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ACTS and RESOLVES

Passed by the
GENERAL ASSEMBLY
of the
STATE OF VERMONT
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1910

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PUBLISHED BY AUTHORITY

RUTLAND
THE TUTTLE COMPANY
PRINTERS
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SEC. 37. This act shall be an amendment of and addition to all prior acts pertaining to the incorporation of the village of Morrisville, and the powers heretofore granted to said village.

SEC. 38. This act shall take effect from its passage.

Approved January 27, 1911.

No. 314.—AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF PLAINFIELD.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. The corporation of the village of Plainfield is hereby authorized and empowered to acquire, own, construct, maintain and renew, and, when required, extend and enlarge a water system for the purpose of supplying said village and the inhabitants thereof with water for fire, domestic and other purposes; and for this purpose may construct and maintain reservoirs, dams, engines and boilers, pumps and other apparatus and such buildings and other structures as may be required. And said corporation, for the purposes aforesaid, may acquire by gift or purchase, and, if necessary, take the same as hereinafter provided by the right of eminent domain, and hold such ponds, springs, streams, and waters thereof, water courses, water rights, privileges, easements, lands and real estate, or any interest therein, and rights of way in the town of Plainfield and that part of Marshfield in the county of Washington situated between the east bank of the Winooski river and the north bank of the Nay Smith brook, so called, as may be necessary for the purposes aforesaid, together with such lands surrounding and adjacent to the same, as may be reasonably necessary to preserve the purity and quantity of the waters thereof, and for like purposes when necessary, may enclose the same with fences; and may also as part of its water system, lay, erect and maintain as hereinafter provided, such pipes, aqueducts, hydrants, appliances and connections as may be necessary to convey the water taken as aforesaid to its reservoirs, and to distribute it through said village for the purposes aforesaid. But said corporation shall not take, otherwise than by gift or purchase, water or a spring of water which the owner or lessee, or other person having a vested right or interest therein, or in the use thereof, may reasonably require for domestic use or watering stock.

SEC. 2. Said corporation, for the purposes aforesaid, may enter any of the lands and real estate which it may require as aforesaid, and thereon construct, maintain, renew and repair

from time to time such reservoirs, dams, engines, boilers, pumps, connections, apparatus, buildings and structures, as it may reasonably require and be necessary for its said water system; and it may enter upon or use and acquire if necessary, any private lands and enclosures over or through which it may be necessary for its aqueducts and pipes to pass, and may thereon dig and open the grounds and place, lay and extend therein such pipes and aqueducts, connections and appliances as may be necessary for the construction, maintenance, operation, repair and renewal from time to time of its water system; and it may also open the grounds of any street, lanes, avenues, highways and public grounds for the purpose of laying down, erecting, and from time to time renewing, repairing and extending such pipes and aqueducts, hydrants, and appliances, connections and attachments as may be necessary for conducting water, and distributing, furnishing and supplying the same as aforesaid; provided such streets, lanes, avenues, highways and public grounds shall not be unnecessarily injured but shall be left in as good condition as reasonably can be done. Said corporation may from time to time enter upon any land or water when necessary and in a proper manner for the purpose of making preliminary surveys for its water system.

SEC. 3. Said corporation may after the passage of this act, at a special meeting duly called for that purpose, vote to accept the provisions thereof and to construct in whole or in part and maintain a water system for said village, and may at any meeting duly called for that purpose, elect a water board consisting of not more than twelve and not less than five members which shall have the power, subject to the control and direction of said corporation, to construct for it a water system; and for this purpose to cause necessary surveys to be made; to negotiate and make contracts for, and purchase and take conveyances to said corporation of land, real estate interests, waters, ponds, springs, streams and water rights, and sources, easements and other interests, proper and necessary for the construction and maintenance of such water system, including all necessary rights and privileges mentioned in section 2 of this act; and when necessary may take such steps and institute such proceedings as may be necessary for acquiring the same under provisions of this act and may employ for these purposes such counsel, engineers and assistants as may be required; and may, subject to the general direction and control of said corporation, purchase all necessary materials and supplies and employ necessary labor; and may, if so authorized by said corporation, at a meeting duly called for that purpose, let by contract the construction of said water system, or any part or section thereof.

And said corporation, if it decides so to do at a meeting thereof duly called and holden for that purpose, may purchase

any existing water system or any in process of construction, if the owner or owners are willing to sell the same, and, in that event, if the parties cannot agree upon the price to be paid, they may agree to submit the price to be paid therefor to arbitrators; and in that event the said water board shall have the power, subject to the control and direction of the corporation, to complete a contract for such arbitration and sign an agreement of submission in behalf of said village, and any award made in pursuance of such submission shall be binding upon both parties.

