

**EXCLUSIVE SERVICE AREA DECLARATION FORM  
EASTERN CONNECTICUT WUCC**

**INSTRUCTIONS:**

Please answer all questions in Sections 1 and 2 and Sections A through H. Please feel free to attach additional sheets if necessary, or expand the size of answer boxes if necessary.

For additional information regarding the exclusive service area declaration process, or if you have questions, please contact any of the Eastern WUCC Officers, or contact Mr. Scott Bighinatti of Milone & MacBroom, Inc. at 203-271-1773 x204 or sbighinatti@mminc.com.

Kindly return this form completed and signed, and with any pertinent attachments, to Mr. Scott Bighinatti of Milone & MacBroom, Inc., 99 Realty Drive, Cheshire, Connecticut, 06410 via mail, fax (203-272-9733), or email (listed above).

**SECTION 1. DECLARANT INFORMATION**

Water Utility or Municipality Name: \_\_\_Putnam  
WPCA/SUEZ\_\_\_\_\_

Mailing or Street Address: \_\_\_\_\_126 Church  
Street\_\_\_\_\_

Town, State, Zip Code: \_\_\_Putnam, CT  
06260\_\_\_\_\_

Primary Contact Person & Title: \_\_\_\_\_Jerry Beausoleil, Director Department of Public  
Works\_\_\_\_\_

Secondary Contact Person & Title: \_\_Patrick Bernardo, SUEZ Operations  
Support\_\_\_\_\_

Contact Telephone: \_\_\_860-963-6813 (Jerry), 856-718-7003  
(Pat)\_\_\_\_\_

Contact Fax: \_\_860-963-  
6814\_\_\_\_\_

Contact Email: \_\_jerry.beausoleil@putnam.us, patrick.bernardo@suez-na.com  
\_\_\_\_\_

**SECTION 2. DESCRIPTION OF AREA CLAIMED BY DECLARANT AS EXCLUSIVE SERVICE AREA**

All area within the municipal boundaries of Ashford, Brooklyn, Canterbury, Chaplin, Eastford, Hampton, Killingly, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Union, Windham, and Woodstock, with the exception of those parcels of land currently served by public water systems, are open to declarants as proposed exclusive service area boundaries.

1. Please provide a written description in the box below of your proposed exclusive service area boundary. If you are claiming only a portion of land within any of the above municipalities, please provide a general description of the limits of your proposed exclusive service area. For example, "all of town A" or "the portion of town B as generally bounded by street C, street D, street E, and the municipal boundary with town F". Attach additional pages if necessary.

The Town of Putnam WPCA is claiming the entire town of Putnam and the existing areas it currently serves in the town of Woodstock and Thompson, except for State Lands declared by the DEEP.

2. If you are only claiming a portion of a municipality, please attach a clear delineation of your proposed exclusive service area boundary on a map for each portion of a municipality you are claiming. Note: Mapping delineating exact ESA boundaries to be provided.

**SECTION A. SUPPORTING INFORMATION RELATED TO EXISTING WATER SERVICE AREA**

Please answer the following questions. Attach additional sheets, if necessary.

1. Do you currently own and operate a public water system within each municipality in your proposed exclusive service area? If no, indicate the municipalities in which you do not currently own and operate a system.

Yes, Putnam WPCA owns and operates (in partnership with SUEZ) water systems in Putnam, Woodstock, and Thompson.

2. If you answered yes in Question 1, are you planning on expanding your existing service area in the future? If yes, describe your general expansion plans for the five-year, 20-year, and 50-year planning periods. Does your proposed ESA encompass areas outside of your proposed 50-year expansion area as noted in your most recent Water Supply Plan?

Yes. Putnam WPCA plans on expanding its existing service area as feasible, to respond to town and utility needs within the proposed ESA, in conjunction with future development in line with 5, 20, and 50 year outlook and margin of safety. Residential demand is expected to remain stable and possibly decrease, and the emphasis for future growth in Putnam is commercial, industrial development and redevelopment. The proposed ESA is highly rural and agricultural, and growth in the quiet corner will remain stable through the region's land use and conservation regulations.

3. If you answered yes in Question 2, are you planning on servicing your entire proposed exclusive service area via an extension of your existing system, or will some or all of the areas need to be served through satellite systems? Please describe your intentions.

At this time Putnam WPCA intends to service the ESA by means of extension of the existing system. However, a feasible means of service will be determined when future service is requested.

