SENATE . . . . . No. 2174

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to the Dighton Water District in the town of Dighton.

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 359 of the acts of 1950 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

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 street, 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 distance 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, and within the additional territory depicted upon a Plan of Land in Dighton, MA (Bristol County) prepared for Dighton Water District, Scale: 1" = 1000', dated October 18, 2011, by John W. Delano and Associates, Inc., Registered Land Surveyors and Engineers, 27 Jefferson Street, Taunton, MA, and 220 Hudson Street, Halifax, MA., subscribed and sealed by John W. Delano, and recorded in the Bristol county northern district registry of deeds in plan book 483,

26 pages 33 and 34, which Plan was adopted by a vote of a Special Dighton Water District Meeting
27 on November 10, 2011, and by a Special Town Meeting of the Town of Dighton on December 1,
28 2011, shall constitute the Dighton Water District, which shall be a body corporate, for the
29 purpose of supplying themselves with water for the extinguishment of fires and for domestic and
30 other purposes, with power to establish fountains and hydrants and to relocate and discontinue
31 the same, to regulate the use of such water and to fix and collect rates to be paid therefor and to
32 assess and raise taxes as provided in this act for the payment for such services and for defraying
33 the necessary expenses of carrying on the business of the district, subject to all general laws now
34 or hereafter in force relating to the district, except as otherwise provided in this act. The district
35 shall have power to prosecute and defend all actions relating to its property and affairs.

36 SECTION 2. Said chapter 359 is hereby further amended by inserting after section 1 the
37 following section:-

38 Section1a. As to estates not within the territory described in Section 1, the Board of
39 Commissioners shall have the power to refund taxes assessed and collected by the Dighton
40 Water District during and after Fiscal Year 2007 but prior to Fiscal Year 2013, pursuant to
41 applications filed between December 15, 2011, and January 17, 2012, notwithstanding any
42 general or special law to the contrary, provided that money for such refunds shall have been duly
43 appropriated or transferred from the District treasury by a vote of a District meeting. The
44 determination of the Assessors that an estate was outside of the Territory described in Section 1
45 shall be conclusive and binding upon the Commissioners in determining its eligibility for a
46 refund of a tax under this section. In all other cases, abatements of taxes assessed by the Dighton
47 Water District shall conform to applicable provisions and restrictions of all earlier and
48 subsequent general and special laws.

49 SECTION 3. Said chapter 359 is hereby further amended by inserting after section 13
50 the following section:-

51 Section 13A. There shall be in the Dighton Water District a Dighton Water District
52 Water Resources Exploration, Acquisition and Development Perpetual Trust to fund water
53 resources exploration, acquisition and development. The trust shall be managed by a board of
54 trustees to consist of 3 members to be appointed as provided in this paragraph. The board of
55 commissioners of the Dighton Water District shall appoint 1 of its own members to serve as an
56 ex officio member of the board of trustees of the fund, who shall serve for an initial term of 3
57 years. The board of commissioners shall also appoint a resident of the district who shall not be a
58 district official or employee, who shall serve for an initial term of 2 years. The board of
59 selectmen shall appoint 1 of its members who shall also be a resident of the Dighton Water
60 District, who shall serve for an initial term of 1 year; provided, however, that if no member of
61 the board of selectmen is a resident of the district, then the board of selectmen shall appoint a
62 resident of the district to serve on the board of trustees for an initial term of 1 year. Upon the
63 expiration of the initial terms of the members, their successors shall be appointed in like manner

for terms of 3 years. Vacancies on the board of trustees shall be filled in the same manner as provided for the original appointments. The members of the board of trustees shall serve without compensation and shall annually elect a chairperson and a secretary from their own number to serve for that year or until their successors are elected. A majority of the board of trustees shall constitute a quorum for the transaction of business.

The treasurer of the district shall be the treasurer of the board of trustees of the trust and shall annually, and at other times upon the request of the board of trustees, report to the board the condition of the trust. The bond of the treasurer of the district shall be sufficient to serve also as the bond of the treasurer of the trust.

All money or property which the Dighton Water District may receive by gift or bequest for exploration, acquisition or development of water resources shall be administered by the board of trustees of the trust in accordance with the terms of the gift or bequest or, in the absence of stipulations, in accordance with a vote of the district upon a recommendation of the board of trustees.

The board of trustees of the trust shall make an annual report to the district of its receipts and expenditures and of the property in its custody, including a statement of any unexpended funds and any gifts or bequests which it holds on behalf of the district, with its recommendations.