in 1965.                                       |  |                          |  |

6. Paragraph Numbered 4 is modified with respect to the Shaw site Reservoir to read as follows:

The percentages of the engineering costs to be borne by the Sponsoring Local Organization and the Service are as follows:

| <u>Works of Improvement</u>                 | <u>Sponsoring Local Organization (percent)</u> | <u>Service (percent)</u> | <u>Estimated Engineering Cost (dollars)</u> |
|---|--|--------------------------|---|
| Shaw Multipurpose structure, A & E contract | <u>35.7</u>                                    | <u>64.3</u>              | <u>25,000</u>                               |

7. Paragraph Numbered 5 is modified to read as follows:

The Massachusetts Water Resources Commission will bear the costs of administering contracts (Estimated cost \$15,069.)

8. Paragraph Numbered 9 is modified to read as follows:

The Town of Leicester will provide 33.2 percent and the Massachusetts Water Resources Commission will provide 66.8 percent of the costs for the operation and maintenance of the Shaw site Reservoir. The Massachusetts Water Resources Commission will be responsible for the operation and maintenance of all structural measures by actually performing the work or arranging for such work in accordance with an agreement to be entered into prior to issuing invitations to bid for construction work.

9. Paragraph Numbered 11 is modified to read as follows:

This agreement does not constitute a financial document to serve as a basis for the obligation of Federal funds, and financial and other assistance to be furnished by the Service in carrying out the watershed work plan is contingent on the appropriation of funds for this purpose. Where there is a Federal contribution to the construction cost of works of improvement, a separate agreement in connection with each construction contract will be entered into between the Service and the Massachusetts Water Resources Commission prior to the issuance of the invitation to bid. Such agreement will set forth in detail the financial and working arrangements and other conditions that are applicable to the specific works of improvement.

10. Paragraph Numbered 14 is added to read as follows:

The program conducted will be in compliance with all requirements respecting non-discrimination as contained in the Civil Rights Act of 1964 and regulations of the Secretary of Agriculture (7 C.F.R. Sec. 15.1-15.13), which provides that no person in the United States shall, on grounds of race, color, or national origin, be excluded, from participation in, be denied the benefits of, or be subjected to discrimination under any activity receiving Federal financial assistance.

11. Of the tables referred to in the Watershed Work Plan, Tables 4, 5 and 8A are eliminated and Tables 1, 2, 3, 6, 7, 8 and 9 are replaced by Tables 1, 2, 2A, 3, 4, 5 and 6 (Revised) in the Supplemental Work Plan.

The Sponsoring Local Organizations and the Service further agree to all other terms, conditions, and stipulations of said Watershed Work Plan Agreement as supplemented, not modified herein.

(9)

Attachment B

SUPPLEMENTAL WATERSHED WORK PLAN NO. 2

for the

UPPER QUABOAG RIVER WATERSHED

Worcester, Hampden and Hampshire Counties, Massachusetts

April 1968

SUMMARY OF SUPPLEMENTAL PLAN

This Supplemental Plan provides for more fully developing the water resources potential of the Upper Quaboag River Watershed by adding municipal water and low flow release storage to the Shaw site Reservoir and increasing the volume of fish and wildlife storage in the Horsepond site Reservoir. The installation period will be increased by three years to allow sufficient time to implement the proposed changes in the work plan. There will be no revision of the land treatment measures from the work plan. Only those features of the work plan which have been modified are presented herein.

The installation costs for the structural measures have been revised based upon actual costs for the completed structures (Horsepond, Kittredge, Lamberton, Sucker sites and Floodwall) and 1967 prices for all other structures. Annual flood prevention and changed land use benefits have been updated to 1967 price levels to reflect the increase in value of those facilities producing the primary benefits. Annual costs were amortized over a 100-year period at 3 1/4 per cent interest.

1 CFS = 1.646 MGD  
1/4 CFS = .162 MGD

The municipal water storage in the Shaw site Reservoir will supply the Town of Leicester with 1,500,000 gallons of water daily. The Town's Consulting Engineers estimate that this storage will provide sufficient water for the Town until the year 2000. The low flow release storage in the Shaw site Reservoir will allow a continuous flow of 0.25 cubic feet per second to be released through the dam into Shaw Brook. This flow is approximately equal to the minimum flow recorded immediately below the Shaw site and will assure that this minimum flow will be maintained after the Shaw site Reservoir is installed.

The total installation costs of all structural measures are now estimated to be \$2,440,231, of which P.L. 566 funds will provide \$1,914,278 and other funds \$525,953. Annual benefits from structural measures are \$122,178 with annual costs of \$90,815. The overall benefit cost ratio for the project is 1.3 to 1.0. Secondary benefits of \$8,207 annually are included in the benefits above. The Shaw site Reservoir will have water supply benefits of \$8,718 annually compared to \$6,762 annual costs. Benefits for the low flow release and fish and wildlife resource improvements were considered equal to costs.

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(10)  
The other funds necessary for the installation of the structural measures except for the Shaw site will be provided by the Commonwealth of Massachusetts through special legislation filed in the General Court. The Town of Leicester, through a loan from the Farmers Home Administration, and the Massachusetts Water Resources Commission, through the special legislation, will provide the other funds for the installation of the Shaw site Reservoir.

The Massachusetts Water Resources Commission will be responsible for and will provide 66.8% of the annual cost for the operation and maintenance of the Shaw site Reservoir. The Town of Leicester will provide the remaining annual cost. The Massachusetts Water Resources Commission will also be responsible for the operation and maintenance of all other structural measures included in the plan.

#### WATERSHED PROBLEMS

The Town of Leicester, realizing its growing need for an additional water supply, made a study of potential sources and reservoir sites. The Town presently receives its water supply primarily from deep wells. This supply is distributed through the services of three water districts to certain areas of the Town. The other areas rely on individual wells of uncertain quality and quantity.

In June 1965, the Town obtained a planning loan from the Housing and Home Finance Agency, under the provisions of Public Law 83-560, to finance an engineering study and report relative to the feasibility of providing domestic water supply storage at the Shaw site Reservoir. This study and report was completed in February 1966 and recommended that Leicester participate in the Shaw site Reservoir as this was the only feasible manner of obtaining water both in quantity and dependability. The firm of Sanitary Engineering Associates, Inc., Consulting Engineers, Boston, Massachusetts, made the study for the Town of Leicester. Their report describes the study and recommendations in detail.

The average minimum flow recorded at Moose Hill Road during 1961, 1962, 1965 and 1966 by the U. S. Geological Survey was 0.18 cubic feet per second, with a minimum low flow of 0.01 cfs on 9-13-66.

The Horsepond multiple purpose floodwater retarding and fish and wildlife structure was constructed in 1965. The Massachusetts Division of Fisheries and Game, as part of its management program, made an evaluation study of the completed site. This study found that the present fish and wildlife pool would be greatly enhanced if the depth of the pool were increased approximately three feet.

The silt pool was impounded and a gate added to the principal spillway to permit seasonal manipulation of water levels to enhance waterfowl habitat conditions for food production, nesting areas and hunting areas. The fish and wildlife pool was not designed or constructed to be managed for fish production.

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BASIS FOR PROJECT FORMULATION

(11)

The primary objective of the sponsors for this project is to make maximum practical use of available water resources within the watershed. The changes included in this supplement will be consistent with their objectives.

The Consulting Engineers for the Town of Leicester determined that the Shaw site Reservoir was the only feasible way to obtain water in quantity and dependability. Their study included feasibility investigations of other possible structure sites and the additional use of deep wells for ground water supply. The Shaw site Reservoir is the most feasible, both economically and physically, and will meet the Town's water supply needs until the year 2000.

The Massachusetts Water Resources Commission determined that 60 acre-feet of low flow release storage would be required to maintain a continuous release of 0.25 cfs from the Shaw site Reservoir for a 120 day period each year.

The Massachusetts Division of Fisheries and Game determined that the Horsepond Fish and Wildlife pool would also provide a warm water fishery with the depth increased by approximately three feet. The additional area inundated would increase the area for wildlife habitat and would further enhance the site for waterfowl.

WORKS OF IMPROVEMENT TO BE INSTALLEDSHAW SITE

The Shaw site Reservoir is located on Shaw Brook at the Spencer-Leicester Town line. This site provides for flood prevention, municipal water supply and low flow release.

The Town's Consulting Engineers determined that 800 acre-feet of municipal water storage would provide the needed quantity for water supply. The Massachusetts Water Resources Commission determined that 60 acre-feet of storage would be required for the low flow release. The total reservoir capacity of 2,412 acre-feet will provide 800 acre-feet for water supply, 60 acre-feet for low flow release, 10 acre-feet for the expected 100-year sediment accumulation and 1,542 acre-feet for flood prevention.

The reservoir dam will be of compacted earth fill, 66 feet in height, with a top width of 20 feet and 3:1 side slopes. The upstream face of the dam will be protected by rock riprap. The remainder of the dam will be vegetated. The emergency spillway will be in earth. The principal spillway will be of reinforced concrete with the crest set at approximately Elev. 887 to provide for a total storage of 870 acre-feet. The principal spillway will be modified to allow for the continuous release of the 0.25 cfs. Because of municipal water supply and low flow release included in the structure, the permanent pool will be cleared and grubbed. The rock rip-rap will protect the



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upstream slope of the dam between the maximum and minimum water elevations when the impounded water is withdrawn or released. There will be no other works of improvement for water supply included in this plan. The Town plans to install the necessary pumping plant for removal of the water supply upstream from the dam. (12)

Creation of the reservoir will necessitate the relocation of approximately 0.3 miles of the Moose Hill Road, 450 feet of power lines and one house.

The total estimated installation cost for the Shaw site Reservoir is \$363,136. Of this total, \$144,971 will be provided from P.L. 566 funds, \$52,561 will be provided by the Water Resources Commission, and \$165,604 will be provided by the Town of Leicester.

#### HORSEPOND SITE

An analysis of the final design showed that the existing water level could be raised by 2.7 feet by merely eliminating the low stage inlet in the principal spillway. This modification will reduce the floodwater storage less than two percent and the structure will still furnish the same degree of flood protection as originally planned. Since the Massachusetts Water Resources Commission presently owns the land that would be inundated, no additional land rights would be required. There will be no additional clearing involved and the Massachusetts Division of Fisheries and Game will remove any dead timber.

There will now be 13 acre-feet of sediment storage, 26 acre-feet of fish and wildlife storage, and 1370 acre-feet of floodwater storage in the Horsepond site. The total estimated cost for modifying the existing principal spillway is \$250, to be borne equally by the Service and the Massachusetts Water Resources Commission.

#### EXPLANATION OF INSTALLATION COSTS

The installation costs shown in Tables 1 and 2 include either the actual costs for those structures completed or the estimated costs for those structures remaining to be installed. The costs for the construction of the Shaw site Reservoir and the modification of the Horsepond principal spillway represent an estimate of the cost of each contract for installing each measure. Construction costs were increased by about 12% for contingencies.

Engineering services costs include:

- ✓(1) additional engineering field surveys for final design
- ✓(2) geological investigation of sites and borrow areas
- ✓(3) soil mechanics laboratory tests, and
- ✓(4) preparation of final designs, drawings, plans and specifications.

The estimated engineering services cost for installation of the Shaw site Reservoir include the required consultant engineering and architectural services.

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Land rights costs consist of the value of land, easements or rights-of-way, cost of relocating facilities and legal, survey and other costs associated with their acquisition. The estimated value of land rights costs for the Shaw site was provided by the Town's Consulting Engineer.

Project administration costs include/other administrative costs associated with the installation of the structural measures. These costs include the costs of contract administration, review of engineering plans prepared by consultant engineers and architects, services of a Government Representative on each contract and the necessary layout and inspection service during construction to insure that the structural measures are installed in accordance with the plans and specifications.

The Use-of-Facilities method was used to allocate the installation cost for the Shaw site Reservoir. The cost for the modifications of the Horsepond principal spillway will be borne equally by the Service and the Massachusetts Water Resources Commission.

Sharing of project costs between P.L. 566 funds and other funds is in accordance with the provisions of Public Law 566, 83d Congress, 68 Stat. 666, as amended, and the Policy Statement of the Secretary of Agriculture. The total project costs are estimated to be \$3,310,861. 59.8 percent or \$1,978,514 will be provided from P.L. 566 funds. Other funds will provide \$1,332,347 or 40.2 percent.

The percentages of installation costs allocated to each purpose for the Shaw site Reservoir are as follows:

| Percentages of Cost Allocated by Purpose |                  |              |                  |       |
|--|------------------|--------------|------------------|-------|
| Item                                     | Flood Prevention | Water Supply | Low Flow Release | Total |
| Shaw site                                | 64.3             | 33.2         | 2.5              | 100.0 |

The following costs for the Shaw site Reservoir and the modifications of the Horsepond site Reservoir will be provided as follows:

A. From P.L. 566 funds:

1. Federal share of the construction cost as follows:

- a. 64.3% of the joint construction cost for the Shaw site Reservoir
- b. 50% of the construction cost for the modifications of the principal spillway for the Horsepond site Reservoir.

2. 64.3% of the cost for engineering services for consultant, architectural and engineering service for the construction of the Shaw site Reservoir.
3. The cost for project administration, except for contract administration involved in reviewing engineering plans prepared by consultant engineers and architects, services of Government Representatives for each contract and the necessary layout and inspection services during construction.

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B. The Town of Leicester will provide for the Shaw site Reservoir:

1. 33.2% of the joint construction cost.
2. 100% of the specific construction cost for the clearing of the permanent pool and rip-rap.
3. 47.4% of the cost for about 95 acres of required land to be purchased for the pool area.
4. 47.4% of the cost for relocation or removal of road, powerline and house.
5. 47.4% of survey and legal costs incurred in acquisition of land for the pool areas.
6. 35.7% of the engineering services cost for consultant architectural and engineering services.

C. The Water Resources Commission will provide:

1. 2.5% of the joint construction cost for the Shaw site Reservoir.
2. 52.6% of the cost for about 95 acres of required land to be purchased for the pool area and 100% of the cost for about 15 acres of required land for the dam and emergency spillway for the Shaw site Reservoir.
3. 52.6% of the cost for relocation or removal of road, powerline and house at the Shaw site Reservoir.
4. 52.6% of survey and legal cost incurred in acquisition of land for the pool area and 100% of survey and legal cost incurred in acquisition of land for the dam and emergency spillway for the the Shaw site Reservoir.
5. Costs for administering contracts for installation of the structural measures remaining to be installed.

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An estimate of the total Public Law 566 and other obligations during the revised installation period is listed in the table below:

| Year           | PL 566 Funds | Other Funds | Total     |
|----------------|--------------|-------------|-----------|
| First Five     |              |             |           |
| Land Treatment | 42,434       | 579,446     | 621,880   |
| Structural     | 595,951      | 95,808      | 691,759   |
| Total          | 638,385      | 675,254     | 1,313,639 |
| Sixth          |              |             |           |
| Land Treatment | 8,486        | 115,889     | 124,375   |
| Structural     | 183,982      | 219,893     | 403,875   |
| Total          | 192,468      | 335,782     | 528,250   |
| Seventh        |              |             |           |
| Land Treatment | 8,486        | 115,889     | 124,375   |
| Structural     | 158,744      | 79,654      | 238,398   |
| Total          | 167,230      | 195,543     | 362,773   |
| Eighth         |              |             |           |
| Structural     | 93,702       | 23,876      | 117,578   |
| Ninth          |              |             |           |
| Structural     | 451,960      | 75,163      | 527,123   |
| Tenth          |              |             |           |
| Structural     | 434,769      | 26,729      | 461,498   |
| Grand Total    |              |             |           |
| Land Treatment | 59,406       | 811,224     | 870,630   |
| Structural     | 1,919,108    | 521,123     | 2,440,231 |
| Total          | 1,978,514    | 1,332,347   | 3,310,861 |

#### EFFECTS OF WORKS OF IMPROVEMENT

The Shaw site Reservoir will provide a dependable water supply to furnish the Town of Leicester with the amount of 1,500,000 gallons per day, that will be required by the year 2000. This quantity was based on present population and rates of usage and the projected population within the area to be served by the year 2000. The Town's population growth was rated as over 35% from 1950 to 1960 and has continued for the period 1960-1965. This water supply will serve approximately 14,000 people within Leicester.

The continuous release of water through the Shaw site Reservoir will provide for maintaining the minimum flow of 0.25 cfs in Shaw Brook immediately below the structure. The 60 acre-feet of low flow

- 8 -

release storage will furnish a continuous flow of 0.25 cfs for 120 days each year. Any additional storage required to maintain this flow in extremely dry years will be provided from the water supply pool.

The increase in the depth and area of the Horsepond Fish and Wildlife pool will now provide a satisfactory warm water fishery which will be open to the public. The Division of Fisheries and Game will now also manage and maintain the pool for fishing as well as for wildlife habitat. (16)

In addition, the Shaw and Horsepond site Reservoirs will also contribute the same degree of flood protection as proposed in the original work plan.

#### PROJECT BENEFITS

The direct annual monetary flood prevention benefits have been updated to 1967 values to reflect the increase in value of the facilities producing the primary flood benefits from 1961 when the damage surveys were made. These direct annual monetary flood prevention benefits are now estimated to be \$98,487. Changed land use benefits presently derived from the project are now \$2,929 to Urban-Residential and \$6,011 to Industrial. Total annual indirect flood prevention benefits are \$16,414. The total average annual primary flood prevention benefits are \$107,427.

Secondary benefits were not considered pertinent to economic evaluation from a national viewpoint. The local secondary benefits stemming from this project are considered to be equal to ten per cent of the direct primary project benefits and amount to \$8,207 annually.

The Consulting Engineers for Leicester have estimated that the water supply benefits accruing will be equal to or greater than the allocated cost for the water supply plus operation and maintenance costs. These water supply benefits are estimated to be \$8,718 annually.

The low-flow release waters were included at the request of the Sponsoring Local Organization. The Massachusetts Water Resources Commission estimated that benefits were equal to the costs, and, therefore, are not included in the estimate of annual benefits. Benefits for fish and wildlife improvements were not evaluated and, therefore, neither the cost nor benefits for this purpose are included.

In addition to monetary benefits from flood prevention, recreation, fish and wildlife resource improvement, and water supply, the project will tend to improve public health, increase employment security, lessen hazards to life and property and provide a community sense of security.

The total annual benefits stemming from this project are estimated to be \$124,793.

- 9 -

### COMPARISON OF BENEFITS AND COSTS

The overall benefit-cost ratio for this project is 1.4 to 1.0 with annual benefits of \$124,793 and annual costs of \$90,815. Without secondary benefits of \$8,207, the benefit-cost ratio is 1.3 to 1.0. Flood prevention benefits are \$107,427 annually as compared to an annual cost of \$73,101. Water supply benefits are \$8,718 annually compared to an annual cost of \$6,762.

The annual benefits, annual costs and benefit-cost ratios are shown in Table 6. (17)

### PROJECT INSTALLATION

This plan will be completed as a joint undertaking of private, local, state and federal interests.

Five of the works of improvement from the original work plan have been completed. (These are: Horsepond, Kittredge, Sucker and Lamberton sites and the Floodwall). The remaining structural measures will be installed within the next five years. The installation period was extended by three years to allow sufficient time to complete this project. The Shaw site Reservoir will be constructed during the sixth year. During the seventh year, the Meadow site Reservoir will be constructed, followed by the Rice site during the eighth year. Turkey Hill site will be constructed during the ninth year, with stream channel improvement completing the structural measures during the tenth year. Land treatment measures are scheduled to be completed during the seventh year.

For the remaining structural measures to be installed, close cooperation and specific responsibilities are required of the sponsors and local, state and federal agencies assisting in this project.

### FINANCING PROJECT INSTALLATION

Federal assistance for carrying out the works of improvement will be provided from funds appropriated under the authority of Public Law 566, 83d Congress, 68 Stat. <sup>666</sup>as amended. The financial and other assistance to be furnished by the Soil Conservation Service is contingent upon the appropriation of funds for this purpose.

The Town of Leicester will provide its share of the non-federal funds to install the Shaw site Reservoir through a loan from the Farmers Home Administration.

The Water Resources Commission will provide the non-federal funds as set forth herein through special acts of legislation in the Massachusetts General Court.

## AGREEMENT

Between

THE COMMONWEALTH OF MASSACHUSETTS

and

THE TOWN OF LEICESTER

THIS AGREEMENT, Made this 12th day of December 1972, by the Water Resources Commission, acting in behalf of the Commonwealth of Massachusetts, and the Town of Leicester, under the provisions of Chapter 571 of the Acts of 1962, and Chapter 678 of the Acts of 1968, for the purpose of construction of the multi-purpose floodwater retarding and municipal water supply structure at the Shaw Site within the Upper Quaboag River Watershed project.