SEC. 4. If said corporation shall be unable to agree with the owners of such lands, ponds, springs, streams, rights, interests or with any person damaged by the taking thereof as to the damage sustained by reason of the taking of the same for the purposes aforesaid, or as to the necessity of taking, or in case any such owner or person damaged is a minor, insane or out of the state, or otherwise incapacitated to sell or convey, the necessity of taking such lands and such damages shall, upon hearing, be ascertained and fixed by three commissioners who shall be appointed by the assistant judges of Washington county court upon application by the bailiffs of said corporation, or upon the application of the person so sustaining damage or disputing the necessity of taking such lands, ponds, streams, or springs; and, in case said corporation or any such owner or person is dissatisfied with the decision of said commissioners appeal therefrom may be had to the county court within and for the county of Washington by petition in writing to said county court, and the proceedings upon said appeal shall be as provided in sections 3835 to section 3838, inclusive, of the Public Statutes, providing such appeal shall not be allowed unless taken within sixty days after said commissioners shall have made report in writing to the bailiffs of said village and to the person sustaining such damages or disputing the necessity of taking the property aforesaid. Any person whose rights to the flowage of water are taken under this act may apply as aforesaid within one year from the time such waters are actually taken or diverted and not thereafter. The selectmen of the town of Plainfield and Marshfield may discontinue any highway or part thereof in said town and may lay out a highway therein in lieu thereof when necessary to do so on account of the building and location of any reservoir or dam for said water system. Provided that if necessary to lay out a highway in lieu of one discontinued in the town of Marshfield the same shall be laid out and built at the expense of said village under the supervision of the selectmen of the town of Marshfield.

SEC. 5. Said corporation shall within sixty days after the taking of any property, property right, privilege or easement under the provisions of this act, file in the town clerk's office in the town where the same is situated a description of any

land, water rights, rights, privileges or easements so taken sufficiently accurate for identification.

SEC. 6. For the purpose of acquiring, constructing and establishing its water system or any part thereof, and for making such additions and extensions as may be necessary from time to time, said corporation is authorized and empowered to make, issue and sell its negotiable bonds to an amount not exceeding twenty-five thousand dollars par value in such sum and payable at such times and places and at such rate of interest as may be deemed advisable, and may borrow money from time to time as may be necessary to enable the water department to carry on and complete the work of supplying the village with water and paying current indebtedness, incurred in connection with its water system; and for such purpose may also levy and collect such taxes upon the polls and ratable estate of the taxpayers as may be necessary, provided, however, that all bonds, made, issued or sold, all loans authorized and all taxes laid shall be made, issued and sold, authorized and laid only by virtue of a majority vote of the voters of said corporation present and voting at a meeting duly warned and holden for such purposes.

SEC. 7. Every bond issued by said corporation for water purposes in pursuance of this act, shall be signed by the board of bailiffs and the treasurer of said corporation and shall bear the certificate of the clerk thereof, and shall state on the face thereof the purpose for which said bond is issued. And the records of said corporation shall be so kept as to show the issue of the bonds, the amounts and dates of the same, when due, and the time of their payment; said corporation is hereby prohibited from issuing or negotiating bonds as aforesaid, exceeding twenty-five thousand dollars in amount par value.

SEC. 8. After said corporation has voted to make, issue and sell its said bonds, said water board may, when it becomes necessary to pay for the construction, establishing and acquiring of said water system or any part or portion thereof, or for carrying out any contract in relation thereto, make all necessary arrangements for the issuing by said corporation from time to time or at one time, of its bonds sufficient for such payment or payments not to exceed however in the aggregate the amount specified in this act, and shall prepare such bonds ready for the signature of the officers hereinbefore mentioned, for signing and countersigning the same, and it shall thereupon become the duty of such officers to sign and countersign said bonds as hereinbefore mentioned; and said water board may thereupon, negotiate and sell said bonds, or sufficient thereof for the purposes aforesaid, to the best advantage possible for said corporation, and use the avails thereof for the purpose aforesaid and place any balance remaining from such sale in the treasury of said village. When said village shall have acquired or constructed a

water system complete and in good condition for use the duties of said water board shall cease, and thereafter said village shall not elect a water board, but the board of water commissioners hereinafter provided for shall thereafter have charge of said water system as hereinafter provided.

SEC. 9. Said corporation is hereby authorized and empowered to contract with the towns of Plainfield and Marshfield or any school, fire district, or village corporation, now or hereafter situated within said towns, or with corporations and individuals, in said towns to supply water for the protection of any property from fire, and for domestic use and other purposes.

SEC. 10. The owner and occupant of any tenement, house or building, who shall take the water of said corporation shall be liable for the rent or price of the same, and the officers and agents of said corporation intrusted with the care and superintendence of the water may at all reasonable times enter all premises so supplied to examine the pipes and fixtures and prevent any unnecessary waste, and if any person or persons without the consent of said corporation, shall use any of said water, an action of tort under this statute may be maintained against such person, by said corporation for the recovery of damages therefor.

