

HOUSE No. 3808

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending Chapter 336 of the Acts of 1939 concerning the establishment of the Lynnfield Center Water District.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/18/2023</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/18/2023</i>

HOUSE No. 3808

By Representative Jones of North Reading, a petition (subject to Joint Rule 9) of Bradley H. Jones, Jr., and Brendan P. Crighton for legislation to further regulate the Lynnfield Center Water District. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act amending Chapter 336 of the Acts of 1939 concerning the establishment of the Lynnfield Center 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:

1 SECTION 1. Section 9 of chapter 336 of the acts of 1939, an act establishing the
2 Lynnfield center water district, is hereby amended by inserting at the end of the first sentence the
3 following words:- provided however, that any commissioner elected at said annual district
4 meeting shall be required to be a registered voter in said district for no less than thirty days prior
5 to the meeting, and further that if the annual district meeting is rescheduled for the protection of
6 public health or safety or by order of the Governor, the thirty day period shall not be affected and
7 shall continue to be calculated based on the date of the originally scheduled meeting.

8 SECTION 2. Section 9 of said act is hereby amended by striking the fourth sentence and
9 inserting in place thereof the following sentence:- The district shall elect by ballot at the
10 appropriate annual district meeting a clerk of the district to serve for a term of three years.

11 SECTION 3: Section 9 of said act is hereby amended by striking the fifth sentence and
12 inserting in place thereof the following sentences:- The board of water commissioners shall
13 appoint a treasurer of the district for a term not to exceed three years, who shall not
14 simultaneously serve as a water commissioner. The treasurer shall give bond to the district
15 within ten days of their appointment for the faithful performance of their duties in a form and
16 amount as approved by the board of water commissioners from a surety company authorized to
17 transact business in the commonwealth as surety.

18 SECTION 4. Section 10 of said act is hereby amended by striking out the third sentence
19 in its entirety and inserting in place thereof the following sentence:- If there should be a net
20 surplus remaining after providing for the aforesaid charges, the net surplus shall be used for the
21 purpose of funding any budget deficits, capital projects, expenses, retained earnings or any other
22 lawful purpose as the board of water commissioners may determine.

23 SECTION 5. Section 11 of said act is hereby amended by striking said section in its
24 entirety and replacing it with the following:- The district may adopt by-laws, prescribing by
25 whom and how meetings of the district may be called, notified and conducted. The board of
26 commissioners shall insert in the warrant for the annual district meeting and for any special
27 district meeting all subjects the insertion of which shall be requested of them in writing by one
28 hundred registered voters or by ten per cent of the total number of registered voters of the district
29 whichever number is the lesser. The board of water commissioners shall call a special district
30 meeting upon request in writing, of two hundred registered voters of the district or of twenty per
31 cent of the total number of registered voters of the district, whichever number is the lesser; such
32 meeting to be held not later than forty-five days after the receipt of such request, and the board of
33 water commissioners shall insert in the warrant therefor all subjects the insertion of which shall

34 be requested by said petition. No action taken by a district meeting shall be valid unless the
35 subject matter thereof is contained in the warrant for said meeting. Two or more distinct district
36 meetings for distinct purposes may be called by the same warrant.

37 The written requests of registered voters for the insertion of subjects in district meeting
38 warrants shall not be valid unless the required number of registered voters not only sign their
39 names but also state their residence, with street and number, if any. The board of water
40 commissioners shall submit such written requests to the board of registrars of voters, the board of
41 election commissioners or town clerk who shall check and forthwith certify to the clerk of the
42 district the number of signatures so checked which are names of voters in the district, and only
43 names so checked and certified shall be counted. A greater number of names than are required in
44 each case need not be certified.

45 The district may also establish rules and regulations for the management of its water
46 works, not inconsistent with this act or with any other provision of law, and may choose such
47 other officers not provided for in this act as it may deem necessary and proper.

48 SECTION 6. Section 12 of said act is hereby amended by striking out the words “and
49 upon conviction of any of the above willful or wanton acts shall be punished by a fine of not
50 more than one hundred dollars or by imprisonment for not more than six months” and inserting
51 in place thereof the following words:- and shall be subject to penalties in amounts determined by
52 regulations adopted by said board of water commissioners.

53 SECTION 7. The position of elected district treasurer shall be abolished as of the
54 effective date of this act; provided, however, that for purposes of implementing this act, any
55 person holding the office of elected treasurer shall serve as the first appointed treasurer for a

56 period of time equivalent to the remainder of their unexpired term or their sooner vacating of the
57 office. Thereafter, the position of treasurer shall be appointed as provided in chapter 336 of the
58 acts of 1939 as amended by section 4 of this act.

59 SECTION 8. This act shall take effect upon its passage.