## PART I

It is mutually agreed that:

1. The works agreed upon hereinunder are contingent upon the allocation of funds by the U.S. Soil Conservation Service under the provisions of the Federal Watershed Protection and Flood Prevention Act (Public Law 566-83rd Congress, 2nd Session, as amended).
2. The Water Resources Commission of the Commonwealth of Massachusetts shall act on behalf of the Commonwealth of Massachusetts and shall be the contracting authority for the construction of the works of improvement agreed upon.
3. The works of improvement are to be constructed in accordance with the plans and specifications provided through the U. S. Soil Conservation Service; said plans and specifications shall have been approved by both parties to this agreement.





4. All obligations to be in accordance with "Supplemental Work Plan #2 for the Upper Quaboag River Watershed dated September 1968" which work plan is respectfully referred to and incorporated herein.

#### PART II

The Town of Leicester agrees to:

1. Provide 47.4 percent of the costs for land, easements, right-of-way, and relocation or modification of existing facilities, public or private, including all other associated land acquisition costs, necessary for the installation of the Shaw Site.

2. Provide 33.2 percent of the cost of construction works of improvement known as the Shaw Site.

3. Provide 33.2 percent of the costs for the operation and maintenance of the Shaw Site.

4. Deposit funds in advance with the State Treasury, to the credit of the Commission, for the payment of the Town's share of the non-Federal cost of the Shaw Site.

#### PART III

The Commonwealth of Massachusetts agrees to:

1. Deposit funds advanced by the Town of Leicester for the payment of the Town's share of the non-Federal cost of the Shaw site in a special account and expended by the Water Resources Commission without further appropriation. Any unexpended balances remaining in the special account upon the completion of the works of improvement shall be returned to the Town of Leicester.

2. Provide 52.6 percent of the costs for land, easements, right-of-way, and relocation or modification of existing facilities, public or private, including all other associated land acquisition costs, necessary for the



installation of the Shaw Site.

3. Be responsible for the operation and maintenance of the Shaw Site by actually performing the work or arranging for such work to be performed by others.

4. Provide 66.8 percent of the costs for the operation and maintenance of the Shaw Site.

This agreement is signed on behalf of the Town of Leicester as authorized by the voters in Article 9 in a Special Town Meeting held on November 10, 1970.

Certified By:

J. Herbert Williamson  
Town Clerk

Town of Leicester by  
Board of Selectmen

George E. Dugnette  
Chairman

Albert L. French  
Selectmen

James C. Dornell  
Selectmen

Robert D. McNeil  
Selectmen

Matthew T. Brownson  
Selectmen

Approved as to Form

Robert V. Mulken  
Town Council

Town of Leicester

Date: 12-6-72

Authorized by Vote of  
Water Resources Commission  
on December 11, 1972

Commonwealth of Massachusetts  
by

Charles F. Kennedy  
Charles F. Kennedy  
Director and Chief Engineer  
Water Resources Commission  
Division of Water Resources

Certified by:

Isabel Moore  
Secretary to the Commission

James F. Blissett  
Assistant Attorney General

Date: JAN 10 1973

,

## APPENDIX B-2

Leicester-SCS-WRC O&amp;M Agreement

## OPERATION AND MAINTENANCE AGREEMENT

THIS AGREEMENT made on September 22, 1978, is between the Soil Conservation Service, United States Department of Agriculture, hereinafter referred to as the Service, and the following organizations, hereinafter referred to as the Sponsor(s):

MASSACHUSETTS WATER RESOURCES COMMISSION  
TOWN OF LEICESTER

The Sponsor(s) and the Service agree to carry out the terms of this agreement for the operation and maintenance of the project measures in the State of Massachusetts. The project measures covered by this agreement are identified as follows:

I. OPERATIONS

- A. The Sponsor(s) will be responsible for operating the measure without cost to the Service as follows:
  1. In compliance with applicable Federal, State and local laws;
  2. In compliance with the conditions set out in the instruments by which rights were acquired to install, operate and maintain the measure(s);
  3. In a manner that will protect the environment and permit the measure(s) to serve the purpose for which installed as set forth in the program agreement;
  4. In keeping with the requirements to provide inspection, operation and maintenance reports within the time frame provided in the attached plan;
- B. Admission or users fees shall be charged only as necessary to produce revenues required by the Sponsor(s) to amortize its share of installation costs for that portion of the measures pertaining to recreation or fish and wildlife and to provide adequate inspection, operation, maintenance and replacement of the same.
- C. In a recreation or fish and wildlife measure the Sponsor(s) may dispense such services and commodities, or arrange with private concessionaires for the dispensing of such services and commodities, which will contribute to the full use and enjoyment of the measure by the public at prices which are reasonable and compatible with prices for similar services and commodities within the area served by the measure.
- D. The Service will, upon request of the Sponsor(s) and to the extent that its resources permit, provide consultative assistance in the operation of the structural measures.

## Attachment B

## II. MAINTENANCE

### A. The Sponsor(s) will:

1. Be responsible for and promptly perform or have performed without cost to the Service all maintenance of the measures determined by either the Sponsor(s) or the Service to be needed.
2. Obtain prior Service approval of all plans, designs and specifications for maintenance work.

### B. The Service will upon request of the Sponsor(s) and to the extent that its resources will permit, provide consultative assistance in the maintenance of the measure(s).

## III. REPLACEMENT

### A. The Sponsor(s) will be responsible for the replacement of parts or portions of the measure(s) which has a physical life of less duration than the evaluated life of the measure(s).

### B. The Service will, upon request of the Sponsor(s), provide consultive assistance in the replacement of measure parts or portions.

## IV. PLAN OF OPERATION AND MAINTENANCE

The Service and the Sponsor(s) will prepare a detailed plan of operation and maintenance for each measure covered by this agreement. More than one measure may be included in a single plan provided that the measures are sufficiently similar to warrant such action. Each such plan shall be attached to and become a part of this agreement.

## V. INSPECTIONS AND REPORTS

- A. The Sponsor(s) will inspect the measures at least annually and after each major storm or occurrence of any unusual condition that might adversely affect the measure(s).
- B. The Service or Federal land administering agency may inspect the measures at any reasonable time during the period covered by this agreement. At the discretion of the State Conservationist, Service personnel may assist the Sponsor(s) in their inspections.
- C. A written report will be made of each inspection. A copy of each report will be provided by the inspecting party to the other party within ten days of the date on which the inspection was made. The report will describe the conditions found and list any corrective action needed with a time frame to complete each action.



## VI. TIME OF RESPONSIBILITY

The Sponsor(s)' responsibility for operation and maintenance begins when a part of or all of the work of installing a measure is completed and accepted or is determined complete by the Service. This responsibility shall continue until the expiration of the evaluated life of all the installed project measures. This does not relieve the Sponsor(s)' liability which continues throughout the life of the measure or until the measure is modified to remove potential loss of life or property.

## VII. RECORDS

The Sponsor will maintain in a centralized location a record of all inspections and significant actions taken, cost of performance and completion date with respect to operation, maintenance and replacement. The Service may inspect these records at any reasonable time during the term of the agreement.

## VIII. GENERAL

### A. The Sponsor(s) will:

1. Prohibit the installation of any structure or facilities that will interfere with the operation or maintenance of the project measures.
2. Obtain prior Service approval of the plans and specifications for any alteration or improvement to the structural measures.
3. Obtain prior Service approval of any agreement to be entered into with other parties for the operation or maintenance of all or any part of the project measures, and provide the Service with a copy of the agreement after it has been signed by the Sponsor(s) and the other party.

### B. Service personnel will be provided the right of free access to the project measures at any reasonable time for the purpose of carrying out the terms of this agreement.

### C. The responsibilities of the Sponsor(s) under this agreement are effective simultaneously with the acceptance of the project measures in whole or in part.

D. Comply with the attached PROPERTY MANAGEMENT STANDARDS.

Name of Sponsor: Town of Leicester, Mass.

By: Anthony M. Maggione Jr. Title: Vice Chairman

This action was authorized at an official meeting of the Sponsor named immediately above on Sept 19, 1978 at Leicester Selectmen's Meeting

Attest: Mary K. Lyman Title: Ordinary Clerk, Bd of Select.

Name of Sponsor: MASSACHUSETTS WATER RESOURCES COMMISSION

By: Allen F. Vyle Title: Acting Director

This action was authorized at an official meeting of the Sponsor named immediately above on July 11, 1977 at Boston

Attest: Kenneth A. Gorman Title: Secretary

Soil Conservation Service, United States Department of Agriculture

By: G. D. Gaur Title: State Conservationist

## PLAN OF OPERATION AND MAINTENANCE

## MOOSE HILL RESERVOIR

## I. The following items for operation and maintenance will be performed:

- A. Clean debris from 30' culvert at station 50+00 on relocated Moose Hill.
- B. Clean debris from Donnelly Cross Road bridge.
- C. Inspect the relief wells and observation tubes to insure that they are in operation.
- D. Check cold water release pipe.
- E. Vegetation and Plantings.
  - 1. Reestablishment and/or maintenance of grass-legume stands.
    - a. Reseed, and fertilize poor stands of grasses or legumes or resod and fertilize areas destroyed due to erosion. If necessary, regrade, fill or smooth eroded areas before reseeding.
    - b. To maintain site visual quality, cut and remove or spray with approved herbicides and remove any shrubs and trees which become established within seeded areas.
    - c. Lime and fertilize vegetation as required to maintain a vigorous stand. Soil tests should be made and pH readings obtained to determine exact needs.  
  
(Soil tests will permit a closer evaluation of lime and fertilizer requirements, thereby permitting a more accurate amount of lime and fertilizer quantities needed, and; possibly resulting in some cost savings.)
    - d. All areas seeded to grasses and legumes are to be limed as necessary to maintain a soil pH between 6.0 and 7.0-- or in lieu of a soil test, 4,000 pounds of ground limestone per acre are to be applied once every three years.
    - e. All areas planted to fescue, redtop, and birdsfoot trefoil mixtures are to be topdressed once a year in April or May with 400 pounds of 8-16-16 commercial fertilizer (or equivalent) per acre. At least 40 percent of the nitrogen shall have been derived from an organic source.

- f. All areas planted to redbud, fescues, and crownvetch are to be topdressed once a year in April or May with 400 pounds of a 0-20-20 fertilizer (or equivalent) per acre and with 20 pounds of borax per acre if crownvetch is strongly dominant; if grasses are dominant or about in equal amount with crownvetch, an 8-16-16 (or equivalent) fertilizer is to be used with at least 40 percent of the nitrogen derived from an organic source.
  - g. Insects, fungus, disease, or other pests which would seriously damage seedlings or cluster plantings will be controlled by using approved pesticides or other effective means. Observe local and state ordinances regarding spraying.
  - h. Areas shall be mowed only as necessary to prevent the encroachment of weeds and brush. It is preferred not to mow the crownvetch--grass mixture plantings; however, if mowed, plantings shall not be mowed more frequently than once a year and this mowing shall be performed during the month of August.
  - i. Clippings or mowings that are too dense or too tall, thereby endangering the residual grasses and legume stands by smothering, are to be removed.
2. Tree and Shrub Plantings
- a. Trees and/or shrubs that become diseased, are dying, or die following the establishment period are to be uprooted, removed from the site, and disposed of in a manner that will minimize or prevent the spread of insects or disease.
  - b. Trees and/or shrubs removed are to be replaced by the same species or by plants having similar height and growth features.
  - c. Trees and/or shrub replacements and the soil area that will receive them are to be treated in a like manner as that done during the original planting; e.g. proper soil preparation, soil additives, proper planting, necessary anchoring, mulching, and other treatment required.
  - d. Remove anchoring collars in three to five years from planting date or at any other time when collars around tree branches or trunk constrict growth.
  - e. Injured, diseased, or dead branches of trees in cluster plantings will be removed and a commercially available wound dressing applied to the limb or stub.
- F. The sponsor shall exercise control of maintenance vehicles and any other vehicles to prevent damage to the seedlings and plantings and shall be responsible for reestablishing grass-legume stands and plantings on any areas that are damaged by the lack of such control.

- II. The average annual costs of Operation and Maintenance are estimated to be \$8,000.00. These financial resources will be provided in the budgets of the Sponsors.
- III. Inspection of the works of improvement will be made annually, and after every major storm or occurrence of any unusual condition that might adversely effect the project measure, by the Sponsors, Southern Worcester County Conservation District, and the Soil Conservation Service. Inspection reports will be furnished to the Soil Conservation Service following each inspection. Upon request, the Southern Worcester County Conservation District will provide technical assistance for needed maintenance work. Further information relative to Operation and Maintenance is contained in the current issue of the Operations and Maintenance Handbook as developed by the U.S. Department of Agriculture, Soil Conservation Service.
- IV. Critical items to be examined are listed on the Operation and Maintenance Record attached check list.
- V. All work performed during Operation and Maintenance will comply with the appropriate state and local laws and regulations.
- VI. Annual Operation and Maintenance inspections will be conducted during the month of August with corrective action completed within one year. Corrective action of an emergency nature will be completed within 90 days.
- VII. The Operation and Maintenance Inspection Record (MA-AS-9) and the Operation and Maintenance Record (MA-AS-10) may be used to record and document Operation and Maintenance activities.
- VIII. The works of improvement will provide water for the municipal water supply in the town of Leicester and flood prevention in the downstream watershed.
- IX. Regulations for the safe and healthful use of this measure will be provided by the Massachusetts Water Resources Commission and the town of Leicester.
- X. The expiration date of this agreement is 100 years from the date of acceptance of this project measure from the contractor. This is based on the evaluated life of these works of improvement.
- XI. The necessary funds to perform Operation and Maintenance will be provided in the annual budgets of the Sponsors. The town of Leicester will provide 33.2 percent and the Massachusetts Water Resources Commission providing the remaining 66.8 percent. The Sponsors will also provide contingency funds in the same ratio to provide for unusual and unforeseen Operation and Maintenance needs.

## APPENDIX B-3

Leicester-LWSD JMA

AGREEMENT FOR EXPANSION OF WATER AND SEWER SERVICE ALONG ROUTE 9  
BETWEEN  
LEICESTER WATER SUPPLY DISTRICT  
AND  
TOWN OF LEICESTER

THIS AGREEMENT made and entered into this 13<sup>th</sup> day of May, 2003, by and between the Leicester Water Supply District ("District"), a body corporate established under Chapter 171 of the Acts of 1887, as amended, and Chapter 181 of the Acts of 1893, as amended, acting by and through its duly constituted Board of Commissioners, having principal offices at 124 Pine Street, Leicester, Massachusetts 01524, and the Town of Leicester, a municipal corporation with a usual place of business at Washburn Square, Leicester, Massachusetts 01524, as it is acting through its Board of Selectmen and referenced as the "Town."

The immediate intent of this Agreement the Town and the District are mutually entering into is to provide an interim water supply and sewer connection for the rezoned portion of Route 9 West recently accepted by the District to be included within its boundaries. This Agreement will assist the Town in promoting the rezoned Route 9 West corridor for business activities.

It is understood that current District plant capacities for water and sewer are limited and will only provide an interim solution. Therefore, the long-range goal of the Town and the District shall be the development of the Moose Hill Reservoir and/or Shaw Pond as a primary water source for the entire Town. The water transmission main being installed under this Agreement would then become a key component for the distribution of these water sources.

In consideration of the mutual promises herein contained, the Town and the District agree as follows:

1. The Town and the District have been duly authorized to enter into this Agreement by a vote of the Town Meeting for the Town of Leicester and a vote of the District Meeting for the Leicester Water Supply District, attested copies of which are attached hereto as "Exhibit 1" as to the Town vote, and "Exhibit 2" as to the District vote.
2. The District has expanded the District limits to include all the properties that are adjacent to and that abut Route 9 from the expanded District limits at Mt. Pleasant Drive to the Spencer Town line including the West Main Street section.
3. The Town has rezoned Route 9 from Residential to Business Industrial Zoning.
4. The Town shall construct a Water Line in Route 9 and West Main Street and Water Booster Station on property purchased by the District in the vicinity of 1340 Main Street also known as Mt. Pleasant. The Water Line shall be financed and paid for by the town and constructed under Massachusetts Highway Project 600858-02. The Water Booster Station shall be financed and paid for by the town and constructed as part of a joint Town/District construction project.

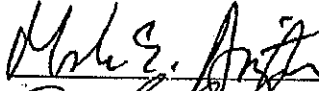
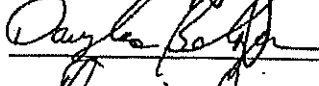
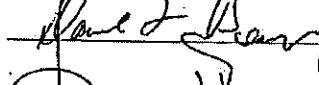
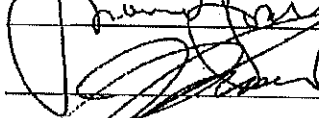
5. The District shall construct a Sewer Line in Route 9 and West Main Street and Sewer Pump Station on or adjacent to Town Beach Road. The Sewer Line shall be financed and paid for by the District and constructed under Massachusetts Highway Project 600858-02. The Sewer Pump Station shall be constructed by the District.
6. The District shall provide water to the water transmission line from the intersection of Route 9 and Route 56 to the extension on West Main Street. The connection to the water booster station shall be built by the Town on Route 9 on property purchased by the District in the vicinity of 1340 Main Street also known as Mt. Pleasant. The water line from Route 56 to the pump station shall be utilized as the feed line to the booster station until the Moose Hill Reservoir facility is in operation.
7. The District shall provide sewer service to the existing residential properties and to all current and future commercial and industrial properties within the District.
8. The District shall provide water service and limited fire protection service west to Spencer Town Line including West Main Street through the water main from the booster station until such time as Moose Hill Reservoir facility pumps water from the reservoir.
9. Ownership of the water mains and Water Booster Station, after construction and acceptance by the Town, shall be relinquished to the District with the perpetual rights reserved to the Town to transmit water through the water mains from the Moose Hill facility to the distribution points at Route 9 and Route 56. The connection to the District system shall remain and shall be used as a distribution connection between the new water transmission main and the existing distribution main of the District for metering purposes from the Moose Hill Reservoir facility. The District shall meter any water usage at the District's expense once water is supplied from Moose Hill Reservoir, for payment to the Town at a rate and method of payment to be mutually agreed upon by the Town and the District.
10. The District shall construct and own a water storage tank at the District's expense at a later date to provide fire flow storage and future water storage from the Moose Hill Reservoir facility. Once the Town utilizes said tank for water storage, any maintenance and/or use costs shall be negotiated between the Town and the District.
11. All connections made to the newly installed water mains in the Route 9 West corridor shall be serviced by the District. All connection/entrance fees shall be determined by and belong to the District.
12. All operational and maintenance costs related to the water mains and water booster station installed shall be the responsibility of the District.



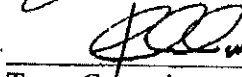
13. Once Moose Hill Reservoir facility water is provided to the water mains, the water mains shall also become a distribution/transmission main from the Moose Hill Reservoir facility. The booster pump station shall become a standby station in the event the Moose Hill Reservoir facility is taken off line or placed out of service. Any connections made to the water main between the facility and the Route 9/Route 56 intersection shall be metered for water and the District shall compensate the Town for the water used. The rate for water so metered shall be determined by the formula described on "Exhibit 3" attached hereto.
14. Connections to the water transmission mains, which shall include metering devices, structures, and appurtenances at the Route 9--Route 56 termination for the Cherry Valley and Rochdale District and the Hillcrest District shall be the responsibility of each District. No water shall be provided to these Districts until Moose Hill Reservoir facility is supplying water unless otherwise agreed to by the Leicester Water Supply District.
15. This agreement is entered into under the authority of Mass. General Laws Chapter 40, Section 4A, shall be governed by the terms of said Chapter 40, section 4A, and shall have a term of twenty-five years beginning on the date of the execution of this Agreement.
16. Annually during construction, the Town and the District shall cooperate in conducting an audit of the funds so expended under this Agreement and will provide a consolidated financial statement in a form approved by the Treasurer of the District and the Accountant of the Town setting forth all funds received by the project and expended together with such other pertinent financial information as may be deemed necessary by the respective officers of each party. Upon completion of the project, the Town and District shall prepare a final audit report for the project.
17. The financial liability of each party shall not exceed the amount appropriated by the Town at its town meetings, either annual or special, and by the District at its district meetings, either annual or special.
18. Annually, the Town, represented by a member of the Board of Selectmen, a member of the Moose Hill Water Commission and the Town Administrator, shall meet with the District Commissioners to review and discuss the current water and sewer capacities and water distribution system of the District. Information shared through this meeting will be utilized by all parties to promote the development of Moose Hill Reservoir and/or Shaw Pond as a primary water source and to market the Route 9 West corridor for business development.

IN WITNESS WHEREOF, the Town and the District have executed this document in the name of the inhabitants of the Town of Leicester and the Leicester Water Supply District, this 13<sup>th</sup> day of May, 2003.