**SECTION B. SUPPORTING INFORMATION RELATED TO EXISTING LAND USE PLANS, ZONING REGULATIONS, AND GROWTH TRENDS**

Please answer the following questions. Attach additional sheets, if necessary.

1. Describe your familiarity with the local, regional, and state land use plans, local zoning regulations, and recent local growth trends within each municipality in your proposed exclusive service areas.

Putnam WPCA/SUEZ is familiar with, and keeps track of all state and local land use plans, zoning regulations in Putnam and surrounding towns, as well as growth trends through the water supply plan process and through its watershed and aquifer protection plan.

2. Identify the person or group at your utility or municipality responsible for reviewing and/or enforcing such plans and regulations, and what other groups serve to advise your utility or municipality on changes in land use and new developments at the local level.

SUEZ operations support personnel, Putnam WPCA employees, and town officials applicable to zoning regulations, municipal planning and development and land use.

3. Do the current zoning, land use plans, and growth trends in the municipalities in your proposed exclusive service area currently suggest that new public water systems, or an extension of public water systems, will be needed?

Not at this time

4. Do the current zoning and land use plans in the municipalities in your proposed exclusive service area identify areas where public water and/or public sewer service avoidance policies are being sought, and are therefore unlikely to require public water service in the immediate future?

Yes, through land conservation programs.

5. Are you familiar with the current water supply planning regulations (Regulations of Connecticut State Agencies Section 25-32d) and how they relate to existing land use within each municipality that is served?

Yes

**SECTION C. PHYSICAL LIMITATIONS TO WATER SERVICE**

Please answer the following questions. Attach additional sheets, if necessary.

1. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, will you need to develop new sources of supply to do so? In other words, do you have sufficient excess available water supply to reasonably serve the proposed exclusive service area?

Yes, this is supported by the 5, 20, and 50 year growth and population estimates, and margins of safety and estimated future demands.

2. If you will serve any or all of your proposed exclusive service area via satellite systems, please identify any known areas in your proposed exclusive service area where bedrock yields are poor and/or groundwater contamination has affected groundwater quality.

To be determined

#### **SECTION D. POLITICAL BOUNDARIES**

Please answer the following questions. Attach additional sheets, if necessary.

1. Does your proposed exclusive service area cross political boundaries, such as municipal or borough boundaries?

Yes, existing system water mains serve customers across political boundaries in Woodstock and Thompson. Putnam WPCA surface water treatment plant is in Woodstock.

2. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, will water come from sources across municipal or other jurisdictional boundaries?

Yes

**SECTION E. WATER COMPANY RIGHTS AS ESTABLISHED BY STATUTE, SPECIAL ACT, OR ADMINISTRATIVE DECISIONS**

Please answer the following questions. Attach additional sheets, if necessary.

1. Do you have any right to provide water service within your proposed exclusive service area by virtue of State Statute? If yes, please cite the statute below. Note that if you are a municipality, please be reminded that you are authorized by Connecticut General Statute 7-234 of 1967 to provide water service to your municipality. You may cite that section below.

The legal authority of the Putnam WPCA as stated in the town charter "shall have supervision and control official municipality owned water and sewer facilities. The WPCA shall administer all laws, ordinances, and regulations, if any, governing the use of such facilities" The Town charter also states, "Except by vote of the legislative body to the contrary, all costs, from whatever cause arising shall be borne by the users of the system. The WPCA shall follow the provisions of Section 7-239 of the Connecticut General Statutes in establishing the charges for use of the water system"

2. Do you have any right to provide water service within your proposed exclusive service area by virtue of a Special Act of the Connecticut General Assembly? If yes, please provide a copy of the Special Act.

Yes, Special Act of the Connecticut General Assembly for Putnam Aqueduct Company, 1869, as amended. Charter Service Area for Putnam, Woodstock, and Eastford. See attached Appendix A. In 1885, the town of Putnam was formed and the water co. was incorporated by the CT legislature to "the Putnam water Company". The charter of Putnam Water Company was amended in January 1889 to include provisions of supplying "the towns of Woodstock and Pomfret with pure water for public, domestic, and other uses". The Putnam WPCA was approved by Special Law of the CT General Assembly and has operated as a town department since June 29, 1905.

3. Do you have any right to provide water service within your proposed exclusive service area by virtue of an Administrative Decision made by a State Agency? For example, the result of a DPH consent order or a PURA Docket? If yes, please provide a copy of the Administrative Decision.

