

ACTS AND RESOLVES
PASSED BY THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT
AT THE
THIRTIETH BIENNIAL SESSION
1929
SESSION COMMENCED JANUARY 9, 1929
ADJOURNED MARCH 15, 1929
AND THE
SPECIAL SESSION, NOVEMBER 30, 1927



PUBLISHED BY AUTHORITY

and at the expiration of said sixty days the said treasurer shall issue his warrant against the delinquent taxpayers.

SEC. 2. This act shall take effect from its passage.

Approved March 7, 1929.

NO. 184.—AN ACT TO AMEND SECTION 3 OF NO. 305 OF THE ACTS OF 1906, AS AMENDED BY NO. 273 OF THE ACTS OF 1919 RELATING TO FIRE DISTRICT NO. 1 OF WALLINGFORD: TO AUTHORIZE SAID FIRE DISTRICT TO ACQUIRE A WATER SYSTEM AND TO ISSUE BONDS THEREFOR.

[H. 5]

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

SECTION 1. Section 3 of No. 305 of the Acts of 1906 as amended by No. 273 of the Acts of 1919 is hereby amended by adding thereto the following: Said fire district shall have and exercise the further powers and functions as follows:

(1) To provide a supply of water for protection of the district against fire and for sanitary and domestic uses and other purposes, and for the use of the inhabitants of said district and town of Wallingford.

(2) To establish, increase, maintain and repair reservoirs, aqueducts, water pipes, pipe lines and other necessary apparatus and installations for and in connection with such water supply.

(3) To preserve, protect, operate and maintain the same.

(4) To establish rates and charges for supplying water to the users thereof, which power shall be exercised by the prudential committee of said district.

(5) In the exercise of such powers said district may take and hold by gift, purchase, or the right of eminent domain, within the town of Wallingford ponds, springs, streams, water sources, water rights, land, or easements in or over land of individuals, associations, or corporations, and divert water from natural channels into its water supply, on making compensation therefor, but this district shall not take, otherwise than by gift, purchase or devise, water or a spring of water which the owner or other persons having a vested right or interest therein, or the use thereof, may reasonably require for domestic or agricultural purposes.

SEC. 2. When said district shall vote, in meeting duly warned for that purpose, to provide itself with a water supply, the prudential committee of said district shall proceed to acquire the same, and if the owner of any water system, pond, spring, stream, water source, water right, land or easements in

or over lands necessary for the public use and benefit in connection with said water supply, refuses to convey the same to said fire district at a reasonable price, or refuses to convey to said fire district the right to damage or affect his lands to such extent as may be needed in the acquirement, use and enjoyment of said water supply, also for a reasonable price, the said prudential committee may petition the selectmen of the town of Wallingford, setting forth that the taking of such pond, spring, stream, water source, water right, land or easements in or over lands is necessary for public use and benefit in connection with said water supply; whereupon said selectmen shall appoint a time and place for hearing and give at least ten days' notice thereof in writing to all persons interested, either personally or by such written notice left at the residence of the owner or occupant of such lands, and, on hearing, shall determine the necessity for such taking and shall ascertain the damages sustained by such interested persons, and the damages agreed upon or assessed by said selectmen, pursuant to said hearing, shall be paid or tendered to said persons, before possession is taken by said district.

SEC. 3. Orders and proceedings of said selectmen, under the provisions of the preceding section, shall be recorded in the office of the clerk of the town in which the property, against which such orders are directed, is located.

SEC. 4. If the owner of such pond, spring, stream, water source, water right, land or easement in or over lands does not accept the damage awarded by said selectmen, then said district committee may agree with such owner to refer the question of damages to one or more disinterested persons, whose award shall be made in writing and shall be final.

SEC. 5. If a person having an interest in such pond, spring, stream, water source, water right, land or easement in or over lands is dissatisfied with the action of the selectmen, either as to the necessity for taking or with the damages awarded therefor by them, he may apply by petition to the county court at its next stated term, if there is sufficient time for notice, and, if not, to the succeeding term, and any number of persons aggrieved may join in the petition. The petition, with a citation, shall be served on the prudential committee of said fire district at least twelve days before the session of court; and the court shall appoint three disinterested commissioners who shall inquire into the necessity for the taking of the ponds, springs, streams, water sources, water rights, lands or easements in or over lands, and as to the amount of damages sustained by the person interested therein.