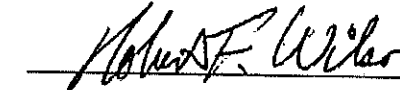
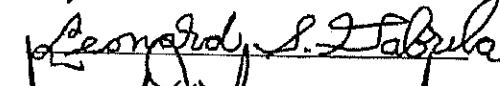
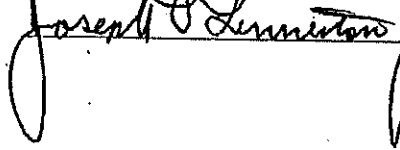
TOWN OF LEICESTER  
By its Board of Selectmen:


  
  
  


Approved as to form:

  
Town Counsel

LEICESTER WATER SUPPLY DISTRICT  
By its District Commissioners:

  
District Counsel





## APPENDIX B-4

Feasibility Study, SEA, 2008

Town of Leicester

Moose Hill Water Commission

Moose Hill Reservoir Feasibility Evaluation

June 2, 2008

Prepared by:

S E A Consultants, Inc.  
5 Whittier St. Suite 600  
Framingham, MA 01701  
2008002.01A

S E A would like to thank the following persons for their cooperation, assistance, and as sources of information:

**Mike Knox** - Supt. of Cherry Valley and Rochdale Water District

**Frank Lyon** - Supt. of Leicester Water District and Supt. of Hillcrest Water District

**Dave Terry** - Director of MA-DEP Drinking Water Program

**Kathy Baskin** - Executive Director, Massachusetts Water Resources Commission

**Elizabeth Marc-Aurele** – Town of Leicester, Conservation Commission Dept. Asst.

**Jonathan Yeo** - Director of MA-DCR Water Supply Protection

**Jason Benoit** - MA-DCR Dam Safety Program

**Larry Boutiette** – USDA-NRCS - Civil Engineer, Massachusetts Community Assistance Partnership

**Carl Gustafson** – USDA-NRCS - State Conservation Engineer, Water Resources Engineering and Planning

**Allen R. Orsi, P.E.**, Project Engineer, Pare Corporation

**Site Description:**

The Moose Hill Reservoir Dam is located within Worcester County approximately 3.6 miles northwest of the Leicester Town Hall on the border with the Town of Spencer. The Dam impounds water along Shaw Brook. The structure and the impoundment are shown in the Worcester North USGS Quad. Map at coordinates 42°16'10" N / 71°57'29" W. The dam is approximately 2000 feet long with a structural height of 71 feet and a maximum storage capacity of approximately 2140 acre feet or 785 million gallons. The drainage area is approximately 4.7 square miles (3027 acres) and extends through predominantly rural to undeveloped areas of the northwest corner of the Town and an area in southwestern Paxton. Of this drainage area, approximately 257 tributary acres is reportedly controlled for water supply purposes at the Shaw Pond Dam.

The Moose Hill Reservoir Dam is owned by the Massachusetts Department of Conservation & Recreation (DCR) as the parent organization of the Massachusetts Water Resources Commission. The dam was constructed in the late 1960's early 1970's to provide flood control capacity, water supply, and low flow augmentation. In accordance with DCR Office of Dam Safety classification, under Commonwealth of Massachusetts dam safety rules and regulations as stated in 302 CMR 10.00 as amended by Chapter 330 of the Acts of 2002, Moose Hill Reservoir Dam is considered a LARGE size structure with a Class 1 ( High) Hazard classification.

DCR also maintains the dam under an Operation and Maintenance Agreement executed on September 19, 1978 with the Town of Leicester. The Town agreed to share in costs associated with the operation and maintenance as described in said agreement. The Town's portion of this annual cost was established as 33.2%.

The following executed documents identify these contractual arrangements between the State and the Town of Leicester and are attached at the end of this report:

- A). Supplemental Watershed Work Plan Agreement No. 2 – April 1968
- B). Operation and Maintenance Agreement – September 1978.



**Project Description:**

S E A was retained by the Town of Leicester to assist the Moose Hill Reservoir Commission with the following tasks:

1. Evaluate the feasibility of re-certifying the reservoir as a new source of public water supply.
2. Prepare a timeline for the process of permitting the Reservoir.
3. Conduct a cost-benefit analysis of the use of the Reservoir.
4. Evaluate the feasibility of obtaining the permits necessary to utilize the reservoir as a new source of public water supply, including those permits related to:
  - a. Interbasin transfer Act
  - b. Water Management Act
  - c. Massachusetts Environmental Policy Act
  - d. Wetlands Protection Act
  - e. Army Corps of Engineers

**Conclusion:**

At this time, we identified no fatal flaws that would destine this project to failure. It would require a very cooperative and collaborative effort between the Town, the three Water Districts, and the Sewer Districts involved. The permitting matrix would be complex and lengthy, we estimate taking somewhere between 48 to 84 months.

Our summary and response to these tasks will follow in the same order as they are presented above.

**Summary:****Task 1. Evaluate the feasibility of re-certifying the reservoir as a new source of public water supply. Please refer to the following memo.**

On Tuesday, 11 December, the writer met with David Terry, Director, Drinking Water Program, MASS-DEP at Mr. Terry's office in Boston. The purpose of the meeting was to discuss with Mr. Terry the process and procedure within DEP for certifying Moose Hill Reservoir as a public water supply (PWS).

The writer reviewed with Mr. Terry the history of the joint acquisition of the land and financing of the construction between the Massachusetts Water Resources Commission, the Soil Conservation Service, and the Town of Leicester. This includes the Town of Leicester being the sponsoring local organization in order for the project to include capacity for the withdrawal of water for a PWS. The writer also shared a November 1987 letter S E A's research had uncovered from the then CERO-DEP Deputy Regional Director James Fuller to the Moose Hill Water Commission approving the Moose Hill Reservoir as a public water supply, (copy attached). Mr. Terry asked several questions regarding current use, condition and threats on the watershed, and the long term intent of the Town.

The discussion concluded with Mr. Terry expressing that MASS-DEP is receptive to the Town of Leicester initiating the steps for approval of the Moose Hill Reservoir as a PWS. Speaking on behalf of MASS-DEP, Mr. Terry did not see any reason that if the proper procedures and protocol were followed, that Moose Hill Reservoir could not be classified as a Class A waters applicable to its use as a PWS. This process would be initiated by the submittal of a request for a New Source of Supply Approval by the Town to MASS-DEP and the scheduling of a site exam. Assuming that the water quality test results met the Clean Water Act requirements for Class A waters, DEP would assign that classification to the Moose Hill Reservoir.

Therefore, the next task would be to develop and submit a New Source Approval request for Moose Hill Reservoir ( BRP-WS 20).

**Task 2. Prepare a timeline for the process of permitting the Reservoir.** Please refer to the timeline on the next page. Because the "project" is really not defined, some of these permits may or may not be necessary. Those that are project dependent are noted as such.

| Moose Hill Reservoir Permitting Process (Does Not include WTP and Appurtenant Structure Designs or Reviews) |                    |             |              |             |              |  |
|---|--------------------|-------------|--------------|-------------|--------------|--|
|   | ESTIMATED DURATION | BEST        |              | WORST       |              |  |
|   |                    | START Month | FINISH Month | START Month | FINISH Month |  |
| MEPA 301CMR11.03 (475)  |                    |             |              |             |              |  |
| ENF   | 5 Months           | 1           | 5            | 1           | 8            |  |
| EIR (if required, project dependent)  | 12 Months          | 9           | 21           | 10          | 34           |  |
| Water Resource Commission Demand Projections  |                    |             |              |             |              |  |
|   | 6 Months           | 3           | 9            | 3           | 15           |  |
| Interbasin Transfer Act (project dependent)   |                    |             |              |             |              |  |
| MGL-C215-8B-8D & 313 CMR 4.0  | 12 Months          | 9           | 21           | 10          | 34           |  |
| MA DEP  |                    |             |              |             |              |  |
| BRP - WS-20 New Source Approval   | 6 Months           | 1           | 6            | 1           | 9            |  |
| BRP - WS-21 To Conduct a Pilot Study  | 4 Months           | 5           | 11           | 10          | 20           |  |
| BRP - WS-22 Pilot Study Report  | 6 Months           | 18          | 20           | 28          | 40           |  |
| BRP - WS-23 or 24 To Build a WTP (project dependent)  | 6 Months           | 28          | 36           | 48          | 60           |  |
| 401 Water Quality Cert - 314 CMR 9.00   | 6 Months           | 36          | 42           | 48          | 60           |  |
| Water Management Act Permit - 310 CMR 36.00   |                    |             |              |             |              |  |
| BRP MW-03   | 6 Months           | 3           | 9            | 3           | 34           |  |
| US ACOE (project dependent)   |                    |             |              |             |              |  |
| ACOE 404 Clean Water Act Permit   | 12 Months          | 36          | 48           | 50          | 86           |  |
| 33CFR325 (ENG Form 4345)  |                    |             |              |             |              |  |
| Town of Leicester - Con. Commission MGL C 131 S 40  |                    |             |              |             |              |  |
| Notice of Intent - @ 60% design   | 6 Months           |             |              |             |              |  |
| Glossary:   |                    |             |              |             |              |  |
| BRP: DEP's Bureau of Resource Protection  |                    |             |              |             |              |  |
| WS: Water Supply  |                    |             |              |             |              |  |
| WM: Water Management  |                    |             |              |             |              |  |
| CMR: Code of Massachusetts Regulations  |                    |             |              |             |              |  |
| CFR: Code of Federal Regulations  |                    |             |              |             |              |  |
| MGL: Massachusetts General Laws   |                    |             |              |             |              |  |
| ACOE - US Army Corps of Engineers   |                    |             |              |             |              |  |
| MEPA - Massachusetts Environmental Policy Act   |                    |             |              |             |              |  |

### **Task 3. Conduct a cost-benefit analysis of the use of the Reservoir.**

#### **Introduction**

This section of the report summarizes the results of a financial analysis that was conducted to identify updated capital and operation and maintenance (O&M) costs of infrastructure improvements associated with establishing the Moose Hill Reservoir as a public water supply. If approved as a public water supply, the Moose Hill Reservoir would have the potential to serve as a supply to several local water supply districts, including the Leicester Water Supply District (LWSD), Cherry Valley – Rochdale District, and the Hillcrest Water District. Furthermore, the reservoir could serve as either a primary or secondary source of water for communities bordering Leicester, provided that sufficient treatment and distribution capacity is constructed.

The Moose Hill Reservoir has a designated average daily yield of approximately 1.5 million gallons. To utilize the reservoir as a source of supply for the water districts named above, construction of new infrastructure would be required, including:

- Water Treatment Plant – A new water treatment plant would be built on land near the reservoir to remove impurities from the raw water and provide disinfection prior to delivering the water to customers.
- Transmission Main – A new transmission main would be installed along Moose Hill Road, Watson Street and Route 9 to convey treated water from the new plant at the reservoir to the terminus of the existing distribution system for the LWSD. From there, water would be conveyed through the LWSD water system and to the Cherry Valley – Rochdale and Hillcrest Water Districts through existing interconnections with LWSD.
- Water Storage Tank – The new treatment plant would pump treated finish water to a new water storage tank located off Route 9, which would provide consistent and reliable water pressure and fire protection for customers.

Sizing of new treatment, distribution and storage facilities and their related costs are explored further in the following section.

### **Infrastructure Sizing and Cost Considerations**

Infrastructure sizing and cost considerations are provided below for a new water treatment plant, distribution piping, and water storage tank that are required to bring the Moose Hill Reservoir on-line as a public water supply source.

#### **New Water Treatment Plant:**

The 1986 preliminary design report prepared by S E A recommended the use of prefabricated treatment units utilizing a technology that is referred to as contact coagulation-filtration, or upflow clarification. In these units, chemical mixing, coagulation and flocculation occurs within a vessel within the interior of the circular unit under downward flow conditions, followed by upflow through a 'sludge blanket' in an outer vessel that facilitates clarification and sludge removal. The preliminary design report also recommended gravity filtration and the use of granular activated carbon to address potential THM formation, followed by chlorination for disinfection. In 1986, the Engineer's Opinion of Probable Construction Cost for a water treatment plant utilizing this technology was approximately \$3.14 Million (0.5 MGD capacity) and \$3.61 Million (1.0 MGD capacity), respectively. Annual O&M costs were estimated at \$215,000 for the 0.5 MGD treatment plant and \$280,000 for the 1.0 MGD treatment plant.

In the 22 years that have elapsed since issuance of the preliminary design report, there have been significant changes in the area of water treatment technology. And while the use of contact coagulation-filtration was considered a competitive alternative to treat raw water from the Moose Hill Reservoir then, its use now is less favorable compared to other technologies that are currently available, such as the use of membrane filtration or modern prefabricated treatment units that utilize adsorption clarification/filtration technology.

To evaluate potential sizing of the new water treatment plant, information was collected on the current and projected average day and maximum day demands for the three water districts, which are shown in Table 1. Based on the combined water demand from the three water districts shown in Table 1, opinions of cost were developed for a new water treatment plant ranging in capacity from a minimum of 0.5 MGD to a maximum of 1.5 MGD, with the upper limit of the range representing the reported design yield of the reservoir.

**Table 1**  
**Current and Projected Water Demands (gallons per day)**

|                                       | <b>Current Avg<br/>Day Demand</b> | <b>Current Max<br/>Day Demand</b> | <b>Future Avg<br/>Day Demand</b> | <b>Future Max<br/>Day Demand</b> |
|---------------------------------------|-----------------------------------|-----------------------------------|----------------------------------|----------------------------------|
| Leicester Water<br>Supply District    | 250,000                           | 395,000                           | 625,000 <sup>1</sup>             | 987,500 <sup>4</sup>             |
| Cherry Valley --<br>Rochdale District | 256,000 <sup>2</sup>              | 533,500                           | 398,000 <sup>3</sup>             | 829,400 <sup>4</sup>             |
| Hillcrest Water<br>District           | 65,000                            | 167,500                           | 65,000                           | 167,500                          |
| <b>Total</b>                          | 571,000                           | 1,096,000                         | 1,088,000                        | 1,984,400                        |

- 1 LWSD future avg day demand based on projected potential growth in residential, commercial and industrial wastewater flows to 2025.
- 2 Cherry Valley - Rochdale District current avg day demand based on average pumping production from 2003 to 2007.
- 3 Cherry Valley -Rochdale District future avg day demand includes demands for the approved Chapel Hill Estates and Grand View Estates developments, and the proposed Pulte Homes and Twelve Oaks developments.
- 4 Future max day demands assume same avg day to max day peaking factor as current demands.

In order to develop an updated opinion of cost for a new water treatment plant at the Moose Hill Reservoir, S E A reviewed costs from several recent water treatment plant projects utilizing modern treatment technologies. S E A also contacted manufacturers to obtain price quotes for the major treatment units that would comprise such a facility. Water quality data from the 1986 preliminary design report was utilized to provide insight into the feasibility of certain treatment technologies and their ability to produce high quality potable water that meets state and federal drinking water quality standards, now and into the foreseeable future. Based on a review of recent treatment plant projects and price information provided by manufacturers, opinions of cost for a new water treatment plant are shown in Table 2. As shown in Table 2, capital and O&M costs related to the water treatment plant are provided over a range of capacities, from 0.5 MGD to 1.5 MGD.

**Table 2**  
**Opinion of Probable Construction Costs and O&M Costs**  
**Water Treatment Plant**

| <b>Size of Plant<br/>(MGD)</b> | <b>Capital Cost (\$)</b> | <b>Cost per Gallon of<br/>Treatment Capacity<br/>(\$)</b> | <b>O&amp; M Costs<sup>2</sup></b> |
|--------------------------------|--------------------------|---|-----------------------------------|
| 0.5                            | \$2,500,000              | \$5.00  | \$255,000                         |
| 1.0                            | \$3,750,000              | \$3.75  | \$330,000                         |
| 1.5                            | \$4,500,000              | \$3.00  | \$405,000                         |

1 All costs based on ENR CCI Index = 8184.94

2 O&M Costs assume 2 new full-time employees required to operate plant + benefits (\$180,000) and a unit rate cost of \$150,000/MGD for power and chemical costs, etc.

*New Transmission Main:*

LWSD recently installed approximately 15,000 feet of new water transmission main along the Route 9 corridor to attract commercial development in this area of Town. New 16-inch ductile iron water main was installed in Route 9 (Main Street) from Pleasant Street in the downtown area to Old Route 9 (Main Street), and in Old Route 9 (Main Street) to Watson Street. New 12-inch water main was installed in the section of Old Route 9 located west of Watson Street and the remaining section of Route 9 to complete the loop. New 16-inch water main was also installed in Blueberry Lane to the proposed location of a future water storage tank, which is described in more detail below.

If the water treatment plant is built on land along the southern shore of the reservoir with access to the site off Moose Hill Road, which was originally proposed in the 1986 Preliminary Design Report, then approximately 5,500 feet, or slightly more than one mile of new 16-inch water main would be required in order to extend from the new water treatment plant location to the terminus of the existing 16-inch D.I. water main located near the intersection of Old Route 9 and Watson Street. The Opinion of Probable Construction Cost for this improvement is approximately \$1,375,000, as shown in Table 1.

*New Transmission Main:*

In 2007, S E A completed the design of a new 500,000 elevated composite water storage tank located on Blueberry Lane. The tank was designed to provide equalization storage and fire reserve storage for the LWSD only – equalization storage for the Cherry Valley – Rochdale District and Hillcrest District were not provided. The Engineer's Opinion of Probable Construction Cost developed during design was approximately \$1,530,000, which includes site work. If a 0.75 MG elevated composite water storage tank is constructed – for example to accommodate future equalization storage for customers outside the LWSD – then the construction cost estimate would increase to \$1,925,000.

### Cost-Benefit Analysis

This section includes a cost-benefit analysis that compares total capital and additional O&M costs to increasing levels of treatment plant capacity. The analysis includes a summary of total capital and additional O&M costs for alternatives involving different levels of capacity at a new treatment plant (i.e. 0.5 MGD option, 1.0 MGD option, and a 1.5 MGD option). In this analysis, capital costs for a new transmission main in Moose Hill Road and Watson Street and a new water storage tank in Blueberry Lane are assumed fixed. Table 3 provides a summary of the opinions of capital and annual O&M costs for varying levels of water treatment plant capacity.

| <b>Table 3</b><br><b>Summary of Opinions of Cost</b> |                                      |                      |                                      |                      |                                      |                      |
|--|--------------------------------------|----------------------|--------------------------------------|----------------------|--------------------------------------|----------------------|
| <b>Infrastructure Improvement</b>                    | <b>0.5 MGD Water Treatment Plant</b> |                      | <b>1.0 MGD Water Treatment Plant</b> |                      | <b>1.5 MGD Water Treatment Plant</b> |                      |
|  | <b>Capital Costs</b>                 | <b>O&amp;M Costs</b> | <b>Capital Costs</b>                 | <b>O&amp;M Costs</b> | <b>Capital Costs</b>                 | <b>O&amp;M Costs</b> |
| Water Treatment Plant                                | \$2,500,000                          | \$255,000            | \$3,750,000                          | \$330,000            | \$4,500,000                          | \$405,000            |
| Transmission Main                                    | \$1,375,000                          | -                    | \$1,375,000                          | -                    | \$1,375,000                          | -                    |
| Water Storage Tank                                   | \$1,530,000                          | -                    | \$1,530,000                          | -                    | \$1,530,000                          | -                    |
| <b>SubTotal</b>                                      | \$5,405,000                          | \$255,000            | \$6,655,000                          | \$330,000            | \$7,405,000                          | \$405,000            |
| <b>Engineering</b>                                   | \$1,081,000                          | -                    | \$1,331,000                          | -                    | \$1,481,000                          | -                    |
| <b>Total</b>   | \$6,486,000                          | \$255,000            | \$7,986,000                          | \$330,000            | \$8,886,000                          | \$405,000            |

- 1 Engineering assumes design, bid phase and construction engineering at 20% of capital costs.
- 2 New water storage tank costs based on 0.5 MG storage volume.