No

4. Do you have any right to provide water service within your proposed exclusive service area by virtue of a municipal law or ordinance, such as per a section in the Town Charter that establishes a Water Pollution Control Authority? If yes, please provide a copy.

Yes, please see answer to question 2 in section E.

**SECTION F. SYSTEM HYDRAULICS, INCLUDING POTENTIAL ELEVATIONS OR PRESSURE ZONES**

Please answer the following questions. Attach additional sheets, if necessary.

1. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, will you need to install additional storage tanks or pumping stations to do so? If yes, please provide a general description of needs.

To be determined.

2. Describe your utility's or municipality's experience with system hydraulics, including managing elevation changes and pressure zones.

The Putnam WPCA and its operating Partner SUEZ has the resources and expertise in all aspects of water and wastewater operations.

**SECTION G. ABILITY OF A WATER SYSTEM TO PROVIDE A PURE AND ADEQUATE SUPPLY OF WATER NOW AND INTO THE FUTURE**

Please answer the following questions. Attach additional sheets, if necessary.

1. Please describe your current source water protection program for protecting current and future sources of supply.

Putnam WPCA has an existing aquifer protection plan that is being enhanced by its operation partner SUEZ. Putnam WPCA makes source water protection a priority. Putnam works closely with the Town of Woodstock in protecting the little river watershed and aquifer through inspections of the watershed, tributaries, sanitary inspections, working with agricultural operations to promote best management practices for manure and/or fertilizers and pesticides, and soil erosion. It also samples, on a quarterly basis, monitoring wells to protect the Park street wellfield.

2. If you will serve any or all of your proposed exclusive service area via satellite systems, do you have experience owning and operating such systems? Please describe.



Putnam WPCA and SUEZ has extensive knowledge and experience of all water and wastewater operations both owned, and through contract services.

3. Please describe your technical capacity to operate a public water system. Will you own and operate new systems, or do you expect to own new systems and retain a contract operator to perform the day to day tasks?

Both Putnam WPCA and SUEZ have a long history of owning and operating water and wastewater systems and has the technical capacity and resources to grow. Owning a system and/or operating a system as a contract operator will be determined based on the situation, but Putnam WPCA/SUEZ has the capacity either way.

4. Please describe your managerial capacity to operate a public water system. What hierarchy is in place to make decisions? How quickly can/will decisions be able to be made during an emergency? Describe your experience with long term planning of infrastructure assets.

Please see answer to question 3 above.

5. Please describe your financial capacity to operate a public water system. Is capital funding for emergency repairs available? Is there a capital improvement budget available for long term asset replacement? What types of financial resources can be utilized to maintain a system? Is there financing available to retain consultants and contractors to design and implement repairs?

The Putnam WPCA has the financial capacity to operate a public water system, and maintains capital funding to provide for emergency repairs. The Putnam WPCA has the financial means through its operations, grants, and financing available to retain consultants and contractors to design and implement repairs and upgrades.

6. If you currently provide public water service, please describe the number and types of complaints received by your utility for the past three years.

This data will be provided at a later time. However in the past year, complaints have been limited. These complaints were for discolored water during the town's water replacement project.

7. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, please describe any water quality or reporting violations incurred over the past two years.

There were no reporting violations over the past two years.

8. If you will serve any or all of your proposed exclusive service area via an extension of your existing service area, please describe any potential concerns related to disinfection byproducts that may need to be evaluated with any main extension.

Evaluation of potential DBP issues will be assessed as needed.

9. Please describe the type of rate structure envisioned within your proposed exclusive service area, and provide the estimated annual cost of water service for a family of four using 109,500 gallons<sup>1</sup> per year.

Rates will match existing system rates, Article IV. Water consumption rates (Chapter 206-10), and Fees and Charges, Meter Access Charge (Chapter 206-12) of the WPCA charter. Total cost for family of four using 109,500 gallons consumption per year, 5/8" meter would be \$369.06.

#### **SECTION H. OTHER CONSIDERATIONS**

Please answer the following questions. Attach additional sheets, if necessary.

1. Are you aware of any other municipalities or water utilities who may declare for the same proposed exclusive service area, thereby creating a conflict? If yes, please describe.

No one has declared the Town of Putnam for their ESA, and the areas already being served by Putnam WPCA in Woodstock and Thompson will automatically become part of Putnam's ESA.