SEC. 11. If any person or persons shall wilfully, wantonly or maliciously divert the water or parts thereof, of any of the ponds or springs, streams, aqueducts, water courses, or reservoirs which shall be taken, used or constructed by said corporation, or shall corrupt the same, or make it impure, or commit any nuisance therein, or shall bathe therein, or within the limits that may be taken or prescribed by said corporation pursuant to the provisions of this act, or maliciously injure or destroy any dam, embankment, aqueduct, pipe, reservoir, conduit, hydrant, structure, pump, machinery or other property held, owned or used by said corporation under the provisions of this act, such person or persons shall be liable to said corporation in treble damages therefor, to be recovered in an action on the case founded on this statute, and any such person on conviction of any of the malicious acts aforesaid, shall be punished by a fine not exceeding one hundred dollars, or imprisoned in the house of correction not exceeding six months.

SEC. 12. Said corporation shall have power to organize and establish a water department for the purpose of supplying said village with water from said system as aforesaid, and may purchase, take and hold all necessary real and personal estate for that purpose.

SEC. 13. Said corporation may for the purpose of the support and maintenance of its water department, and to insure the payment of the interest on its said water bonds, and to provide for the payment of said bonds, establish rates of annual rents for the supplying of water to the inhabitants of said village,

and others including corporations, and make rules and regulations as to the collection of the same, and may from time to time alter, modify, increase, or diminish such rates, and extend them to any description of property, or use, as said corporation may deem proper. Such rates or rents may be ordered to be paid in advance. And all necessary orders and provisions may be made and enforced by said corporation, relating to the supply or stoppage of water, as it may deem necessary to insure payments and save from waste or pollution the waters of its system.

SEC. 14. Said corporation, at a meeting called for that purpose and after acquiring or constructing a water system shall elect three commissioners, who shall constitute a board of water commissioners, one of whom shall hold office for three years; one two years, and one for one year, from the next annual meeting after such election, unless such first election takes place at an annual meeting, and in such case from the time of such election; and at every subsequent annual meeting said corporation shall elect one water commissioner to fill the vacancy occasioned by the then expiring term who shall hold his office three years from his election and until his successors shall be chosen as above provided; and in case of death, resignation or removal of a commissioner, the vacancy may be filled at a special meeting duly warned and holden for that purpose.

SEC. 15. The water commissioners under the direction of said corporation shall have the supervision of the water department, shall make and establish all needful rules and regulations for the control and operation of the same, and the bailiffs upon application of the water commissioners may draw orders on the treasury for the necessary expenses of the same. The commissioners may appoint a superintendent and remove him at their pleasure; and generally take charge of the water department, subject to the control, order and direction of the corporation. The rents shall be used to pay the interest as it becomes due, upon said water bonds, and any excess therefrom, after paying said interest and the expense of repairs and management of said water works, shall be set apart by the commissioners and invested in the name of said corporation to be used in the purchase of said bonds, or in payment thereof when they become due, and the same shall be used and applied solely for the payment or purchase of said bonds until the whole shall be paid.

SEC. 16. Said corporation shall have the power to make, establish, alter, amend, or repeal ordinances, regulations and by-laws relating to the matters contained in this act, not inconsistent with law, and to impose penalties for the breach thereof, and enforce the same.

SEC. 17. Any action taken by said corporation under the provisions of this act, or relating to the matters therein set forth, shall be by vote of the majority of the legal voters of

said village present and voting at a meeting duly warned and holden.

SEC. 18. This act shall take effect from its passage.

Approved January 13, 1911.

No. 315.—AN ACT TO ENABLE THE VILLAGE OF
POULTNEY TO REFUND ITS INDEBTEDNESS.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. The village of Poultney by a majority vote in a meeting legally warned for that purpose, is hereby authorized to issue bonds to an amount not exceeding forty thousand dollars to pay its outstanding indebtedness, and to retire its outstanding and unpaid orders, notes and bonds. Said issue of bonds shall bear interest at a rate not exceeding four and one-half per centum per annum, and shall be exempt from taxation.

SEC. 2. Said bonds shall be signed by the trustees of said village and countersigned by its treasurer and if interest coupons are attached said coupons shall be signed by the treasurer only. Said bonds shall contain on the face thereof a statement of the purposes for which they were issued, and that they are issued under the authority conferred by this act.

SEC. 3. In case said village shall fail to make reasonable provisions for the payment of the interest and principal of said bonds, as the same shall become due, it shall be the duty of the treasurer of said village to make out and deliver to the collector of said village a tax bill on the grand list of said village, and he shall therewith issue to said collector his warrant, substantially in form as now provided to be issued for the collection of town or other taxes, directing the collection and payment of said tax to said treasurer within sixty days from the time of such delivery, in amount sufficient promptly to pay the interest or principal then past due or unpaid. And such tax shall be especially held and used for the payment of such interest and principal as is unpaid; and it is hereby made the duty of said treasurer promptly to pay the interest and principal of such bonded indebtedness as the same shall become due without any vote thereupon of said village, and such tax bill and warrant shall have all the force in every respect of a tax bill voted therefor by said village.

SEC. 4. This act shall take effect from its passage.

Approved January 18, 1911.