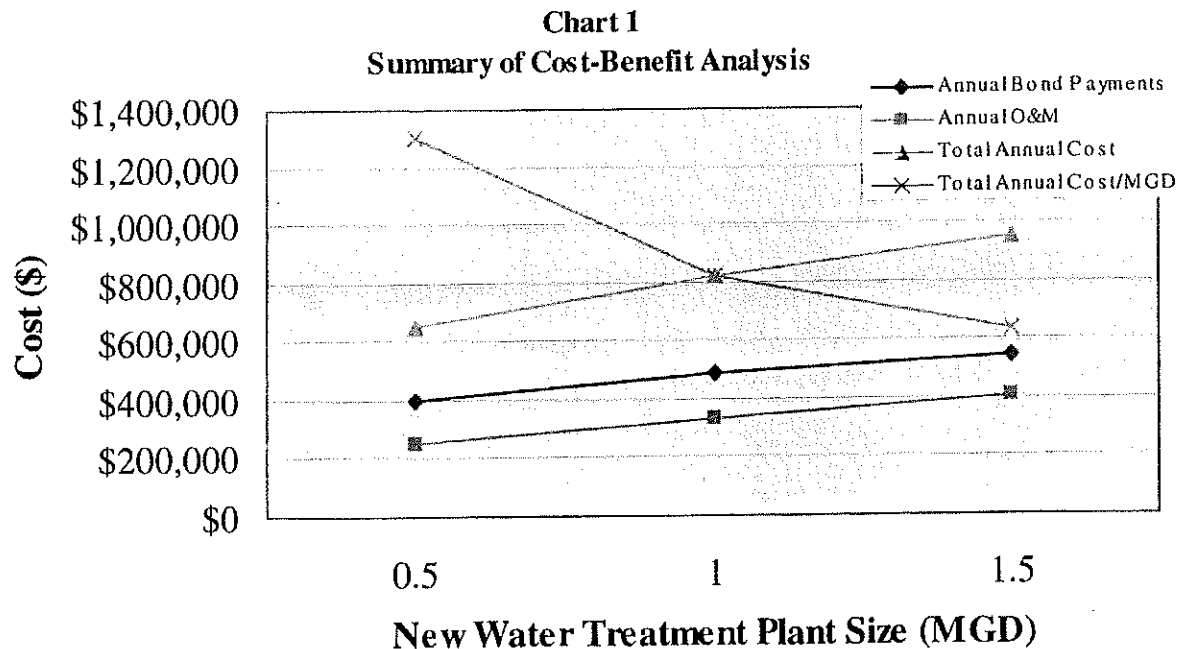


Table 4 provides a summary of the cost-benefit analysis, which is also shown graphically in Chart 1. Table 4 and Chart 1 include annual bond payments on the capital improvements, annual O&M costs related to the improvements, and annual total costs associated with the improvements for varying levels of water treatment plant capacity.

| <p><b>Table 4</b><br/><b>Summary of Cost-Benefit Analysis</b></p> |                          |                                  |                                  |                               |  |
|---|--------------------------|----------------------------------|----------------------------------|-------------------------------|--|
| <b>Treatment Plant Size (MGD)</b>                                 | <b>Capital Cost (\$)</b> | <b>Annual Bond Payments (\$)</b> | <b>Annual O&amp;M Costs (\$)</b> | <b>Total Annual Cost (\$)</b> | <b>Total Annual Project Cost per MGD</b> |
| 0.5   | \$6,486,000              | \$396,662                        | \$255,000                        | \$651,662                     | \$1,303,325                              |
| 1   | \$7,986,000              | \$488,398                        | \$330,000                        | \$818,398                     | \$818,398                                |
| 1.5   | \$8,886,000              | \$543,439                        | \$405,000                        | \$948,439                     | \$632,292                                |

1 All costs based on ENR CCI Index = 8184.94

2 'Annual Bond Payments' assume 2% SRF interest rate over 20 years.



Task 4. Evaluate the feasibility of obtaining the permits necessary to utilize the reservoir as a new source of public water supply, including those permits related to:

- a. Interbasin transfer Act
- b. Water Management Act
- c. Massachusetts Environmental Policy Act
- d. Wetlands Protection Act
- e. Army Corps of Engineers

a. Interbasin Transfer Act (IBTA):

The Interbasin Transfer Act (MGL C 21 S 8B-8D) and appurtenant regulations (313 CMR 4.05) are administered by the Massachusetts Water Resources Commission. These regulations involve the transfer of drinking water or wastewater between river basins and Towns. Although there are exemptions, an interbasin transfer can typically be considered to occur when either drinking water or resulting wastewater is transferred over both a basin and a Town boundary. For the Town of Leicester, there are three separate Water Districts and three separate Sewer Districts.

The service areas and sources for the three Water Districts in the Town of Leicester are as follows:

- The Cherry Valley and Rochdale Water District (CV&RWD) serves customers located in the Town of Leicester in both the Blackstone and the French River basins from sources located in the French Basin in Leicester. The Cherry Valley section is in the Blackstone River Basin and the Rochdale section is in the French River Basin.
- The Leicester Water District (LWSD) serves customers in Leicester with sources in the French Basin in Leicester and in the Blackstone Basin in Paxton

- The Hillcrest Water District (HWD) serves customers in the French River Basin from their source in the same basin and they also purchase water from the Leicester Water District with sources in the Blackstone and the French Basins.

The service areas and discharge locations for the three Sewer Districts that serve the Town of Leicester are as follows:

- The Oxford–Rochdale Sewer District Facility has a WWTP discharge in the French River Basin in the Town of Oxford at the town line with Leicester.

This wastewater facility serves:

- a portion of the HWD, which receives water from its own well in the French and the LWSD with sources in the French and in the Blackstone basins from sources in the towns of Leicester and Paxton, and
  - the Rochdale section of the CV&RWD, with sources in the French Basin in the town of Leicester,
- The Upper Blackstone Water Pollution Abatement District Facility (Upper Blackstone) serves the Cherry Valley portion of the CV&RWD with sources in the French Basin, with a WWTP discharge in the Blackstone Basin on the boundary line of the Town of Millbury and the City of Worcester.
- The Leicester Water Supply District's Sewer Facility with a WWTP discharge in the French River Basin serves the Leicester Water Supply District customers and a portion of the HWD with sources in the French Basin in Leicester and the Blackstone Basin in Paxton.

In addition, there are lots within each Water or Sewer District that are served by on-site Title 5 systems.

#### Findings:

Withdrawals from Moose Hill Reservoir that would be exempt from the IBTA under the Act's intra-town exception are:

- The **sale of water** from Moose Hill Reservoir by any of the Water Districts to customers within the Town of Leicester **would not trigger an IBTA submittal.**
- Any **increase in the wastewater** that would be discharged by the three water districts' customers to a Title 5 system, in-town privately owned treatment works, or to the Leicester Water District's Sewer Facility **would be exempt from the Act.**

Conversely, any proposed flow increases or changes in the physical capability to increase discharges from the Town of Leicester as a result of a withdrawal from Moose Hill Reservoir to sewer systems served by the Oxford-Rochdale Sewer District Plant or the Blackstone Water Pollution Abatement District Facility would require an IBTA submittal by the respective sewer district or sponsoring entity.

It is our experience that the greatest permitting efficiencies are gained when the IBTA submittal is coordinated as a joint submittal as one document with the Environmental Impact Report through MEPA.

#### **b. Massachusetts Water Management Act**

The organization supporting and owning the proposed withdrawal from the Moose Hill Reservoir will need to file a Water Management Act Permit ( WMAct ) application with DEP under 310 CMR 36.00. This application could be developed and submitted early in the process but a response from DEP would not be forthcoming until the Massachusetts Environmental Protection Act (MEPA) certificate was issued by the Secretary indicating that the MEPA process was completed successfully.

In order to receive a WMAct permit, amongst other things the applicant would need to show a need for the demand as the DEP will not permit speculation. This need would be supported by demand projections for the service area as determined by DCR. The current DCR schedule does not have projections for the French Basin being developed until 2014. This is the last basin projections to be developed for the Town of Leicester service area. Therefore, any estimates desired prior to that date would need to be specially requested.

#### **c. Massachusetts Environmental Protection Act (MEPA)**

The purpose of the Massachusetts Environmental Policy Act (301 CMR 11.03, 4&5)

*"is to provide meaningful opportunities for public review of the potential environmental impacts of Projects for which Agency Action is required, and to assist each Agency in using (in addition to applying any other applicable statutory and regulatory standards and requirements) all feasible means to avoid Damage to the Environment or, to the extent Damage to the Environment cannot be avoided, to minimize and mitigate Damage to the Environment to the maximum extent practicable."*

The regulation has mandatory thresholds for specific activities that require levels of environmental review. Applicable to this project, Section 4 of the MEPA Thresholds in the Act requires the submittal of an initial Environmental Notification Form (ENF) and then based on the Executive Office of Energy and Environmental Affairs Secretary's scope, an Environmental Impact Report (EIR) for the following:

*301 CMR 11.03.4.2 – “New Interbasin transfer of water of 1,000,000 or more gpd (gallons per day) or any amount determined to be significant by the Water Resources Commission.”*

Since the portion of the Moose Hill Reservoir built for public water supply is 1.5MGD (million gallons per day), to ensure that this volume would be available at a later date, it would be recommended that the ENF and subsequent EIR be prepared with this capacity consideration. Therefore, an EIR would be scoped by the Secretary from the ENF submittal.

**d. Wetland Protection Act**

A Notice of Intent would need to be filed with the Leicester Conservation Commission under MGL C 131 S 40. This filing would need to be accompanied with about a level of design that would show the WTP footprint, pipe corridors, stormwater mitigation, wetland limits and additional information as required by the Commission. Therefore, this application could not be made proactively prior to the initiation of design but during that process.

**e. Army Corps of Engineers (ACOE)**

This project would require the proponent to conduct pre-filing meeting(s) with the ACOE on the appropriateness and level of information required under Section 404 of the Clean Water Act. Based on those findings, a certain level of design would need to be completed to respond to the issues and concerns that the ACOE would have expressed. The level of effort and the length of time to receive this permit would be related to the impacts that would need to be investigated by the ACOE and the ability of the proponent to provide a satisfactory answer. It is our experience that this permit has the capability of being the last one to be received by the proponent.

## II. MAINTENANCE

### A. The Sponsor(s) will:

1. Be responsible for and promptly perform or have performed without cost to the Service all maintenance of the measures determined by either the Sponsor(s) or the Service to be needed.
2. Obtain prior Service approval of all plans, designs and specifications for maintenance work.

### B. The Service will upon request of the Sponsor(s) and to the extent that its resources will permit, provide consultative assistance in the maintenance of the measure(s).

## III. REPLACEMENT

### A. The Sponsor(s) will be responsible for the replacement of parts or portions of the measure(s) which has a physical life of less duration than the evaluated life of the measure(s).

### B. The Service will, upon request of the Sponsor(s), provide consultive assistance in the replacement of measure parts or portions.

## IV. PLAN OF OPERATION AND MAINTENANCE

The Service and the Sponsor(s) will prepare a detailed plan of operation and maintenance for each measure covered by this agreement. More than one measure may be included in a single plan provided that the measures are sufficiently similar to warrant such action. Each such plan shall be attached to and become a part of this agreement.

## V. INSPECTIONS AND REPORTS

### A. The Sponsor(s) will inspect the measures at least annually and after each major storm or occurrence of any unusual condition that might adversely affect the measure(s).

### B. The Service or Federal land administering agency may inspect the measures at any reasonable time during the period covered by this agreement. At the discretion of the State Conservationist, Service personnel may assist the Sponsor(s) in their inspections.

### C. A written report will be made of each inspection. A copy of each report will be provided by the inspecting party to the other party within ten days of the date on which the inspection was made. The report will describe the conditions found and list any corrective action needed with a time frame to complete each action.

VI. TIME OF RESPONSIBILITY

The Sponsor(s)' responsibility for operation and maintenance begins when a part of or all of the work of installing a measure is completed and accepted or is determined complete by the Service. This responsibility shall continue until the expiration of the evaluated life of all the installed project measures. This does not relieve the Sponsor(s)' liability which continues throughout the life of the measure or until the measure is modified to remove potential loss of life or property.

VII. RECORDS

The Sponsor will maintain in a centralized location a record of all inspections and significant actions taken, cost of performance and completion date with respect to operation, maintenance and replacement. The Service may inspect these records at any reasonable time during the term of the agreement.

VIII. GENERAL

A. The Sponsor(s) will:

1. Prohibit the installation of any structure or facilities that will interfere with the operation or maintenance of the project measures.
2. Obtain prior Service approval of the plans and specifications for any alteration or improvement to the structural measures.
3. Obtain prior Service approval of any agreement to be entered into with other parties for the operation or maintenance of all or any part of the project measures, and provide the Service with a copy of the agreement after it has been signed by the Sponsor(s) and the other party.

B. Service personnel will be provided the right of free access to the project measures at any reasonable time for the purpose of carrying out the terms of this agreement.

C. The responsibilities of the Sponsor(s) under this agreement are effective simultaneously with the acceptance of the project measures in whole or in part.

D. Comply with the attached PROPERTY MANAGEMENT STANDARDS.

Name of Sponsor: Town of Leicester, Mass.

By: Anthony M. Maggione Sr. Title: Vice Chairman

This action was authorized at an official meeting of the Sponsor named immediately above on Sept 14, 1978 at Leicester Subelement Meeting

Attest: Mary K. Chyba Title: Acting Clerk Bd of Select.

Name of Sponsor: MASSACHUSETTS WATER RESOURCES COMMISSION

By: Allen Fortin Vyle Title: Acting Director

This action was authorized at an official meeting of the Sponsor named immediately above on July 11, 1977 at Boston

Attest: Kenneth H. Gorman Title: Secretary

Soil Conservation Service, United States Department of Agriculture

By: P. Bump: Spur Title: State Conservationist



PLAN OF OPERATION AND MAINTENANCE  
MOOSE HILL RESERVOIR

I. The following items for operation and maintenance will be performed:

- A. Clean debris from 30' culvert at station 50+00 on relocated Moose Hill.
- B. Clean debris from Donnelly Cross Road bridge.
- C. Inspect the relief wells and observation tubes to insure that they are in operation.
- D. Check cold water release pipe.
- E. Vegetation and Plantings.

1. Reestablishment and/or maintenance of grass-legume stands.

- a. Reseed, and fertilize poor stands of grasses or legumes or resod and fertilize areas destroyed due to erosion. If necessary, regrade, fill or smooth eroded areas before reseeding.
- b. To maintain site visual quality, cut and remove or spray with approved herbicides and remove any shrubs and trees which become established within seeded areas.
- c. Lime and fertilize vegetation as required to maintain a vigorous stand. Soil tests should be made and pH readings obtained to determine exact needs.

(Soil tests will permit a closer evaluation of lime and fertilizer requirements, thereby permitting a more accurate amount of lime and fertilizer quantities needed, and; possibly resulting in some cost savings.)

- d. All areas seeded to grasses and legumes are to be limed as necessary to maintain a soil pH between 6.0 and 7.0-- or in lieu of a soil test, 4,000 pounds of ground limestone per acre are to be applied once every three years.
- e. All areas planted to fescue, redtop, and birdsfoot trefoil mixtures are to be topdressed once a year in April or May with 400 pounds of 8-16-16 commercial fertilizer (or equivalent) per acre. At least 40 percent of the nitrogen shall have been derived from an organic source.

f. All areas planted to redtop, fescues, and crownvetch are to be topdressed once a year in April or May with 400 pounds of a 0-20-20 fertilizer (or equivalent) per acre and with 20 pounds of borax per acre if crownvetch is strongly dominant; if grasses are dominant or about in equal amount with crownvetch, an 8-16-16 (or equivalent) fertilizer is to be used with at least 40 percent of the nitrogen derived from an organic source.

g. Insects, fungus, disease, or other pests which would seriously damage seedlings or cluster plantings will be controlled by using approved pesticides or other effective means. Observe local and state ordinances regarding spraying.

h. Areas shall be mowed only as necessary to prevent the encroachment of weeds and brush. It is preferred not to mow the crownvetch--grass mixture plantings; however, if mowed, plantings shall not be mowed more frequently than once a year and this mowing shall be performed during the month of August.

i. Clippings or mowings that are too dense or too tall, thereby endangering the residual grasses and legume stands by smothering, are to be removed.

## 2. Tree and Shrub Plantings

a. Trees and/or shrubs that become diseased, are dying, or die following the establishment period are to be uprooted, removed from the site, and disposed of in a manner that will minimize or prevent the spread of insects or disease.

b. Trees and/or shrubs removed are to be replaced by the same species or by plants having similar height and growth features.

c. Trees and/or shrub replacements and the soil area that will receive them are to be treated in a like manner as that done during the original planting; e.g. proper soil preparation, soil additives, proper planting, necessary anchoring, mulching, and other treatment required.

d. Remove anchoring collars in three to five years from planting date or at any other time when collars around tree branches or trunk constrict growth.

e. Injured, diseased, or dead branches of trees in cluster plantings will be removed and a commercially available wound dressing applied to the limb or stub.

F. The sponsor shall exercise control of maintenance vehicles and any other vehicles to prevent damage to the seedlings and plantings and shall be responsible for reestablishing grass-legume stands and plantings on any areas that are damaged by the lack of such control.

- II. The average annual costs of Operation and Maintenance are estimated to be \$8,000.00. These financial resources will be provided in the budgets of the Sponsors.
- III. Inspection of the works of improvement will be made annually, and after every major storm or occurrence of any unusual condition that might adversely effect the project measure, by the Sponsors, Southern Worcester County Conservation District, and the Soil Conservation Service. Inspection reports will be furnished to the Soil Conservation Service following each inspection. Upon request, the Southern Worcester County Conservation District will provide technical assistance for needed maintenance work. Further information relative to Operation and Maintenance is contained in the current issue of the Operations and Maintenance Handbook as developed by the U.S. Department of Agriculture, Soil Conservation Service.
- IV. Critical items to be examined are listed on the Operation and Maintenance Record attached check list.
- V. All work performed during Operation and Maintenance will comply with the appropriate state and local laws and regulations.
- VI. Annual Operation and Maintenance inspections will be conducted during the month of August with corrective action completed within one year. Corrective action of an emergency nature will be completed within 90 days.
- VII. The Operation and Maintenance Inspection Record (MA-AS-9) and the Operation and Maintenance Record (MA-AS-10) may be used to record and document Operation and Maintenance activities.
- VIII. The works of improvement will provide water for the municipal water supply in the town of Leicester and flood prevention in the downstream watershed.
- IX. Regulations for the safe and healthful use of this measure will be provided by the Massachusetts Water Resources Commission and the town of Leicester.
- X. The expiration date of this agreement is 100 years from the date of acceptance of this project measure from the contractor. This is based on the evaluated life of these works of improvement.
- XI. The necessary funds to perform Operation and Maintenance will be provided in the annual budgets of the Sponsors. The town of Leicester will provide 33.2 percent and the Massachusetts Water Resources Commission providing the remaining 66.8 percent. The Sponsors will also provide contingency funds in the same ratio to provide for unusual and unforeseen Operation and Maintenance needs.

## APPENDIX B-5

Feasibility Study, Whitewater Consultants, 2017



July 27, 2017

Mr. James Purcell  
Interim Town Administrator  
Town of Leicester  
3 Washburn Square  
Leicester, MA 01524

**Re:   Moosehill Reservoir Feasibility Study Update  
      Final Draft Report**

Dear Mr. Purcell,

WhiteWater, Inc. and our project partner, Environmental Partners Group, Inc. are pleased to provide the Town of Leicester with the final draft of the Moosehill Reservoir Feasibility Study. This report incorporates all the comments and revisions received from all parties to date.

We thank you for the opportunity to be of service to the Town of Leicester. Should you have any questions or comments regarding the draft report, please do not hesitate to contact me directly at (888) 377-7678.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen B. Donovan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen B. Donovan  
General Manager

**DRAFT REPORT**

**Feasibility Study Update  
Moose Hill Reservoir  
Town of Leicester, Massachusetts**

*Prepared for:  
WhiteWater, Inc.*

*July 2017*

**Prepared By:**

**Eric A. Kelley, P.E.**  
*Project Manager*

**Mark N. White**  
*Principal*

**Environmental  Partners**

A partnership of environmental professionals

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## MOOSE HILL RESERVOIR FEASIBILITY STUDY UPDATE TOWN OF LEICESTER, MASSACHUSETTS

### 1. Introduction

The Town of Leicester (the Town) retained WhiteWater, Inc. (WhiteWater) and their engineering sub-consultant, Environmental Partners Group, Inc. (Environmental Partners) to evaluate the feasibility of developing the Moose Hill Reservoir into a public water supply. The objective of the project is to update the Town's previous feasibility study of this concept that was completed in June 2008 by SEA Consultants, Inc. (SEA).

The scope of the feasibility study update focused primarily on development of the following for the Town's consideration:

1. Planning level capital and operation and maintenance cost estimates for the potential water system infrastructure improvements associated with a new surface water treatment plant at the Moose Hill Reservoir and connection to the Town's existing water system, and;
2. A forecast of the implementation schedule for the project, starting with a more detailed feasibility study through design, permitting and construction completion.

The planning level cost estimates and implementation schedule required developing a thorough understanding of the Town's current public water management structure. The following sources of information were critical in that process and used as the basis of this evaluation:

- Historical Town records concerning the Moose Hill Reservoir's potential development as a public water supply including the 2008 Feasibility Study (SEA) and the 2015 and 2016 Massachusetts Water Resource Outreach Center (Worcester Polytechnic Institute) student research projects analyzing the Town's water management alternatives.
- Meetings with representatives from the Town administration, the Moose Hill Commission (the Commission), the Leicester Water District (LWD), and the Cherry Valley and Rockdale Water District (CVRWD).
- Moose Hill Commission documents including meeting minutes, correspondence with Massachusetts Department of Environmental Protection (DEP), and the Commission's 2012 strategic plan.
- Publicly available DEP correspondence with the Town's water districts: LWD, CVRWD, and Hillcrest Water District (HWD).
- State and Local environmental GIS data including resource protection (e.g. wetlands, water supply, and protected open space), property ownership, surface topography, and watershed delineation.
- Regional construction cost indices.
- Site visit to Moose Hill Reservoir and proximate area.

This feasibility study updates the studies the Town has previously completed and participated in.