<sup>1</sup> Calculated at 75 gallons per person per day x 4 people x 365 days in a year.

2. If yes, have you corresponded with said municipality or utility concerning this potential conflict? In an effort to avoid conflicts, public water systems and municipalities are encouraged to coordinate their efforts in declaring exclusive service areas. Contact the Eastern WUCC Officers for contact information

**CERTIFICATION**

In accordance with the Regulations of Connecticut State Agencies Section 25-33h-1(k)(2), I understand that water utilities are responsible for providing adequate service as requested by consumers and under terms otherwise provided by statute, regulation and ordinance within their exclusive service area boundaries within a reasonable time frame. This may include but not be limited to development of supply sources, main extensions, or satellite management.

Furthermore, I, undersigned below, am presently aware of no reason why the utility represented on this form and any associated attachments would not be capable of providing pure and adequate supply of water to service the proposed exclusive service area in accordance with all applicable regulatory requirements, within a reasonable timeframe of requests by customers, should the proposed exclusive service area boundaries be accepted by the Eastern Water Utility Coordinating Committee and the Connecticut Department of Public Health pursuant to Public Act 85-535, as amended.

Signature of

Duly Authorized Representative:

 Date: 12-29-2016

Print or Type Name and Title:

GERARD M. BEAUSOLEIL, DIRECTOR OF PUBLIC WORKS

# Eastern WUCC

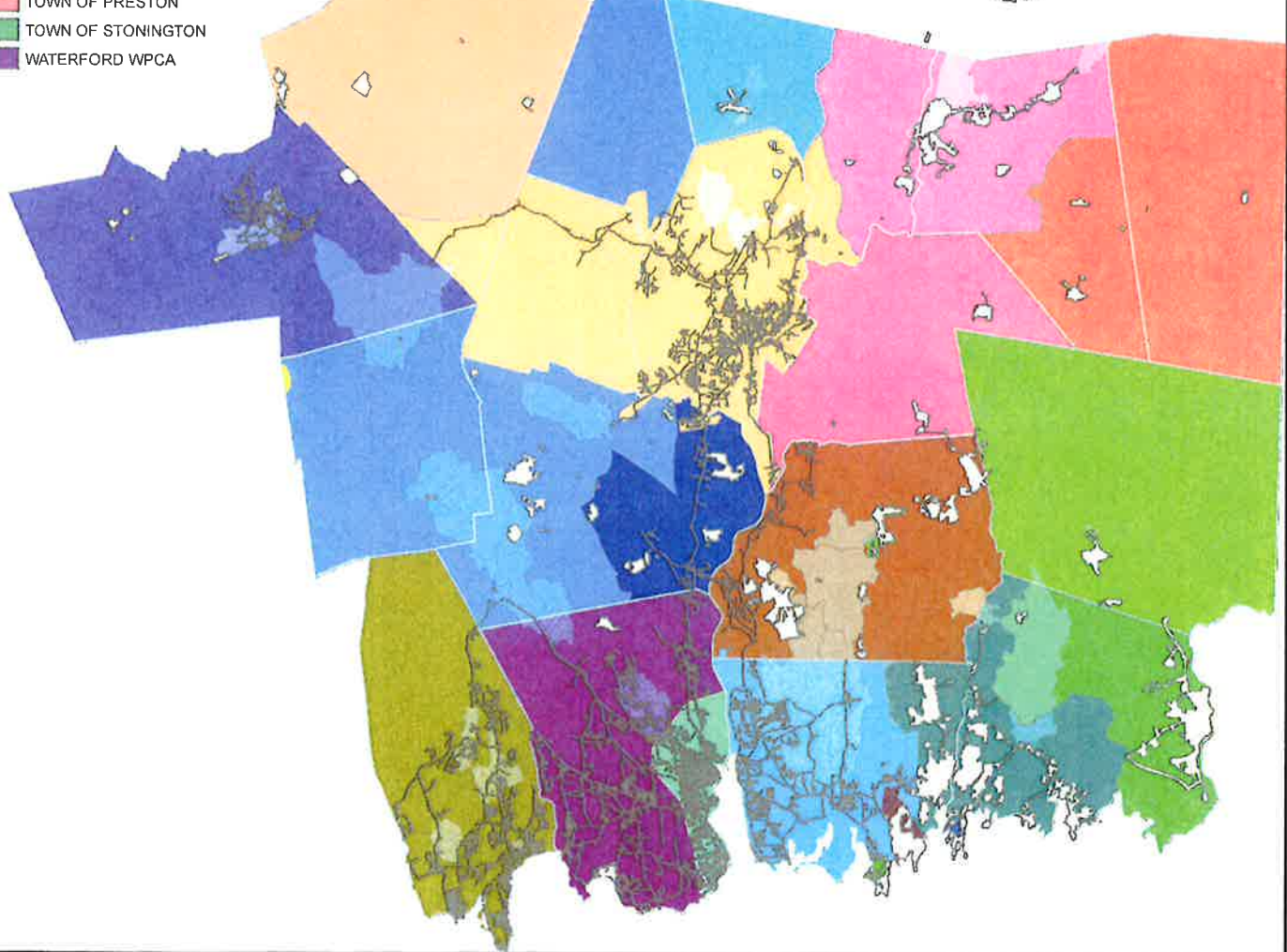
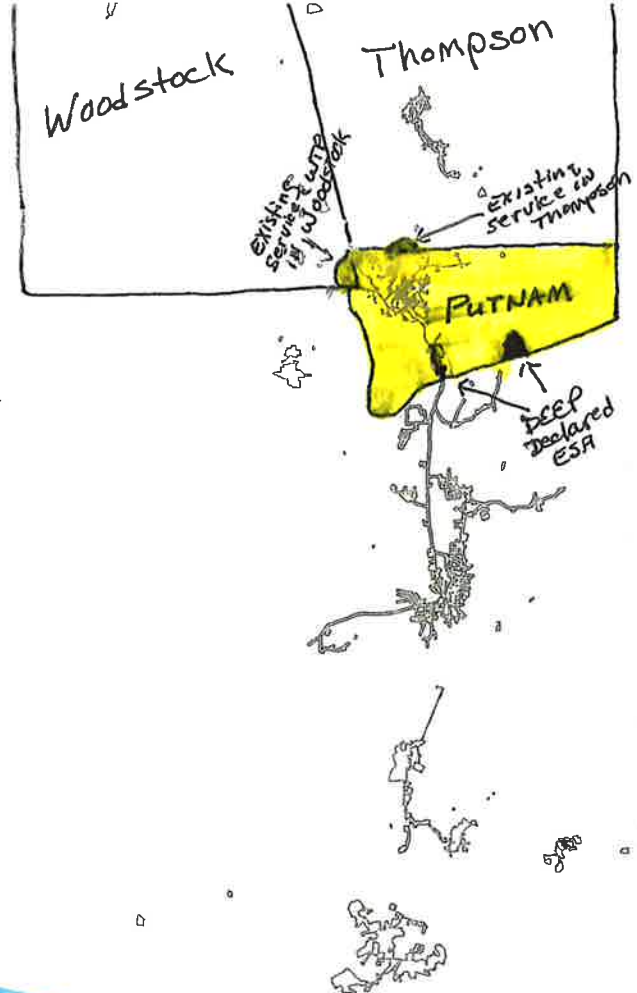
## Legend

- PWS\_WATERSHEDS\_EASTERN\_WUCC
- AQUIFER\_PROTECTION\_AREAS\_EASTERN\_WUCC
- Small\_PWS\_SERVICE\_AREA\_EASTERN\_WUCC
- Large\_PWS\_SERVICE\_AREA\_EASTERN\_WUCC

## Existing Exclusive Service Areas - Eastern WUCC

### PWS\_NAME

- AQUARION WATER CO OF CT-MYSTIC
- COLCHESTER SEWER & WATER COMMISSION
- CTWC
- CTWC - LAKE HAYWARD
- CTWC - SHORELINE REGION-MASONS ISLAND
- EAST LYME WATER & SEWER COMMISSION
- GROTON LONG POINT ASSOCIATION
- GROTON UTILITIES
- JEWETT CITY WATER COMPANY
- NEW LONDON DEPT. OF PUBLIC UTILITIES
- NOANK FIRE DISTRICT
- NORWICH PUBLIC UTILITIES
- SCWA
- SCWA, GRAY FARMS DIVISION
- SCWA, MOHEGAN DIVISION
- SPRAGUE WATER & SEWER AUTHORITY
- TOWN OF EAST HADDAM
- TOWN OF EAST HAMPTON
- TOWN OF LEBANON
- TOWN OF LEDYARD
- TOWN OF LYME
- TOWN OF NORTH STONINGTON
- TOWN OF PRESTON
- TOWN OF STONINGTON
- WATERFORD WPCA