SEC. 6. The provisions of sections 4165, 4166 and 4167 of the General Laws shall apply and control as to the further proceedings in the premises.

SEC. 7. Fire district No. 1 of Wallingford is hereby authorized to issue its negotiable bonds to an amount not exceeding \$65,000, for the purposes set forth in Section 1 of this act. Said

fire district shall have all the powers now granted to fire districts by sections 4191 to 4206 of the General Laws inclusive. The officers of said fire district elected at a meeting held January 14, A. D. 1929 or holding over from a former election are hereby declared to be the officers of said fire district.

SEC. 8. Said district, by a majority of the legal voters present and voting in a meeting duly warned and holden in whole or in part for that purpose may vote to issue its negotiable bonds not exceeding in the aggregate the sum of \$65,000, necessary for the purposes mentioned in Section 1; may vote to determine when said bonds shall be issued, the denominations thereof, at what time or times, not to exceed twenty-five years from their date, and at what place or places the same shall be payable, the rate of interest thereupon not to exceed five per cent per annum, payable semi-annually whether such bonds shall be registered, or shall have interest coupons attached, and how such bonds shall be sold. The whole amount of said bonds may be authorized at one such meeting or a part of the total amount authorized may be voted at several meetings, but the total amount authorized by several meetings shall not exceed the sum authorized by the preceding section.

SEC. 9. Each of said bonds shall be signed by the prudential committee of the district and counter-signed by the treasurer. If interest coupons are attached, they shall bear the facsimile signature of the treasurer. Such bonds shall contain on the face thereof a statement of the authority conferred by this act and of the vote of the district authorizing the issue thereof, and the same shall be conclusive evidence of the fact of the liability of such district to a bona fide holder thereof.

SEC. 10. The treasurer of the district shall keep an accurate account of each bond issued, stating therein the number and denomination of each bond, when, and, if registered, to whom issued, when and where payable, the rate of interest thereof; and shall also keep a true record of all payments of interest and principal, and if coupons and bonds are taken up, shall cancel the same.

SEC. 11. It is hereby made the duty of the district committee and treasurer to pay the interest and principal on such bonds issued, pursuant to this act, as the same shall become due. If the district does not provide means for the payment of the interest and principal on such bonds as the same shall become due, then it shall become the duty of the district prudential committee, without the vote of said district, seasonably to assess upon the grand list of said district a tax sufficient to meet the interest and principal of such bonds as the same become due. and to place the same with a proper warrant signed by a justice of the peace of the town of Wallingford in the hands of the collector of taxes for the district. Such collector shall immediately collect such tax and pay the same into the hands of the treasurer. Nothing contained in this section shall be con-

strued to prohibit the holder or holders of such bonds from resorting to any legal means to enforce the payment of the same or the interest thereon. The net revenue derived from the operation of said water system, after payment of all maintenance and operating expenses and the costs of reasonable extensions of the same shall be used

First: To pay the interest due upon said bonds issued and outstanding, and

Second: To pay the principal of said bonds, so long as any shall remain unpaid and outstanding.

SEC. 12. The foregoing sections of this act shall take effect when accepted by a majority of the legal voters of said district, present and voting, at an annual or special meeting duly warned for that purpose.

SEC. 13. Section 12 and 13 of this act shall take effect from its passage.

Approved February 19, 1929.

NO. 185.—AN ACT AUTHORIZING THE TOWN OF WATERBURY TO PURCHASE AND UTILIZE CERTAIN LAND FOR BURIAL PURPOSES.

[H. 213]

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

SECTION 1. Authority is hereby given to the board of selectmen of the town of Waterbury to purchase and utilize for burial purposes, the land known as the Creamery property, so called, situated on the south side of Winooski street, so called, in said town of Waterbury and bordering on the Waterbury village cemetery, said land now being owned by W. E. Thompson, trustee, and the heirs of the estate of John J. Ryan, and also the land situated on the south side of said Winooski street and bordering on the said Creamery property, so called, and the Waterbury village cemetery, said land now being owned by E. A. and Eva B. Stanley.

SEC. 2. This act shall take effect when accepted by a majority of the legal voters of said town of Waterbury present and voting at a meeting duly called in whole or in part for that purpose.

SEC. 3. Section 2 of this act shall take effect from its passage.

Approved March 13, 1929.