The following project goals were developed through discussions between the Leicester Town Administrator, WhiteWater, and Environmental Partners:

1. Consider the current state of surface water treatment systems and their associated State (Massachusetts Department of Environmental Protection, DEP) regulation.
2. Identify additional infrastructure improvements that were not previously identified as part of potential surface water treatment facility, and that are necessary for connecting the water supply to the Town's existing water system.
3. Develop a planning level construction cost and operation/maintenance cost estimate and provide a comparison to recently completed water treatment facilities in the region.
4. Identify project implementation critical path elements and milestones.
5. Update the regulatory timeline to reflect the current permitting requirements associated with developing a new public water supply and the design and construction of a surface water treatment plant.

The intent of this report is to provide the Town with a planning level cost estimate and implementation schedule to consider before continuing forward with further evaluation activities and public outreach to determine the feasibility of developing Moose Hill Reservoir as a public water supply.

## 2. Background

The Town of Leicester is currently served by three (3) independent public water systems: the Leicester Water District (LWD); the Hillcrest Water District (HWD); and, the Cherry Valley and Rockdale Water District (CVRWD). The HWD has one active groundwater supply well with a treatment facility for removal of arsenic, uranium, and hydrogen sulfide. HWD relies upon an interconnection with the LWD to provide water supply redundancy and for the purchase of water to meet summer seasonal demands. Representatives from the LWD reported that they are currently in the process of formally consolidating the HWD into the LWD (May 25, 2017 project meeting). The three water districts all operate as enterprise funds and are independent of the Town's control. Approximately 80% of the Town's 10,970 residents (2010 Census) are served by the Town's public water systems with the remainder relying on private water supply wells. Table 1 summarizes the key characteristics of the three water districts.

**Table 1**  
**Summary of Town of Leicester Water Systems**

| Public Water System                               | Watersheds   | Sources (Approved Capacity)   | Average Day Demand | Peak Day Demand | Notes  |
|---|--|---|--------------------|-----------------|--|
| Leicester Water District                          | Supply: French and Blackstone<br>Discharge: French | Paxton Wells (0.235 MGD)<br>Whittemore Well (inactive)<br>Rawson Well (0.181 MGD) | 0.2 MGD            | 0.362 MGD       | Supplies water to HWD  |
| Hillcrest Water District                          | Supply: French and Blackstone<br>Discharge: French | Rock Well (0.086 MGD)   | 0.06 MGD           | 0.086 MGD       | Interconnection with LWD   |
| Cherry Valley and Rockdale Water District         | Supply: French<br>Discharge: Blackstone and French | Henshaw Pond (0.375 MGD)<br>Grindstone Well (0.118 MGD)                           | 0.27 MGD           | 0.58 MGD        | Sources currently inactive. Interconnection with City of Worcester active. |
| <b>Totals</b>                                     |  | 0.995 MGD   | 0.53 MGD           | 1.028 MGD       |  |
| <b>Notes:</b><br>1. MGD = Million Gallons Per Day |  |   |                    |                 |  |

Each of the Town's three public water systems are faced with a variety of regulatory and financial challenges. The LWD is currently in the process of upgrading its water treatment and distribution system infrastructure in accordance with Administrative Consent Orders from DEP. The HWD is in the process of being consolidated with the LWD, which has been supplying HWD with the majority of its water in the past few years. The DEP approved an Emergency Declaration for the CVRWD to purchase water from the City of Worcester through their emergency interconnection in response to noncompliance with state drinking water standards and the limited available water due to the 2016 drought conditions. CVRWD is still reliant on the City of Worcester for the supply

of drinking water and is in the process of negotiating a 20-year water supply agreement with the City (Worcester Telegram and Gazette, <http://www.telegram.com/news/20170717/worcester-to-sell-water-to-leicester-in-20-year-deal>, July 17, 2017). The CVRWD has had to increase its water rates to reflect the wholesale purchase of water from Worcester and has had to invest in upgrading their infrastructure for the emergency interconnection.

In addition to these infrastructure investments, Leicester's groundwater is challenging to treat due to the presence of arsenic, uranium and radium, which require chemical and physical treatment to remove these constituents to concentrations that meet state drinking water standards. The operation and maintenance costs of water treatment facilities are increasing annually and add to the financial burden of the water districts. Therefore, the potential development of Moose Hill Reservoir, which may not have these same difficult treatment requirements as the other sources, could address the Town's current water supply shortage and water quality challenges.

#### Moose Hill Reservoir:

The Moose Hill Reservoir is located partially in the towns of Leicester and Spencer. A Site Locus is provided as Figure 1. The reservoir was created when the Moose Hill Reservoir Dam was constructed in the 1960s-1970s as a flood control project. The dam is owned by the State of Massachusetts and operated by the Department of Conservation and Recreation. The dam is approximately 2,000 feet long, 71 feet tall, and is capable of storing approximately 785 million gallons of water from Shaw Brook. Shaw Pond is located upstream of the reservoir and it is also dammed as a public water supply for the Town of Spencer.

The Moose Hill dam is classified as a Class 1 High Hazard Large Dam. The reservoir's watershed is generally rural with agricultural, forested open space, and residential properties located within its approximately 5 square mile drainage area. The dam discharges to Sudgen Reservoir, which is a recreational water body located in Spencer.

There is little available water quality data for the Moose Hill Reservoir, however Town records have indicated that previous studies found the reservoir to have water quality consistent with typical New England surface waters. Extensive water quality testing would be required as part of the reservoir permitting and water treatment plant design activities. Table 2 summarizes some of the available Moose Hill data as well as recent data for the Quabbin Reservoir.

**Table 2**  
**Summary of Typical New England Surface Water Quality**

| Water Quality Parameter   | Moose Hill 1996 | Quabbin Reservoir 2016                              | Notes   |
|---|-----------------|---|---|
| <b>Turbidity</b>  | 0.5 – 1.5 NTU   | 0.21-1.6 NTU  | Variable, stormwater runoff, lake turnover, algal growth          |
| <b>Color</b>  | 50-130 CU       | NA  | Dependent on organic content                                      |
| <b>pH</b>   | 5.5-7.0 SU      | 5.7-7.2 SU  | Generally slightly acidic to neutral                              |
| <b>Iron</b>   | 0.07-0.7 mg/L   | NA  | Typically present in dissolved state, easily oxidized             |
| <b>Manganese</b>  | 0.03-0.3 mg/L   | NA  | Can vary seasonally with lake turnover, more difficult to oxidize |
| <b>Hardness</b>   | NA              | NA  | Typically soft, low alkalinity                                    |
| <b>Coliform</b>   | NA              | <1-7 CFU/100ml                                      | Stormwater runoff, water fowl                                     |
| <b>Organics</b>   | NA              | 0.017-0.174 Absorbance of UV-254 per cm (1998-2015) | Can vary seasonally and depend on type of organic matter present  |
| NTU: Nephelometric Turbidity Unit / CU: Color Unit / NA: Not Available / CFU/ml: colony forming unit per milliliter<br>UV-254/cm: Ultraviolet light at 254 nanometer wavelength absorbed per centimeter surrogate for organic matter<br>Moose Hill 1996 data: <a href="http://wp.wpi.edu/wroc/files/2015/10/WROC-Final-Report.pdf">http://wp.wpi.edu/wroc/files/2015/10/WROC-Final-Report.pdf</a><br>Quabbin Reservoir 2016 data: <a href="http://www.mass.gov/eea/docs/der/watersupply/watershed/2016quabbinwqreport.pdf">http://www.mass.gov/eea/docs/der/watersupply/watershed/2016quabbinwqreport.pdf</a> |                 |   |   |

### 3. Water Treatment and Distribution System Improvements – Capital and O&M Costs

#### *Surface Water Treatment Processes*

The treatment of surface water typically involves a sequence of several physical and chemical treatment processes to remove impurities including common constituents such as iron, manganese, and organic matter, adjusting the pH for treatment optimization and corrosion control, and removal or inactivation of bacteria and viruses. These processes are all required to achieve compliance with the federal and state primary and secondary drinking water standards. The typical water treatment processes for a surface water are:

- Physical Pre-Treatment – Screening of raw water to remove large debris, organic matter, and particles from the raw water. The Moose Hill Reservoir treatment facility would require an intake structure to be constructed either within the reservoir or along the reservoir bank for this purpose.
- Chemical Pre-Treatment – After screening the raw water is typically treated with chemicals to adjust the pH, oxidize dissolved metals or natural organic matter, or improve the treatability of the water in subsequent treatment processes.
- Coagulation and Flocculation – After chemical pre-treatment, a coagulant is added to react with organic material to create particles as the water is first rapidly mixed to distribute the coagulant and then slowly mixed to allow the particles to grow in size as the coagulant reacts with the organic matter and particles floc together (i.e. flocculation).
- Clarification – The particles generated during coagulation/flocculation now need to be removed through clarification, which can be accomplished through a variety of means. Conventional treatment used to focus on the sedimentation of particles. Additional clarification methods have been developed in the past few decades including contact adsorption clarifiers, dissolved air flotation, and inclined plates or tube settlers. As discussed in this section the majority of the surface water treatment plants constructed in the past ten years have utilized dissolved air flotation for clarification.
- Filtration – Clarification results in the removal of the majority of the larger particles present in the treated water. However, additional particles and impurities remain in the water and a separation process is required to remove these additional particles. Filtration can be done either by gravity or pressure. Common granular filtration media are anthracite, sand, and granular activated carbon. Membrane filters have also become more prevalent in drinking water treatment. Depending on the quality of the raw water, it is possible to avoid the clarification process and use direct filtration of the coagulated water.
- Disinfection and Finished Water Chemical Treatment – The final step in the process is the disinfection of the treated water to inactivate or remove microorganisms such as bacteria and viruses. The type of disinfection process utilized can vary depending on the raw water quality and preceding treatment processes used. Typically a chemical disinfect such as chlorine is applied in sufficient concentration to provide a residual in the water distribution system. Other common finished water chemical treatment includes pH adjustment for corrosion control, phosphate addition for corrosion control, and fluoridation for public health.

The 2008 Feasibility Study did not specifically identify the water treatment processes relied upon to develop the construction cost estimate, but the proposed water treatment facility would have included some form of the primary treatment processes outlined above. It is also assumed that the cost estimates developed for the 2008 study relied upon what were then recently completed treatment plants, as well as the industry's construction cost index.

In the years since the 2008 study the drinking water regulations have been revised and additional treatment processes have become necessary to improve the finished water quality, as well as to remain in compliance with these regulatory drinking water standards, in particular the disinfection by-product rule. These additional processes include ozonation, which uses ozone gas for disinfection, oxidation (iron, manganese, organic matter), color removal, taste and odor control, pre-treatment to biological filtration, or control of disinfectant by-products. Several of the recently completed water treatment plants in Massachusetts have used ozonation prior to filtration. Alternative disinfection practices have also become more common including disinfection with ultraviolet light (UV) and advanced oxidation practices (AOPs). UV disinfection is used to physically damage a microorganism's DNA so that it is inactivated and cannot replicate. The Massachusetts Water Resource Authority utilizes UV disinfection at its Carroll Water Treatment Plant. AOP processes generally are the use of some combination of oxidants or disinfectants (e.g. ozone and UV or Ozone and peroxide) for disinfection or to remove chemicals such as pesticides, volatile organic compounds, and taste and odor compounds that can be difficult to treat using traditional water treatment processes.

For the purposes of updating the Feasibility Study and developing the water treatment plant construction cost estimate, it was assumed that the Moose Hill Reservoir water treatment plant would rely upon similar surface water treatment processes to those used at the water treatment plants that have been completed recently in the New England region. The selection of specific treatment processes for a treatment plant at Moose Hill Reservoir would be made following comprehensive analysis of the reservoir water quality and the results of pilot demonstration testing.

#### *Water Treatment Plant Capacity*

The 2008 Feasibility Study evaluated three treatment capacities: 0.5 MGD, 1.0 MGD, and 1.5 MGD. For the purposes of this study, a treatment plant capacity of 1.5 MGD was utilized to be consistent with the reported sustainable yield of the reservoir. The 1.5 MGD capacity also would be capable of meeting the Town's current peak day demands (1.028 MGD) of its three water districts and provide for some additional capacity should water demands increase over time.

#### *Water System Infrastructure Improvements*

In addition to the 1.5 MGD surface water treatment plant, the following additional infrastructure improvements were included in developing the construction cost estimate:

- Connection of the Moose Hill Reservoir treatment plant to the Leicester Water District, consisting of 5,500 linear feet of 16 inch diameter ductile iron finished water transmission main to the existing water system at the intersection of Watson Road and Main Street.

- An additional water storage tank (500,000 gallon elevated tank).
- Surface water intake within Moose Hill Reservoir, consisting of 500 linear feet of 16 inch diameter HDPE pipe anchored/ballasted off the reservoir bottom, two (2) 1.5 MGD stainless steel intake screens, and an intake gatehouse on the shore of the reservoir for valves, piping and in-take screen air-burst system.
- Treatment plant residuals management, consisting of 5,500 linear feet of 4 inch diameter PVC force main and a residuals pump station for transmission from the treatment facility to the Leicester Sewer District's sanitary sewer at intersection of Watson Road and Main Street.

Figure 1 presents the approximate location of the water treatment plant that was identified by the Town for the purposes of this study. Also shown is the proposed alignment of the finished water transmission main and residuals force main between the water treatment plant and their connections to the Leicester Water District's water system and Leicester Sewer District's sanitary sewer system. The proposed 500,000 gallon storage tank is not shown on the site locus, but the 2008 study reported that Blueberry Lane was a potential site for the storage tank. The water system master planning effort would include a hydraulic analysis to determine the required storage capacity to meet system demands, fire protection, and water quality requirements. The analysis would also identify suitable locations for water storage tanks.

#### *Capital Cost Estimate*

The capital cost estimate was developed based upon the following assumptions and methods:

1. The 2008 Study's \$4.5 million cost estimate for the 1.5 MGD treatment plant was escalated from June 2008 to July 2017 using the Boston Construction Cost Index (13787.38) as published by Engineering News Record on July 10, 2017.
2. An additional 35% construction contingency was added to the water treatment facility due to the uncertainty associated with raw water quality of the reservoir and the level of water treatment required. The 2008 study did not indicate if a construction contingency was included in the cost estimate.
3. Land acquisition costs were not included in the cost estimate due to the fact that the Town does not currently own land adjacent to the reservoir or have authorized use of state owned land for siting the water treatment plant (e.g. potential for Article 97 requirements for the lease, purchase, or easement to state land).
4. Site specific development costs were not estimated due to the fact that surficial and subsurface geologic conditions are unknown (e.g. presence of bedrock and unsuitable soil conditions).
5. The 2017 cost estimate for the finished water transmission main was based upon a unit price of \$325 per linear foot to furnish and install the 16 inch diameter ductile iron water main. The unit price estimate was developed from Environmental Partners' professional experience and a review of seven (7) publically bid water main construction projects from 2015 to 2017. A 35% contingency was added to account for the unknown subsurface conditions along the transmission main alignment.
6. The 2017 cost estimate for the water storage tank adds a 35% contingency to the 2008 cost estimate due to Environmental Partners' review of four (4) publically bid water storage tank projects between 2009 and 2015 that had an average unit cost of construction of

- \$3,000,000 per million gallons of storage. The contingency was added due to the unknown height of the tank and unknown subsurface conditions at a potential site.
7. The 2008 cost estimate does not indicate if an intake structure is included within the costs of the water treatment plant. The 2017 reservoir intake structure cost estimate includes a unit cost of \$550/linear feet for the 500 linear feet of 16-inch HDPE intake pipe and anchors/ballast, \$22,000 for the two (2) 1.5 MGD stainless steel intake screens, \$100,000 for the shoreline intake gatehouse and interior process piping/valves, and \$70,000 for the intake screen air burst system. In keeping with other project elements a 35% contingency is included due to the unknown reservoir conditions (e.g. slope of the bottom, depth of sediment).
  8. The 2008 study does not specify how water treatment residuals would be managed. The 2017 study assumes the residuals would be pumped via a residuals pump station (\$250,000) at the water treatment plant through a 5,500 linear foot 4 inch diameter PVC forcemain (\$150 per linear feet) to the sanitary sewer system. A 35% contingency is included to account for the unknown subsurface conditions along the sewer forcemain alignment.
  9. The 2025 future value of the infrastructure improvements was developed assuming the project is bid and awarded in 2025 (8 years) and there is an annual rate of construction cost escalation of 4% per year. The total escalation rate is thereby  $137\% = 1.04^8$ .
  10. The 2008 study assumed engineering services to be 20% of the construction sub-total. 2017 and 2025 cost estimates assume engineering services to be 25% of the construction sub-total.
  11. Public information and permitting services were not specified as part of the 2008 cost estimate. Environmental Partners has included a cost estimate of \$750,000 for these services for the period between 2018 and the start of construction in 2025.
  12. No infrastructure construction costs are included for the Town's three water districts for improvements to their distribution systems to integrate the Moose Hill water treatment plant as a water supply source.

Table 3 summarizes the 2017 and 2025 capital cost estimate for the 1.5 MGD Moose Hill Reservoir Water Treatment Plant and appurtenant distribution system improvements and provides the 2008 cost estimate for comparison. The 2008, 2017, and 2025 total capital cost estimates are \$8,886,000, \$20,173,681, and \$27,609,076, respectively.

For quality control purposes the 2017 capital cost estimate was compared against the publically available construction costs for six (6) surface water treatment projects (includes one groundwater under the influence of surface water project) awarded between 2008 and 2015 in Massachusetts, Rhode Island, and New Hampshire. Table 4 summarizes these regional projects, their treatment plant capacities, primary treatment processes, and unit cost per million gallons of capacity. Project costs were escalated to 2017 costs using the Boston ENR Construction Cost Index to normalize the projects to July 2017 costs for comparison.

The unit cost per million gallons of treatment capacity ranged from \$3.56 Million per million gallons (private water company project) to \$6.48 Million per million gallons (1.7 MGD groundwater under the direct influence of surface water project). There are economies of scale associated with the larger capacity plants. The Moose Hill project's capacity is closer to those of the Acton, MA and Madbury, NH projects, which had the two highest unit costs. The Moose Hill Reservoir project has a unit cost of \$6.86 Million per million gallons of capacity, which is just



outside the range of the regional projects, but also includes the 35% contingency associated with the project uncertainties. Therefore, the Moose Hill project is comparable in cost to those recently completed projects.

#### *Operational Costs*

WhiteWater developed the projected operational costs per 1.0 MGD based upon two active water treatment facilities in Massachusetts. The operational costs include electrical power, treatment plant labor, supplies and expenses, maintenance of buildings and equipment, and small tools and equipment. Table 5 summarizes these operational cost estimates for 2017 and 2025, which assumes a 1.30 escalation rate over the 2017 costs. The operational cost estimates in 2025 average \$530,715 per MGD, which is equivalent to \$796,072 for the 1.5 MGD Moose Hill facility.

TOWN OF LEICESTER  
MOOSE HILL RESERVOIR FEASIBILITY STUDY  
TABLE 3 - DRAFT CAPITAL COST ESTIMATE OF WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM IMPROVEMENTS

| Item | Description  | 2008 Capital Cost Estimate <sup>1</sup> | 2017 Capital Cost Estimate <sup>2</sup> | 2025 Capital Cost Estimate <sup>8</sup> |
|------|--|---|---|---|
| 1A   | 1.5 Million Gallon Per Day (MGD) Surface Water Treatment Plant   | \$4,500,000                             | \$10,233,945                            | \$14,005,860                            |
| 1B   | Land Acquisition and Site Specific Development Costs <sup>9</sup>  | Not Specified                           | Not Included                            | Not Included                            |
| 2    | 5,500 Linear Feet of 16" Ductile Iron Finished Water Transmission Main <sup>1,3,4</sup>                      | \$1,375,000                             | \$1,787,500                             | \$2,446,317                             |
| 3    | 500,000 Gallon Elevated Water Storage Tank <sup>1,5</sup>  | \$1,530,000                             | \$2,065,500                             | \$2,826,779                             |
| 4    | Surface Water Intake <sup>6</sup><br>500 Linear Feet of 16" HDPE Pipe  | Not Included                            | \$600,750                               | \$822,168                               |
| 5    | 5,500 Linear Feet of 4" PVC Residuals Force Main to Sanitary Sewer and Residuals Pump Station <sup>4,7</sup> | Not Included                            | \$1,451,250                             | \$1,986,136                             |
|      | Sub-Total  | \$7,405,000                             | \$16,138,945                            | \$22,087,261                            |
|      | Engineering Services - Design, Procurement, and Construction Services <sup>10</sup>                          | \$1,481,000                             | \$4,034,736                             | \$5,521,815                             |
|      | Public Outreach and Permitting Services <sup>11</sup>  | Not Specified                           | \$750,000                               | \$750,000                               |
|      | <b>Total</b>   | <b>\$8,886,000</b>                      | <b>\$20,173,681</b>                     | <b>\$27,609,076</b>                     |

## Notes:

- Infrastructure improvements and cost estimates reported in SEA Consultants, Inc. report titled *Moose Hill Reservoir Feasibility Evaluation* (June 2, 2008). Construction contingency not specified.
- 2017 Cost Escalation Factor = July 2017 ENR Boston Construction Cost Index / June 2008 ENR Construction Cost Index; 13788.38 / 8185 = 168.46%. A 35% contingency added due to unknown reservoir water quality and required treatment processes.
- 2017 Cost Estimate based upon unit price of \$325 per linear foot of water main to furnish and install large diameter transmission main. Unit price estimate developed from professional experience and review of seven (7) publicly bid projects from 2015-2017 and includes a 35% contingency due to unknown subsurface conditions along transmission main alignment.
- Transmission mains assumed to connect to Leicester Water District system at intersection of Watson Road and Main Street.
- 2017 cost estimate includes a 35% contingency to the 2008 estimate as Environmental Partners review of recently publically bid water storage tank projects (4 projects, 2009 to 2015) had an average unit cost of \$3,000,000 per million gallons of storage. Contingency added due to unknown height of storage tank, and unknown subsurface conditions at potential site.
- Town's 2008 report does not specify accommodations for the water treatment plant's surface water intake. Environmental Partners assumed the following: (1) 500 linear feet of 16" HDPE raw water main anchored/ballasted off reservoir bottom (\$550/lin). (2) Two (2) 1.5 MGD stainless steel intake screens, 16" diameter, T-shaped (\$11,000 each). (3) Intake gatehouse (\$100,000) on reservoir shoreline for valves, piping, and intake screen air-burst system (\$70,000). (4) 35% contingency due to unknown reservoir conditions.
- Town's 2008 report does not specify how water treatment residuals would be managed. Environmental Partners assumed residuals would be pumped from the facility to the Leicester Sewer District. Estimate assumes 5,500 linear feet of 4" PVC pressure sewer, unit price estimate of \$150 per linear foot to furnish and install pipe. Includes \$250,000 for a residuals pump station at the WTP and a 35% contingency due to unknown subsurface conditions along sewer force main alignment.
- The 2025 future value of the capital improvements assumes projects bid and awarded in 2025 (8 years). Annual escalation rate of 4% per year.  $1.04^8 = 1.37\%$
- WTP cost does not include costs associated with land acquisition (e.g. Potential Article 97 requirements) and site-specific construction contingencies (e.g. bedrock and unsuitable soil conditions).
- Engineering Services in 2008 Cost Estimate was 20% of construction sub-total. 2017 and 2025 Cost Estimate assumes 25% of construction sub-total.
- Public Information and Permitting Services assumed to be required between 2018 and start of construction in 2025.

7/12/2017

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TOWN OF LEICESTER  
MOOSE HILL RESERVOIR FEASIBILITY STUDY  
TABLE 4 - SUMMARY OF CONSTRUCTION COSTS FOR RECENTLY CONSTRUCTED SURFACE WATER TREATMENT PLANTS

| Water System           | Location                     | Bid Year | WTP Capacity MGD | Treatment Technology  | Awarded/Reported Construction Cost <sup>1</sup> | Cost per MG, Bid Year | Construction Cost per July 2017 ENR Construction Cost Index <sup>2</sup> | Cost per MG, 2017 | Comments   |
|------------------------|------------------------------|----------|------------------|---|---|-----------------------|--|-------------------|--|
| Weymouth               | Weymouth, MA                 | 2008     | 8.0              | Dissolved Air Flotation, Pre-Ozonation                          | \$32,484,775                                    | \$4.06                | \$44,595,379   | \$5.57            | Pre-procurement of Dissolved Air Flotation equipment; construction cost does not include \$647,000 in demolition of former WTP   |
| Falmouth               | Falmouth, MA                 | 2015     | 8.0              | Biological Activated Carbon Filtration                          | \$40,925,150                                    | \$5.12                | \$45,256,717   | \$5.66            | Under construction and scheduled for start-up spring 2017  |
| Portsmouth             | Madbury, NH                  | 2009     | 4.0              | Biological Activated Carbon Filtration                          | \$20,000,000                                    | \$5.00                | \$25,647,289   | \$6.41            | LEED Silver Certified  |
| Acton Water District   | Acton, MA                    | 2015     | 1.7              | Dual Media Filtration   | \$9,987,677                                     | \$5.86                | \$11,022,668   | \$6.48            | Groundwater Under the Direct Influence of Surface Water  |
| Newport                | Portsmouth, RI<br>Newport RI | 2012     | 16.0             | Aeration Towers, Coagulation<br>Direct Membrane Filtration      | \$67,000,000                                    | \$4.19                | \$76,767,869   | \$4.80            | Alternative Project Delivery - Design Build, 1 new 7MGD surface water plant and upgrades to an existing 9 MGD surface water plant. Advanced DBP treatment with GAC contactors. |
| Millford Water Company | Millford, MA                 | 2012     | 5.4              | Dissolved Air Flotation<br>Granular Activated Carbon Filtration | \$18,800,000                                    | \$3.11                | \$19,249,257   | \$3.56            | Water system is not publically owned and project was not subject to public procurement laws (e.g. prevailing wage rates; filed sub-bids)                                       |
|                        |                              |          |                  |   | Minimum   | \$3.11                |  | \$3.56            |  |
|                        |                              |          |                  |   | Maximum   | \$5.86                |  | \$6.48            |  |
|                        |                              |          |                  |   | Median  | \$4.59                |  | \$5.62            |  |
|                        |                              |          |                  |   | Average   | \$4.56                |  | \$5.41            |  |
|                        |                              |          |                  |   | July 2017 Construction Cost                     | Capacity              | Cost per MG, 2017  | Comments          |  |
|                        |                              |          |                  |   | Moosa Hill Reservoir WTP                        | 1.5 MGD               | \$10,233,945   | \$6.82            | Estimate falls just outside of range of recently constructed WTPs (\$3.56M/MGD - \$6.48M/MGD)  |

**Notes:**

1. Awarded/Reported Construction Costs as readily available via publicly available records from MA Central Register, Water System websites, or local news articles
2. WTP Construction Cost's escalated to July 2017 values using ENR Construction Cost Indices for Boston

7/12/2017

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# TOWN OF LEICESTER MA

## MOOSE HILL RESERVOIR FEASIBILITY STUDY

TABLE 5 - PROJECTED OPERATIONAL COSTS BASED ON TREATMENT TECHNOLOGIES

| DESCRIPTION                       | 5.2 MGD DISSOLVED AIR FLOTATION TECHNOLOGY (DAF) BASED ON 2017 PROJECTIONS | 6.0 MGD UPFLOW CLARIFIER / DIRECT FILTRATION TECHNOLOGY BASED ON 2017 PROJECTIONS | 2025 ESCALATION FACTOR = 1.30 | 5.2 MGD DISSOLVED AIR FLOTATION TECHNOLOGY (DAF) BASED ON 2025 PROJECTIONS | 6.0 MGD UPFLOW CLARIFIER / DIRECT FILTRATION TECHNOLOGY BASED ON 2025 PROJECTIONS |
|-----------------------------------|--|---|-------------------------------|--|---|
| Annual Water Production           | 855,730,000  | 660,000,000   |                               | 855,730,000  | 660,000,000   |
| Total Kilowatt Hours              | 469,200  | 110,000   |                               | 469,200  | 110,000   |
| Purification Labor                | \$194,200  | \$288,632   | 1.30                          | \$252,460  | \$375,221   |
| Supplies and Expenses             | \$497,000  | \$229,168   | 1.30                          | \$646,100  | \$297,918   |
| Maint Bldgs & Equipment           | \$227,000  | \$65,000  | 1.30                          | \$295,100  | \$84,500  |
| Electricity                       | \$63,314   | \$110,000   | 1.30                          | \$82,308   | \$143,000   |
| Small Tools / Other Equipment     | \$15,000   | \$15,000  | 1.30                          | \$19,500   | \$19,500  |
| Total Annual Cost                 | \$996,514  | \$707,800   | 1.30                          | \$1,295,468  | \$920,140   |
| Treated Gallons Annually          | 855,730,000  | 660,000,000   |                               | 855,730,000  | 660,000,000   |
| Average Daily Cost                | \$2,730  | \$1,939   | 1.30                          | \$3,549  | \$2,521   |
| Average Daily Demand              | 2,344,466  | 1,808,219   |                               | 2,344,466  | 1,808,219   |
| AVG COST PER GALLON               | \$0.00116  | \$0.00107   | 1.30                          | \$0.00151  | \$0.00139   |
| AVG COST PER 1.0 MGD              | \$1,165  | \$1,072   | 1.30                          | \$1,514  | \$1,394   |
| ANNUAL COST FOR 1.0 MGD           | \$425,050  | \$391,435   | 1.30                          | \$552,564  | \$508,865   |
| AVERAGE ANNUAL COST FOR 1.0 MGD   |  |   |                               |  |   |
| PROJECTED ANNUAL COST FOR 1.5 MGD |  |   |                               |  |   |
| \$796,072                         |  |   |                               |  |   |

#### **4. Project Implementation Schedule and Regulatory Pathway**

##### *Years 1 and 2*

The project's implementation program and schedule are outlined in Figure 2. The key components of the program and schedule are in the first two years of the program, when the Town would evaluate the project's feasibility in more detail to ultimately decide whether it is a viable water supply management program for the community by developing a concept-level system design and cost estimate that would be the basis for soliciting public input on the program.

A key first step in this effort will be identifying the land needs and ownership approach would be for the Moose Hill Reservoir treatment plant. The parcel being considered for the treatment plant is owned by the Commonwealth, therefore the use of this property by the Town needs to be discussed with the Department of Conservation and Recreation (DCR) and the Article 97 implications need to be understood. Procuring this land, either through a lease arrangement or fee ownership, will require an Act of the Legislature, will likely add significant costs to the project and require at least a couple of years to complete. The Town would have to complete some preliminary environmental due diligence to identify if the reservoir and the potential treatment plant site are vulnerable to any nearby environmental hazards such as oil and hazardous material release sites, landfills/junkyards, or other sites/facilities of environmental concern.

As part of the concept-level design planning the specific treatment and infrastructure needs for this program would be identified in more detail then developed in this feasibility study, their associated capital and operating costs would be revisited. These costs would be used as the basis for developing a more refined understanding of what the financial burden would be to the community, and what various cost-allocation scenarios would translate into for property owners.

A third aspect of this initial planning phase would consist of developing a strategy for enjoining the three existing water districts together with the rest of the community to establish a Town-wide system. Gaining a general agreement between the three districts on how this is to be achieved will be central to whether a Town-wide water system can be implemented.

During this time a series of meetings would be recommended to discuss the project among the various Town Boards, Departments and committees that would be involved in the permitting, construction, and operation of the water system. This would also include discussions with the sewer districts regarding management of the treatment residuals. Similarly, preliminary meetings should be held with the State regulatory agencies to confirm the regulatory pathway for program elements such as land acquisition, new surface water source approval, water management

It is anticipated that during the first two years there would be an extensive public outreach program, the purpose of which would be to educate the community on the water management program that is being considered, solicit concerns and feedback on the program, and to gauge the public's interest in moving forward. We would anticipate that this initial planning and public information phase would culminate in a Town Meeting article that solicits the Town's interest in proceeding, and providing the funding necessary for the next implementation steps.

#### *Years 3 and 4*

The focus of Years 3 and 4 would likely be on land acquisition, and moving through the Article 97 Land Disposition Process with DCR and the Executive Office of Environmental Affairs. Acquiring land through Article 97 requires that a detailed land appraisal be performed by DCR, review through the Massachusetts Environmental Policy Act (MEPA) process and, as described above, approval by an Act of the Legislature. This process is conservatively estimated to require a minimum of two years to complete and could take longer. It is recommended that the subsequent design and permitting phases of the treatment plant and infrastructure improvements be taken in measured steps until there is assurance that the land acquisition process will be successful.

#### *Years 5, 6 and 7*

The next phase of the water system development would consist of the initial design and permitting activities, including the DEP New Source Approval process for the surface water reservoir. The process for applying for new source approval is outlined in Chapter 3 of DEP's Guidelines and Policies for Public Water Systems. Meeting with DEP early on in this phase is recommended to DEP to confirm the specific aspects of their permit program that will apply to the project, and would likely be similar to those outlined in DEP's November 2008 letter to the Moose Hill Commission. The new source approval process would be supported by the previously completed system planning task, and would be supplemented with data of the raw water quality that would be used as the basis for developing the water quality goals for the treatment plant, and identifying the treatment technologies necessary for achieving these goals.

Pilot testing of these technologies is required as part of DEP's New Source Approval process, and would need to be conducted over two seasons (summer and winter) to evaluate their performance under a variety of seasonal and water quality conditions. This pilot testing phase requires up to 15 months to complete, following which the infrastructure design can be performed in parallel with the New Source Approval process.

Project permitting, including the Massachusetts Environmental Protection Act (e.g. Environmental Notification Form and Environmental Impact Statement), the Water Management Act and its associated Sustainable Water Management Initiative, and the Interbasin Transfer Act would be undertaken as the design progresses. The complexity of these permitting programs to the project will in part be a function of the competing uses of the watersheds that contribute to the Moose Hill Reservoir with other water supply uses and the natural resource characteristics of these watersheds. This effort would include discussions with the Town of Spencer in regards to its Shaw Pond water supply, which is located upstream of Moose Hill, and the Sudgen Reservoir, which is located downstream of Moose Hill.

The design approvals from DEP include those for the construction of a treatment plant greater than 1 MGD (BRP WS 24) and distribution system modifications for systems that serve more than 3,300 customers (BRP WS 32). Modifications to the dam at Moose Hill Reservoir, which could be necessary, would be subject to the review and approval of the Massachusetts Office of Dam Safety, a division of DCR. The intake structure at the reservoir will be subject to additional approvals by the U.S. Army Corps of Engineers and the DEP. At the local level, the project will

require approvals from the Town's Conservation Commission for wetlands protection, Building Department for building code, and Planning and Zoning for site plan approval.

Overall, it is estimate that this permitting and design phase will take approximately 3 years to complete.

#### *Years 8, 9, and 10*

After receiving all the necessary local, state, and federal permit approvals, the final phase of the project would begin with the bidding of the project. The water treatment plant would be bid in accordance with the requirements of Massachusetts General Laws Chapter 149 and, because it exceeds cost thresholds under this law (construction projects greater than \$10 Million), the bidding will involve pre-qualification of contractors, selection of an Owner's Project Manager (OPM) (for construction projects greater than \$1.5 Million), and filed sub-bid categories of applicable building trades such as masonry, electrical, and plumbing (for those aspects of the project that require sub-trade construction with costs greater than \$25,000). The OPM must be designated early in the project so as to oversee the project from design and permitting through bidding, construction, and commissioning.

Given the breadth of these requirements involved in the bidding of the project, a total of 9 months is provided for the bidding phase to be completed. Following completion of the bidding and award of the project, it is estimated that construction of the water treatment facility, transmission mains, and water storage tank would be completed over the course of two years. Final start-up and commissioning of the water treatment plant would be expected to take up to 3 months following completion of construction.

### 5. Summary and Recommendations

The 2017 Feasibility Study Update has evaluated the potential capital and operation costs associated with developing the Moose Hill Reservoir Water Treatment Plant and its appurtenant distribution system improvements. The capital cost estimates have been escalated from 2017 to 2025 to be consistent with the program implementation schedule that estimates the start of construction in 2025. The capital cost estimate provides the Town with a planning level estimate to consider as the feasibility of the project is evaluated further with the objective of the Town making a go/no go decision within the next 12 months. The capital cost estimate is qualified by various assumptions and includes a conservative contingency of 35% for construction costs in light of the project uncertainties and early stage of planning. The cost estimate would be revised throughout the program as these uncertainties are eliminated. Overall the capital cost of the 1.5 MGD surface water treatment plant and distribution system improvements are summarized in Table 6.

**Table 6.**  
**Project Capital Cost Estimate Summary, as prepared in 2008, for 2017**  
**and extended to 2025 (assumed construction start date).**

| Item | Description   | 2008 Capital Cost Estimate | 2017 Capital Cost Estimate | 2025 Capital Cost Estimate |
|------|---|----------------------------|----------------------------|----------------------------|
| 1A   | 1.5 Million Gallon Per Day (MGD) Surface Water Treatment Plant                                | \$4,500,000                | \$10,230,000               | \$14,000,000               |
| 1B   | Land Acquisition and Site Specific Development Costs  | Not Specified              | Not Included               | Not Included               |
| 2    | 5,500 Linear Feet of 16" Ductile Iron Finished Water Transmission Main                        | \$1,375,000                | \$1,790,000                | \$2,450,000                |
| 3    | 500,000 Gallon Elevated Water Storage Tank  | \$1,530,000                | \$2,070,000                | \$2,830,000                |
| 4    | Surface Water Intake<br>500 Linear Feet of 16" HDPE Pipe                                      | Not Included               | \$600,000                  | \$820,000                  |
| 5    | 5,500 Linear Feet of 4" PVC Residuals Force Main to Sanitary Sewer and Residuals Pump Station | Not Included               | \$1,450,000                | \$1,980,000                |
|      | Sub-Total   | \$7,405,000                | \$16,140,000               | \$22,080,000               |
|      | Engineering Services - Design, Procurement, and Construction Services                         | \$1,481,000                | \$4,040,000                | \$5,520,000                |
|      | Public Outreach and Permitting Services   | Not Specified              | \$750,000                  | \$750,000                  |
|      | Total   | \$8,886,000                | \$20,180,000               | \$27,600,000               |

Note: Refer to Table 3 or Section 3 of this report for a summary of key assumptions/methods used in developing the cost estimate.



As shown in Table 6, the capital costs are significant. These estimated costs were compared to several recently-completed surface water treatment plant projects from the past ten years that have parallels to that for the Moose Hill Water Treatment Plant, translated into units of dollars per million gallons per day of treatment capacity for each facility, shown in Table 4. In general, the Moose Hill facility's estimated cost (\$6.82 Million per MGD) is slightly above the high range of the costs of the other treatment plants (\$6.48 Million per MGD), but when accounting for the 35% contingency the project falls within the range of the recent projects.

The potential operating costs for the 1.5 MGD facility have been estimated based upon WhiteWater's experience at several local surface water treatment plants. The estimated annual operating cost in 2025 is \$796,072 for the 1.5 MGD Moose Hill facility.

The program implementation plan and schedule encompasses an estimated total of ten years to complete the project planning, permitting, design, bidding, and construction. The key preliminary planning measures are focused on three key elements: 1. developing consensus among project stakeholders as to whether it is in the Town's best interest to develop Moose Hill as a public water supply; 2. Identifying the land ownership opportunities for the treatment plant site at the Moose Hill Reservoir; and 3. Beginning public outreach to educate the community about the Town's water management structure and challenges.

The key regulatory provisions associated with project permitting are:

- **DEP New Source Approval Process (310 CMR 22.00, BRP WS 17)** — Multi-step process including preliminary planning, a site examination, and a final report including supporting documentation on water system planning, proposed infrastructure improvements, surface water quality, water system governance, project schedule, and cost estimates for capital and operation costs.
- **DEP Water Management Act Permit (310 CMR 36.00, BRP WM 030)** – As part of the new source approval process the Town would need to complete a permit application for the authorized withdrawal of more than 100,000 gallons per day of surface water from the Moose Hill Reservoir. This effort would be coordinated with the new source approval process and include provisions for compliance with the Sustainable Water Management Initiative (SWMI), which were created in 2010.
- **Interbasin Transfer Act (313 CMR 4.00)** – The Moose Hill Reservoir may be subject to the requirements of the Interbasin Transfer Act (IBTA) due to the transfer of water between river basins. The reservoir is located within the French River basin. The Town of Leicester's three sewer districts discharge wastewater to the French and Blackstone basins. The applicability of the IBTA to the project should be determined through discussions with the Massachusetts Water Resources Commission as certain exemptions may be applicable to the project depending on the volume of water withdrawals, supply of water outside the Town boundaries, continued use of withdrawals from sources in other basins, and potential for increases in the volumes of discharges to other basins.
- **Massachusetts Environmental Protection Act Regulations (301 CMR 11.00)** – The project would require submission of an Environmental Notification Form (ENF)

identifying the project's potential environmental impacts in regards to categories including land development, water supply/treatment, wastewater, and resource protection. The potential for an interbasin transfer in excess of 1 MGD would be the regulatory threshold that would trigger the mandatory Environmental Impact Report (EIR). The regulatory framework and scope of an EIR would be outlined in the State's response to the ENR.

- **Wetlands Protection Act (310 CMR 10.00)** – The project would likely include both temporary and permanent disturbance to regulated wetland resource areas, which would require filing of a Notice of Intent with the Leicester Conservation Commission. Depending on the scale of any construction within the Moose Hill Reservoir, a supplemental filing for a 401 Water Quality Certification (BRP WW 07 or BRP WW 08) with DEP may be required depending on the volume of dredging required within the reservoir.
- **Army Corps of Engineers (Section 404 of Clean Water Act)** – The project's raw water intake structure would potentially require filing a permit application with the Army Corps of Engineers (ACOE) under Section 404 of the Clean Water Act. The scope of the Section 404 application and any required mitigation activities would be determined through discussions with the ACOE. This effort would be coordinated with the DEP Water Quality Certificate and Wetlands Protection Act filings.

Based upon the update of the Moose Hill Reservoir Feasibility Study, WhiteWater and Environmental Partners make the following recommendations for the Town to consider implementing over the course of the next 12 months:

1. Solicit feedback on Feasibility Study Update from Moose Hill Reservoir stakeholders including representatives from the Town administration, Moose Hill Commission, and the Town's water/sewer districts.
2. Begin public outreach program by hosting a public info session to discuss the Town's current public water system organization, capital improvement programs, and regulatory challenges.
3. Determine the ability of the Town to secure property at Moose Hill Reservoir through the Article 97 process, and the associated cost and timing implications.
4. Begin preparing a Town-wide water system master plan that evaluates the development of Moose Hill Reservoir, investment in current public water systems (LWD, HWD, CVRWD), and development of alternative water supplies (e.g. new groundwater sources, purchase of water from City of Worcester or other adjoining water systems) as potential solutions to addressing the Town's water management challenges. The water system master plan should also evaluate the capital needs of the Town's existing three water districts, and the governance structure of a Moose Hill water system that is either independent of or integrated with some or all of the Town's other water systems.
5. Complete a baseline financial analysis evaluating the cost allocation alternatives (e.g. water rates, betterments, or municipal tax base) for funding the development of the Moose Hill water treatment plant and infrastructure improvements.
6. Host a meeting with representatives from the Massachusetts Executive Office of Energy and Environmental Affairs to discuss the regulatory pathway for developing Moose Hill

Reservoir as a public water supply including the Article 97 process, New Source Approval, MEPA process, Interbasin Transfer Act, and Water Management Act.

7. Make go/no-go decision of proceeding with additional master planning activities based upon feedback from project stakeholders and general public.
8. Continue developing the Town's relationship with Massachusetts Water Resource Outreach Center to identify opportunities for sponsoring additional research into water management including Moose Hill water quality studies, water system master planning, and water resource mapping and assessment.

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## *Figures*

*Figure 1 – Moose Hill Reservoir Site Locus*

*Figure 2 – Moose Hill Reservoir Implementation Program and Schedule*

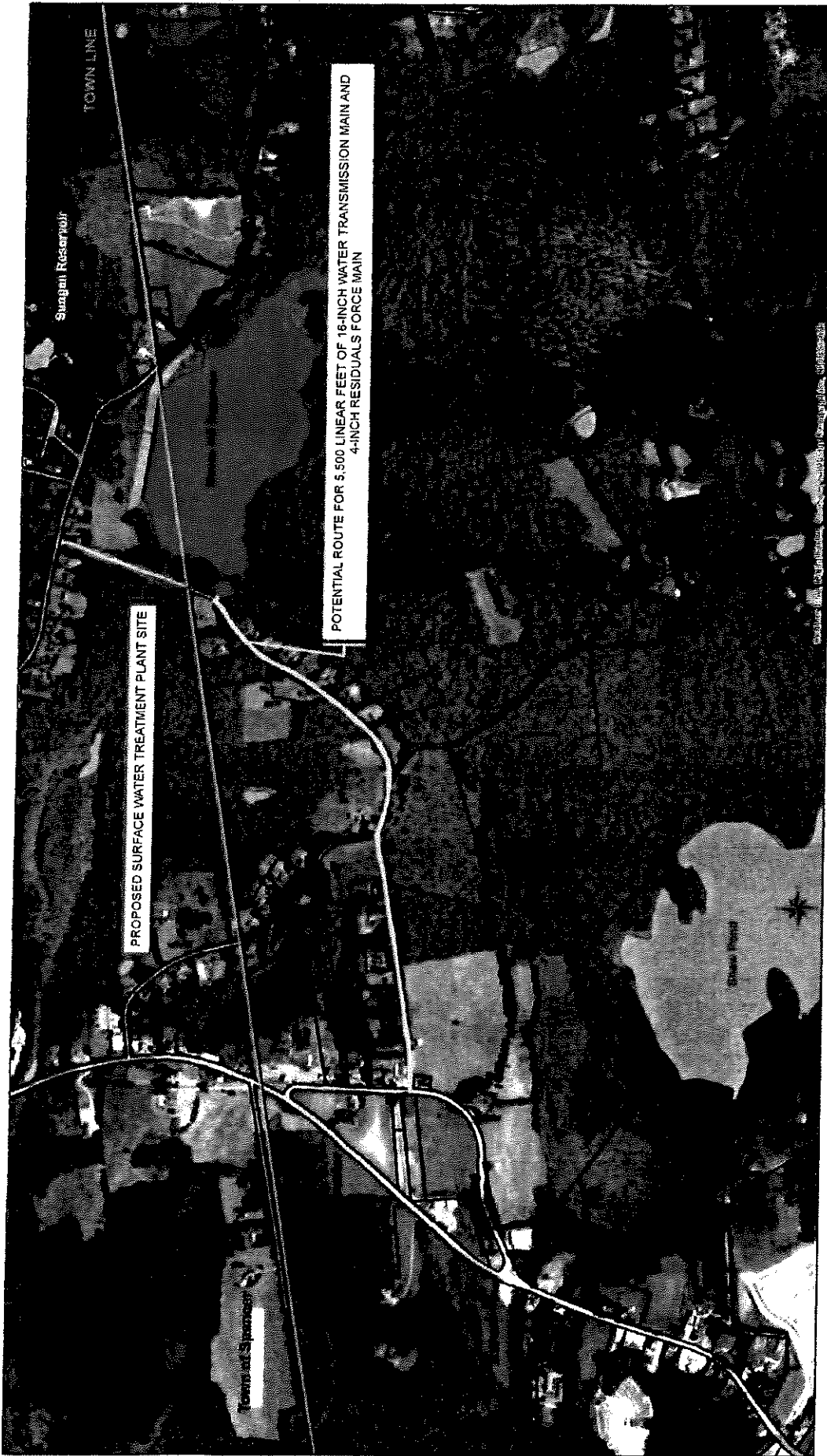


FIGURE 1: LOCUS MAP  
PROPOSED MOOSE HILL RESERVOIR WATER SYSTEM IMPROVEMENTS  
LEICESTER, MA

1 inch = 800 feet  
0 1,050 2,100 4,200 Feet



Environmental Partners



APPENDIX B-6  
DEP Correspondence



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Central Regional Office, 627 Main Street, Worcester, MA 01608

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

November 3, 2008

Moose Hill Reservoir Commission  
3 Washburn Square  
Leicester, MA 01524  
Attention: Mr. Kurt Parliament

RE: DWP/Leicester  
New Source Approval Process  
Moose Hill Reservoir

Dear Mr. Parliament:

MassDEP is in receipt of the report prepared by SEA Consultants, Inc., entitled "*Moose Hill Reservoir Feasibility Evaluation*" dated June 8, 2008. Planning and development of Moose Hill Reservoir as a public water supply began in the 1980s, and sporadic work towards this goal has occurred since that time. In 1986, SEA Consultants submitted "*Preliminary Design Report for Moose Hill Reservoir Water Treatment Facility*".

New Source Approval permitting for a Surface Water Reservoir is outlined in Chapter 3 of *Guidelines and Policies for Public Water Systems* (Guidelines). The Guidelines are available for review at <http://www.mass.gov/dep/water/laws/policies.htm#dwguid>. Additional site specific work will be requested as appropriate. This letter is not intended to provide you with a complete listing of each data requirement to permit your Public Drinking Water System reservoir, but is intended to provide guidance, and help you understand the scope of the work that this project will involve.

The first step in the permitting process includes the Preliminary Report which you have provided to MassDEP in the form of the two reports listed above. Some of the information you submitted requires updating, and/or submission of additional information.

**Step 1 Preliminary Report and Site Examination for a Source Greater Than 70 gpm (BRP WS 17)**

Submit a BRP WS 17 permit application to MassDEP and provide the following information with your permit application:



Leicester -- Moose Hill Water Commission  
Moose Hill Reservoir Feasibility Evaluation  
Page 2 of 5

- 1 Provide greater details of the proposed location of the multi-port intake structure, including a profile that indicates the depths of the various intakes.
2. A bathymetric map of Moose Hill Reservoir
3. Map of appropriate scale depicting the Moose Hill Reservoir, its tributaries, and the associated Zones A, B, and C as described in the Definitions section of the Guidelines. Map should also identify proposed locations for water quality monitoring, per item 3 in Step 4 below
- 4 Provide an update in the identification of land uses in the Moose Hill Reservoir watershed, identification of the land owned or controlled by the public water supplier, and potential sources of contamination. What changes have occurred since the 1986 summary provided? What lands have you identified for possible purchase by the Commission for watershed protection?
- 5 Provide maps indicating the extent of the Moose Hill Reservoir's possible service area for the water district, as well as, maps of Leicester's sewer districts. Include areas outside municipal boundaries and any possible interconnections to other Public Water System districts. This information is necessary to determine applicability of the Interbasin Transfer Act.
6. Provide information on the projected population to be served by the Moose Hill Reservoir for use by the Department of Conservation and Recreation (DCR) in developing Water Needs Forecasts for your system.
- 7 Detailed estimated cost of operations, maintenance, and operation expenses as well as a method to finance capital charges and operation expenses.
- 8 Complete relevant portions of the Site Screening package which includes:
  - a Early Notice in the Environmental Monitor of the proposed project. Information to be included in the Notice may be found at:  
<http://www.mass.gov/dep/water/laws/enotice.htm>
  - b Water Conservation Plan for Public Water Suppliers:  
<http://www.mass.gov/dep/water/con-wic.doc>
  - c Alternatives Analysis: <http://www.mass.gov/dep/water/laws/altana.htm>

## Step 2. Site Exam

MassDEP will conduct a Site Exam after the water supplier has gathered the proper information from the property owners and obtained any necessary approvals for visiting the site. At the Site Exam, MassDEP will evaluate the proposed water quality sampling locations and schedule to be followed during the development of the source. MassDEP will conduct a separate site visit for

the purpose of preparing your Watershed Protection Plan and field verification of the Zones A, B, and C provided in Step 1.

### Step 3. Coordination Meeting

Attend a meeting arranged by MassDEP with the programs whose approval may be required. The primary goal of this meeting is to establish a schedule for obtaining the necessary approvals from all programs involved. The participants may include:

1. Department of Conservation and Recreation (DCR) for Water Needs Forecasts, dam safety, and Inter Basin Transfer Act concerns
2. MassDEP Water Management Act Program
3. MassDEP Wetlands Program
4. Massachusetts Department of Fish and Game which includes MassWildlife, Riverways, and the Natural Heritage and Endangered Species Program
5. Army Corps of Engineers
6. MEPA Office

### Step 4. Formal Documentation and Final Report for a Source Greater than 70 gpm (BRP WS 19) Permit Process

After successful completion of the BRP WS 17 process, the applicant will be required to submit a permit application for BRP WS 19 Final Report for a Source Greater than 70 gpm which needs to include the following information:

1. Firm Yield must be completed by the applicant. The proponent must contact MassDEP to discuss an acceptable Firm Yield assessment approach. An on-line version of the Firm Yield estimator for *stream* dominated reservoirs may be found at:  
<http://www.mass.gov/depr/water/resources/firmyield.htm>  
 Firm yield estimates for *groundwater* dominated reservoirs may be calculated through the use of Firm Yield II. Alternative methods of calculating the firm yield of your reservoir are acceptable with prior review and approval by MassDEP. To establish the firm yield, at a minimum, you must provide:
  - a. Bathymetric map of Moose Hill Reservoir;
  - b. Estimate of the water needs demand pattern of your service population (average and peak, daily and monthly water use)
2. Hydrogeologic Report – Provide a description of the hydrogeologic system providing recharge to the reservoir and include delineation of the drainage basin
3. Water Quality Monitoring Report – Extensive water quality data must be collected over the course of one year. The specific sampling plan (frequency and analyses) will be prepared by MassDEP after review of the Site Examination application, site visits, and discussions with the proponent concerning potential treatment plans. The monitoring will

Leicester – Moose Hill Water Commission  
Moose Hill Reservoir Feasibility Evaluation  
Page 4 of 5

be conducted as close as possible to the proposed intake(s), and at other locations on the reservoir as deemed necessary. At a minimum, the sampling plan is likely to include the following:

- a. Total Coliform and E. Coli – Weekly for 1 year;
  - b. Turbidity, Color, Odor, Temperature, Suspended and Total Dissolved Solids – Weekly for one year;
  - c. Secondary Contaminants, as listed in Appendix A, to address reservoir turnover – Spring and Fall;
  - d. Safe Drinking Water Act Contaminants – During Spring turnover;
  - e. Total Organic Carbon – Seasonally
  - f. Giardia and Cryptosporidium – Every other month for one year
  - g. Nitrogen (nitrite, nitrate, ammonia) – Monthly;
  - h. Total Trihalomethane Formation Potential – Monthly in July, August, and September;
  - i. Algae – Monthly throughout the year at intake, major tributaries and at one or more locations in the reservoir;
  - j. Perchlorate – One sample collected during low flow conditions in August, September, or October
  - k. Analyses needed to demonstrate the proposed treatment system will comply with the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Stage 2 Disinfection Byproducts Rule (DBPR)
4. Watershed Resource Protection Plan – Guidance can be found in the document “Developing a Local Surface Water Supply Protection Plan”, MassDEP, 2000.
  5. Zone A Surface Water Protection Zoning and Non-Zoning Controls – You must demonstrate compliance with the Surface Water Supply Protection requirements of the Drinking Water Regulations (310 CMR 20.20C)
  6. Proposed Treatment Plan – Surface water suppliers are subject to the Surface Water Treatment Rule (SWTR), as written in the Drinking Water Regulations (310 CMR 22.20A). Treatment of the source must be determined through piloting according to Policy 90-04, Pilot Study Requirements for Proposed Treatment
  7. Water Supply Business Plan – Demonstrate the public water system has the technical, financial, and managerial ability to operate in compliance with 310 CMR 22.00, the Department’s “Guidelines and Policies for Public Water System” and each National Primary Drinking Water Regulation in effect at the time of such approval and in the foreseeable future.
  8. MEPA – Demonstrate compliance with the MEPA requirements. At a minimum, you will be required to file an Environmental Notification Form (ENF) for public review and comment
  9. Water Management Act Permit Application (OWM WM03)

Leicester – Moose Hill Water Commission  
Moose Hill Reservoir Feasibility Evaluation  
Page 5 of 5

Step 5. Construction and Final Approvals

1. Permit Application BRP WS 20 – Approval to Construct a Source Greater than 70 gpm
2. Permit Application BRP WS 21 – Treatment System Pilot Study Proposal
3. Permit Application BRP WS22 – Treatment System Pilot Study Final Report
4. Permit Application BRP WS 24 – Construct a Treatment Facility Greater than 1 million gallons per day.
5. Regulatory revision to 314 CMR 4.00 – Massachusetts Surface Water Quality Standards to designate the approved surface water body and its tributaries as Class A water bodies.

This letter is intended to provide you with the extent of the permitting and data collection needed to permit Moose Hill Reservoir as a Public Drinking Water System. After you have had the opportunity to review the information, please feel free to contact us to arrange a meeting to discuss the details.

Thank you, and if you have any immediate questions, feel free to call Barbara Kickham at (508) 767-2724, Purna Rao at (508) 767-2784, or myself at (508) 767-2827.

Sincerely,



Marielle Stone  
Section Chief  
Drinking Water Program

CC: Robert Reed, Town Administrator-Leicester  
Paul Blain, MassDEP-DWP-Boston  
Duane LeVangie, MassDEP-WMA-Boston  
MassDEP DWP Program File Copy  
MassDEP DWP Correspondence Copy

W:\WS\DW Program Files\WMA Program Files\Permits\Chicopee\Leicester\Leicester Moose Hill Res Letter 2008-11-3.doc



*The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs  
Department of Environmental Quality Engineering  
Central Region  
75 Grove Street, Worcester, Massachusetts 01605*

S. RUSSELL SYLVA  
Commissioner

November 9, 1987

Moose Hill Water Commission  
Town Hall  
Leicester, MA 01524

RE: LEICESTER - Public Water Supply  
Moose Hill Reservoir

Gentlemen:

Engineers from this office have completed the review and evaluation of a report submitted in your behalf by SEA Consultants, Inc. of Cambridge. This report is titled, "Preliminary Design Report, Moose Hill Reservoir Water Treatment Facility, March 1986" by SEA Consultants, Cambridge, Massachusetts.

This report discusses the use of Moose Hill Reservoir as a source of public water supply. It describes the amount of water available from this reservoir, its quality, and a method of treatment of this water to enable it to meet drinking water regulations. The report also characterizes the watershed tributary to the reservoir and indicates several potential sources of pollution. None of these sources is considered a major impediment to the ultimate use of this water as a public water supply.

Based on this report, this office approves the Moose Hill Reservoir as a source for a public water supply. Plans and specifications of treatment facilities to address drinking water regulations, as described in this report, are required to be submitted and approved by this office prior to use of this supply and prior to construction of the treatment facilities.

We would also like to point out that several other approvals and procedures may be required prior to construction of the treatment facilities. These include requirements of the interbasin transfer act (MGL Chapter 21, Section 8B-8D), the Water Management Act (MGL Chapter 21G) and 310 CMR 11.00 MEPA Regulations concerning Environmental Notification Forms.

Further, the Moose Hill Reservoir presently does not service any customers. Steps should then be taken to enter into agreements with any or all of the three water districts in the Town of Leicester to provide them with this water.

If you have any questions on this please telephone the undersigned at 792-7650.

Very truly yours,

*James R. Fuller*  
James R. Fuller  
Deputy Regional Environmental Engineer

JRF/jag

cc's Page 2

80614

RE: Leicester - Public Water Supply  
Moose Hill Reservoir

Page 2 - November 9, 1987

cc: Board of Selectmen  
Town Hall  
Spencer, MA 01562

Board of Health  
Town Hall  
Leicester, MA 01524

Leicester Water Supply District  
122 Paxton Street  
Leicester, MA 01524

Hillcrest Water District  
483 Pleasant Street  
Leicester, MA 01524

Cherry Valley & Rochdale Water District  
152 Main Street  
Cherry Valley, MA 01611

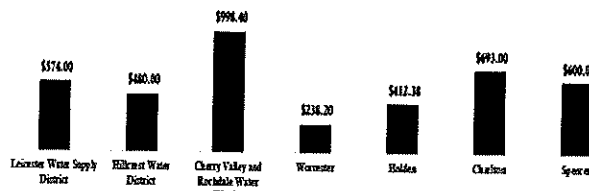
Mass. Water Resources Commission  
100 Cambridge Street  
Boston, MA 02202

SEA Consultants, Inc.  
485 Massachusetts Avenue  
Cambridge, MA 02139

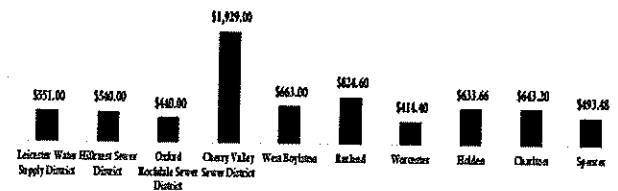
DEQE - Division of Water Supply  
One Winter Street  
Boston, MA 02108  
Attn: Patricia Deese, Director

APPENDIX C  
Financial Metrics

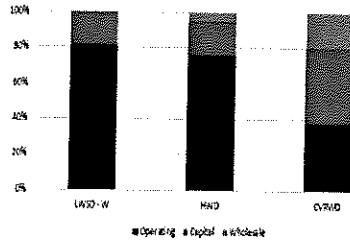
**Annual Water Bill Comparison**



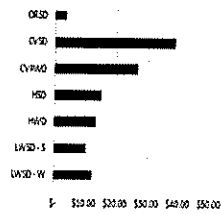
**Annual Sewer Bill Comparison**



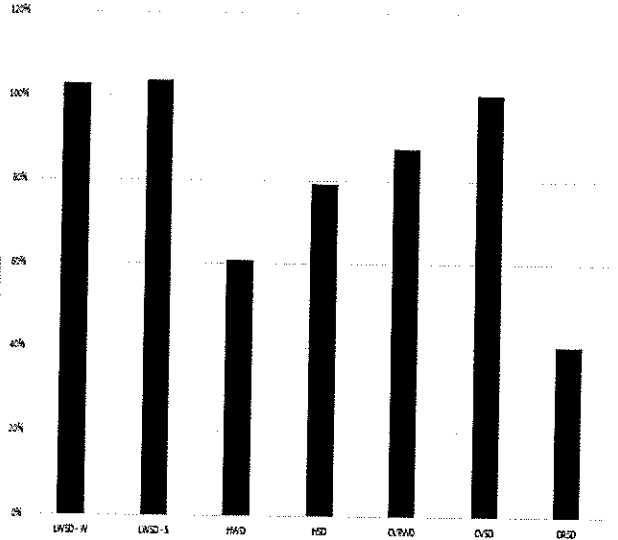
**Distribution of Revenue Requirements by District**



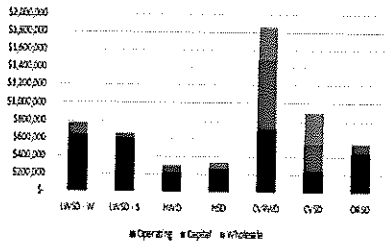
**Cost per Ccf of Billable Consumption**



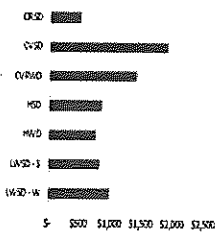
**Unrestricted Fund Balance as a Percent of Annual Revenue Requirements**



**Annual Revenue Requirements by District**



**Annual Cost per Connection**





**Re: Moose Hill follow up**

Mike Shivick <Michael.Shivick@live.com>

Tue 2/23/2021 6:33 PM

To: Gregory buteau <gregorybuteau1@gmail.com>

Mr. Buteau,

In follow up to my last email, you may have noted at the said meeting I made mention that I was not letting anyone speak because we did not have any rules and regulations in place.

Please review this article covering the basis for my decision: <https://bostonbarjournal.com/2019/06/06/spaulding-v-town-of-natick-school-committee-allowing-free-speech-while-accomplishing-municipal-work/>

In my opinion, Mr. Brooks himself has violated my rights on at least one occasion under the same concept, thereafter specifically deriding the first amendment rights enjoyed by individuals such as you and I.

Therefore, I hope you better understand my rationale for not wishing to even broach a situation like the Natick School Committee and Mr. Brooks have done in the past.

As an aside, I personally do not envision any public comment period for the Moose Hill Water Commission. There is no reason for it besides what amounts in many cases to political grandstanding. I don't believe that is your intent in any case.

I regret the length of time it took me to give you a comprehensive response and hope the situation is better illustrated to your liking.

Call me anytime.

**MS**

---

**From:** Gregory buteau <gregorybuteau1@gmail.com>

**Sent:** Tuesday, January 26, 2021 7:57 PM

**To:** Mike Shivick <Michael.Shivick@live.com>

**Subject:** Re: Moose Hill follow up

First of all a sincere apology Michael for not getting back to you earlier

At past Moose Hill meetings, when I had a question I would raise my hand & the chair would recognize me & I would present my question. I have done that process at water, sewer, selectmen, middle school building committee meetings, only with the virtual I wait until an appropriate time & ask the chair if I can ask a question

As a new Chairman, you do whatever you want in regard to public comment, input, etc. I had intended to ask what was intended with the agenda item, 'public hearings'

I have cc the past chairman on this email, Harry Brooks for which I have an email address.

Thanks & have a good & safe day.

greg buteau

again my apology

On Thu, Jan 7, 2021 at 8:27 PM Mike Shivick <[michael.shivick@live.com](mailto:michael.shivick@live.com)> wrote:

Hi Mr. Buteau,

Thanks for taking the time to attend tonight's meeting. I am following up with you regarding whatever questions or points of information you may have regarding tonight's meeting.

Let me know if you have any questions and we can address them at the next meeting.

**MS**

**7742627281**

# Boston Bar Journal

A Peer Reviewed Publication of the Boston Bar Association

## Spaulding v. Town of Natick School Committee: Allowing Free Speech while Accomplishing Municipal Work

**Posted:** June 6, 2019 | **Author:** bbabarjournal | **Filed under:** Legal Analysis, Spring 2019 Vol. 63 #2 |  
**Tags:** first amendment, natick public schools, public forum, Spaulding v. Town of Natick School Committee | [Leave a comment](#)



by Mina Makarious and Paul Kominers

### Legal Analysis

The Middlesex Superior Court's November 2018 decision on cross-motions for partial summary judgment in *Spaulding v. Town of Natick School Committee*, MICV2018-01115 (Nov. 21, 2018) (Kirpalani, J.), is a reminder that all constitutional rights (like all politics) are local. The case arose from a series of School Committee meetings, the type of quintessential local government activity repeated daily in hundreds of cities and towns throughout the Commonwealth. Notwithstanding this seemingly banal background, the issues in the case are at the heart of the First Amendment's powers and its limits — namely, how strictly a governmental entity can regulate speech in a public forum it has itself created. The answer, according to *Spaulding*, is that a local government body can control speech just enough to allow it to focus on the tasks at hand, but no more.

## Factual Background

In *Spaulding*, two mothers of former Natick Public School students had attempted to speak during “Public Speak” portions of Natick School Committee meetings. The School Committee reserved the Public Speak portion of each meeting to permit members of the public to address the School Committee without response from its members. The Committee had a participation policy for this portion of the meetings that, among other things, (1) limited each speaker to three minutes of time; (2) advised speakers that “[i]mproper conduct or remarks will not be allowed. Defamatory or abusive remarks are always out of order,” and (3) instructed speakers that they “may offer such objective criticisms of the school operations and programs as concern them, but in public session the [School] Committee will not hear personal complaints of school personnel nor against any member of the school community.”

The School Committee applied this policy to restrict or prevent the two mothers from speaking on at least three occasions. The ACLU, on behalf of Ms. Spaulding and Ms. Sutter, challenged the School Committee’s participation policy facially, and as applied to the two mothers. The plaintiffs argued that the policy was not content-neutral and failed to set definite standards on what speech was allowed. The plaintiffs sought partial summary judgment declaring portions of the participation policy unconstitutional.

## Facial Challenge

The court first assessed whether Public Speak was a traditional, designated, or limited public forum, quickly concluding that the Public Speak is a “designated” public forum, or a forum “which the government has opened for use by the public as a place to assemble or debate.” In designated public fora, the government may impose reasonable time, place, and manner restrictions on the exercise of free speech rights. However, any content-based restrictions must pass strict scrutiny, meaning they must be narrowly tailored to advance compelling government interests.

The court accepted that the School Committee had a compelling interest in conducting its business in an orderly and efficient fashion and that it therefore had the right to manage public participation at its meetings so long as it did so using rules narrowly tailored to advance that end. To assess whether the School Committee’s rule barring “personal complaints of school personnel,” or complaints “against any member of the school community” was narrowly-tailored, the court first reviewed the School Committee’s jurisdiction. It determined that the School Committee had jurisdiction over their district’s superintendent, budget, and overall goals and policies. The School Committee exercised no direct control over personnel other than the superintendent, and therefore could properly bar personal complaints against personnel other than the superintendent from Public Speak. Attendees could, however, voice personal complaints about the superintendent, and the participation rules were unconstitutional insofar as they barred such complaints.

The court also took issue with the requirement that the comments be “objective.” It held (after reviewing definitions of “objective” and “subjective”) that while a requirement that comments be based on “externally verifiable phenomena” might be proper, the School Committee acted improperly in prohibiting subjective comments rooted in individuals’ concerns.

Finally, the court held that the portion of the policy barring those making otherwise germane and appropriate comments from identifying the parties involved was unconstitutional. The public’s free speech rights, the court held, superseded any interest the School Committee had in protecting community members’ privacy.

The court then turned to the section of the Participation Policy prohibiting “defamatory” or “improper and abusive” remarks, holding that the policy banning “defamatory” remarks was constitutional only to the extent that it barred speech that had actually been adjudicated defamatory. Otherwise, the policy would be an unconstitutional prior restraint on speech concerning public officials and public business. The court read a similar limit into the policy on “improper and abusive” remarks, holding it was only constitutional to the extent that it barred threats, fighting words, or obscene content – all types of speech at the outer limits of First Amendment protection.

### As-Applied Challenges

The court then ruled on the plaintiffs’ as-applied challenges to the plaintiffs’ treatment at the January 8, February 5, and March 12 meetings.

On January 8, Spaulding had introduced herself as “the mother of a child that was mercilessly bullied into suicide here in Natick” before School Committee members cut her off. After hearing just her first sentence, the court ruled, School Committee members could not have known whether Spaulding’s comment would pertain to business within their jurisdiction. If particular students or teachers had bullied her child, then she had no right to say so at Public Speak, but if the bullying had somehow been committed by the superintendent, school operations, or school policies, then she did.

On February 5, Sutter began to speak about the “retaliation and retribution” she and her family had received “at the hands of the Natick Public Schools.” School Committee members quickly reprimanded her, insisted that she stop speaking, and then suspended the meeting. As with the analysis of the January 8 meeting, the court held that the School Committee cut Sutter off before she could make clear whether her complaints were about aspects of the school system within or outside of the School Committee’s jurisdiction. The court also noted that the Participation Policy did not bar discussion of Public Speak itself.

On March 12, Sutter again began to speak about “retaliation and retribution.” The School Committee reminded her that, under the participation policy, she could not discuss individuals or make defamatory statements. The court held that, again, Sutter had the right to discuss the superintendent or discuss operations or policies within the School Committee’s jurisdiction, whether her comments were positive or not.

### What the Court’s Decision Means for Cities and Towns

*Spaulding* was settled shortly after the trial court’s decision, so there will be no appellate review. Nonetheless, the case holds some important lessons for local government entities.

First, *Spaulding*’s conclusion that Public Speak was a “designated” public forum implies that if the Natick School Committee had not included the Public Speak portion of the meeting in the first place, it would not have created a public forum in which it had to hear the plaintiffs. Government entities cannot choose whether traditional public fora like sidewalks and parks will be open to speech, but they can decide whether to designate and maintain non-traditional public fora.

Second, the fact that the plaintiffs sought to speak during the “Public Speak” portions of the school committee’s meetings, rather than during the School Committee’s conduct of its scheduled business, is also important because the Massachusetts Open Meeting Law requires public bodies to set agendas for their meetings and adhere to the topics on the agenda. G.L. c. 30A, § 20(b). The plaintiffs did not appear to challenge, for instance, the School Committee chair’s asking certain audience members to restate their



comments at a later part of the meeting when particular issues were due to be taken up. Further, as noted in the case, the Open Meeting Law also gives the chair of a local public body the authority to determine whether to allow public input at all during the conduct of its business. *Id.*, § 20(g). Thus, absent an open-ended portion of an agenda such as the “Public Speak” portion of the Natick School Committee meetings, public bodies may have significantly more power to ask members of the public to focus their comments on the particular issue at hand. In other words, public bodies certainly may do their jobs, and may focus on doing so.

Third, notwithstanding these first two lessons, refusing to create opportunities for public dialogue is likely a shortsighted approach to addressing First Amendment issues. No local government entity can completely immunize itself from criticism, and neither should it be able to. *Van Liew v. Stansfield*, 474 Mass. 31, 38–39 (2016) (remarks about a local official are “at the core of the speech that the First Amendment to the United States Constitution protects”). Providing opportunities for public input, as uncomfortable as it may be for elected or appointed officials to hear, promotes good governance and an opportunity for those officials to engage on important issues. Thus, local governments should think very hard before simply closing off all opportunities for public input at public meetings.

Fourth, the court made clear that public bodies could limit public comments to issues within the public body’s jurisdiction. However, where that jurisdiction begins and ends can be difficult to determine. In *Spaulding*, the court agreed that if the plaintiffs had in fact begun to discuss particular personnel (other than the superintendent) or students, the School Committee could end those comments because the Committee’s role was limited to policy issues. Local government officials therefore need not fear that they will entertain comments that are outside of their roles or face pressure to assert jurisdiction over issues on which they legally have no say. On the other hand, one could argue that the School Committee’s jurisdiction was broad enough to include investigating those incidents to determine whether they warranted policy changes. Further, while not at issue in *Spaulding*, one can easily imagine a situation in which a local board or committee had previously asserted that it *did* have broad jurisdiction to address a particular issue, which could make it difficult to exclude speech on that issue later.

Finally, once the government body permits the public to speak on a topic within the government body’s jurisdiction, and the speaker does so at the appropriate time, the government body cannot silence the speaker based on what they say on that topic. This is at the core of First Amendment jurisprudence. The government cannot tell the public what to say; rather, it can only place reasonable restrictions on where and when to say it. The School Committee’s key error in *Spaulding*, it appears, was not in opening the School Committee meetings for speech, or in requiring speakers to stay on topic. Rather, the mistake was in prematurely cutting off speakers they believed would discuss topics the public officials deemed inappropriate. Although it can be difficult to do so, public officials should remain open to letting members of the public make their complete comments and, only if necessary, redirect speakers to stay on topic. Further, fears that what a member of the public might say could create liability for public officials (e.g., if members of the public discuss private matters) can be overstated: given the speech courts require be permitted, it is unlikely that a court could construe a public officials’ mere listening to speech as endorsing a particular viewpoint.

## Biography

*Mina S. Makarious is a partner at Anderson & Kreiger LLP in Boston. He is Town Counsel to the Towns of Concord and Lexington, and advises these and other municipalities on constitutional, governance, and other issues. He is the Co-Chair of the BBA’s Environmental Section.*

*Paul M. Kominers is an associate at Anderson & Kreiger LLP. He advises municipal and other governmental clients on litigation, constitutional, governance, and other issues.*

**377**

**Blog at WordPress.com.** Mid Mo Design.

**TOWN OF LEICESTER**

**MOOSE HILL WATER COMMISSION**

**RULES AND REGULATIONS**

**I. MOOSE HILL WATER COMMISSION**

- A. **OBJECTIVE**: The objective of the Moose Hill Water Commission is to actively work to certify Moose Hill Reservoir as a public water supply for the benefit of the Town of Leicester, while complying with all applicable laws, regulations, and contractual obligations.

**II. ORGANIZATION OF MOOSE HILL WATER COMMISSION**

- A. **PURPOSE**: To define the duties of, and process for electing, a Chairperson of the Moose Hill Water Commission.
- B. **POLICY**: For purposes of organizing, the Moose Hill Water Commission (hereinafter “Commission”), at its first regular meetings following the Town of Leicester Annual Elections, will elect from its membership a Chairperson. The Chairperson shall also act as the Clerk, and who shall hold the respective office for a term of one year or until a successor is elected.

**1. Organizational Meeting**

- a. The Organizational Meeting shall be called to Order by the existing Chair, or in its absence, the longest serving Commissioner measured by overall years elected to the Commission, who shall preside during and until the election of the new Chairperson.
- b. Nominations for the new Chairperson will be made by the members of the Committee will be made, after opening the nominations. The Chair shall be elected by voice vote of the Commissioners in attendance and voting. If no nominee receives a majority vote, the election will be declared null and void and nominations will be reopened.



- c. No member may serve as Chair for more than 2 consecutive years.
  - d. Any vacancy of the Chair occurring between Organizational Meetings will be filled by the appointment of the Chair in its sole discretion.
  - e. Following the election of a Chair at its organizational meeting, the Commission may then proceed onto such business as is scheduled on the agenda.
2. **Duties of the Chairperson:** The Chairperson of the Moose Hill Water Commission shall have the same powers as any other member of the Commission to vote on any measures before it, to offer resolutions, and to discuss questions. She or he will perform those duties that are consistent with the office and those prescribed by applicable laws and regulations. In carrying out these responsibilities, the Chair will:
- a. Sign the instruments, acts and orders approved by the Commission in its name and on its behalf;
  - b. Consult with the Town Administrator in planning the Commission's meeting agendas, where necessary;
  - c. Confer with the Town Administrator on matters that may occur between meetings;
  - d. Appoint subcommittees subject to Commission approval;
  - e. Call special meetings of the Commission as found necessary or requested in writing by members of the Commission;
  - f. Be public spokesperson for the Commission at all times except as delegated by the Chair specifically to others;
  - g. Preside at all Commission meetings;
  - h. Verify with the Town Administrator that the Town of Leicester is at all times in compliance with its legal and contractual obligations in relation to development of Moose Hill Reservoir as a public water supply for the Town of Leicester.

- i. If the Chair becomes incapacitated or infirm, then the longest serving Commissioner measured by overall years elected to the Commission shall call an Organizational meeting within 30 days to elect a new Chair.

3. **Duties of the Clerk:** Clerk shall be responsible to draft and submit draft minutes of each meeting to the Commission for approval at a subsequent meeting. Minutes shall include:

- a. a statement of the nature of the meeting,
- b. the time and place of the meeting,
- c. names of members present and absent,
- d. names of any Town employee(s) or other elected official(s) in attendance
- e. A record of any official action taken by the Commission; resolutions and motions shall be given their exact wording, accompanied by the names of the members moving and seconding and a record of the results of the vote;
- f. Notation of formal adjournment.
- g. Copies of all minutes will be sent to each Commission member at least 24 hours prior to the meeting at which they are scheduled on the agenda for approval.
- h. All minutes approved by the Commission will become the permanent records of the Commission.
- i. All approved minutes shall be in the custody and control of the Town Administrator or her/his designee, who will make them available to interested citizens upon request, as well as make sure all approved minutes are available to the public in a manner that is convenient to access for member of the public.

III. **WATER COMMISSION-TOWN ADMINISTRATOR RELATIONSHIP:** The Commission will leave to the Town Administrator all matters of decision and administration that

come within his or her scope as executive officer of the Town of Leicester. The Commission retains the right to make policy as it decides and it should normally proceed in making such decisions after receiving recommendations from the town's chief executive officer. Further,

- a. The Town Administrator shall have the privilege of asking guidance Commission with respect to matters of operation whenever appropriate. If it is necessary to make exception to an established policy, he or she will submit the matter to the Commission for advice and direction.
- b. The Town Administrator will assist the Commission in reaching sound judgments and establishing policies, and will place before the Commission all relevant facts, information, and reports necessary to keep the Commission adequately informed of information and business at hand.

#### **IV. CONDUCT OF MOOSE HILL WATER COMMISSION MEETINGS**

1. The Commission shall meet at least once monthly from September to June. Meeting(s) will be held outside of regular Town business hours, and which shall be called "regular meetings."
2. Where circumstances warrant, the Chair may choose to call additional meetings, which shall be called "special meeting(s)."
3. Every meeting of the Commission will be open to the public in a manner compliant with the Massachusetts Open Meeting Law.
4. The Commission shall use consensus as the primary method to resolve issues and to formulate recommendations. Votes by the majority may be taken at the discretion of the Chair and the most recent edition Robert's Rules of Order shall prevail if there are questions of procedure.
5. Any Commission member or resident of Leicester may suggest an item for inclusion in the meeting agenda. However, the inclusion or exclusion of any suggested agenda item will be at the discretion of the Chair. A resident who

wishes to suggest an agenda item or wishes to submit a question or other information to the Commission is required to submit the suggestion through the Town Administrator.

6. There will be no specific “public comment period” designated at any meeting of the Commission.
7. Residents or other members of the public who wish to provide input regarding a given agenda item are encouraged to contact the Commission members prior to the meeting by email, mail, or phone, in order to provide the said input.
8. The meeting agenda will be distributed to the Commission members and Town Administrator at least 48 hours prior to the start of a given meeting.
9. The materials accompanying the agenda for a given meeting will be distributed to Commissioners no less than 24 hours prior to a given meeting.

**V. PUBLIC PARTICIPATION IN COMMISSION MEETINGS**

1. All meetings of the Moose Hill Water Commission shall be open to the public.
2. The Commission desires members of the Town of Leicester to attend Commission meetings so they may become better acquainted with the operations of the Commission and Town.
3. The Commission expressly desires to hear the wishes and ideas of the members of the Leicester community on matters within the scope of their authority.
4. Members of the Leicester community who wish to have their ideas and expressions heard may submit questions, input, or expressions to the Commissioners prior to or subsequent to any Commission meeting, via email, mail, or by phone.
5. The Chair in his discretion may designate at times for the Commission to solicit and receive verbal comments from members of the public during the conduct of a meeting.

Moose Hill Water Commission – Proposed Rules and Regulations

Michael J. Shivick, Esq.

February 23, 2021

1. Rules and Regulations for any such designated time will be adopted on an *ad hoc* basis.
2. Any time so designated will be listed as a specific agenda item, if at all.

###END###

# Cherry Valley and Rochdale Water District

384

Established 1910

P.O. BOX 138

ROCHDALE, MASSACHUSETTS 01542

OFFICE (508) 892-9616 • FAX: (508) 892-4371

## COMMISSIONERS

Robert H. Lemieux, Cherry Valley  
Arthur E.J. Levesque, Greenville  
Kevin M. Bergin, Rochdale

JENNIFER M. WOOD  
Treasurer

BENJAMIN MORRIS  
Superintendent

RECEIVED

FEB 22 2021

Town of Leicester  
Development & Inspectional Services

February 17, 2021

Mr. Shivick

I apologize for the delay in response. Your January 27, 2021 letter was brought up in discussion at the Districts February 16, 2021 Commissioners meeting. After discussion with the Board, I was advised to respectfully decline the invitation to the February 25, 2021 meeting.

Sincerely,



Benjamin Morris  
Superintendent

*"This is an equal opportunity provider and employer"*