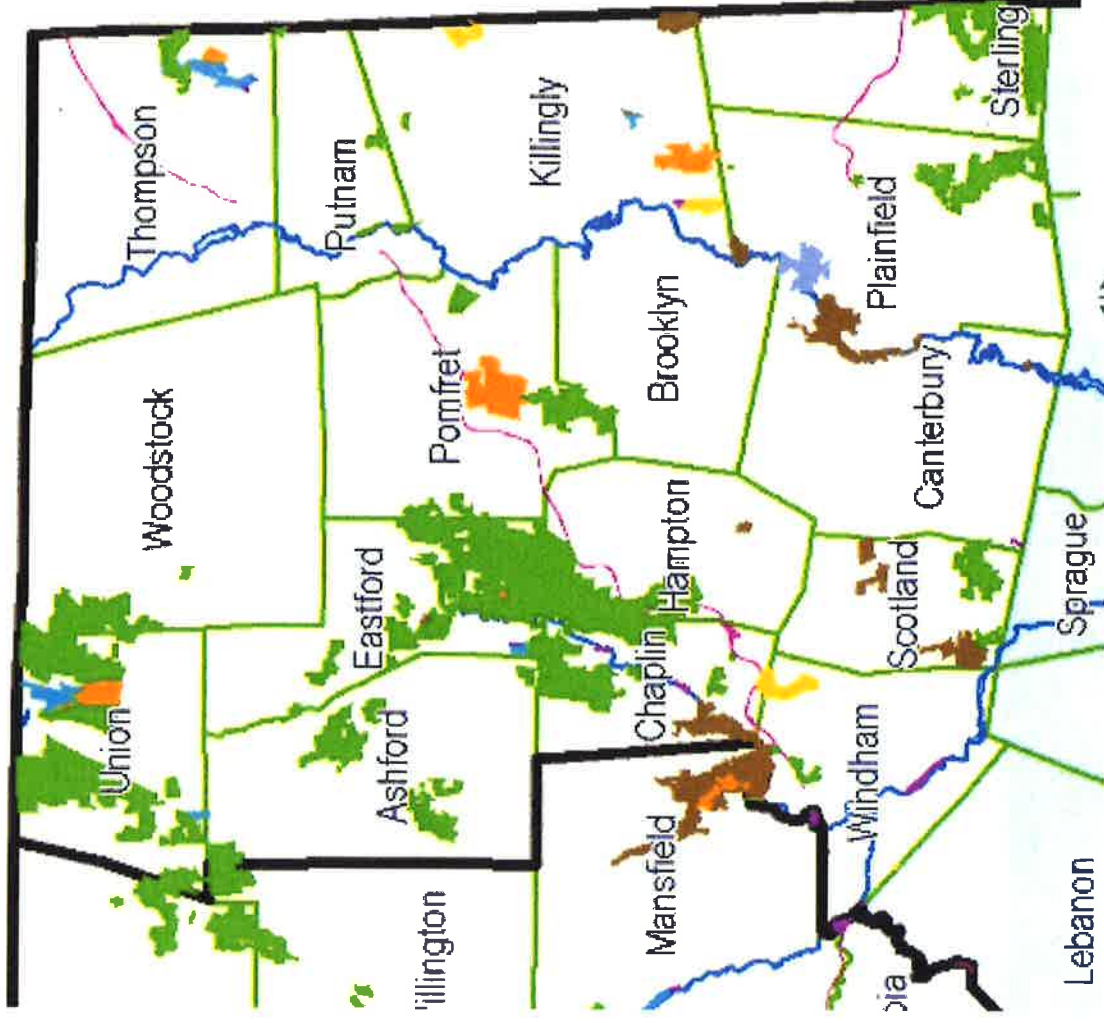
# ESA Declarations by DEEP to Date (General)



- DEEP has declared for all State Lands (potential conflicts with water utilities)

**DEEP Proposed Exclusive Service Areas**

Legend	
	State Forest
	State Park
	State Park Scenic Reserve
	State Park Trail
	Natural Area Preserve
	Historic Preserve
	Wildlife Area
	Wildlife Sanctuary
	DEP Owned Waterbody
	Water Access
	Flood Control
	Fish Hatchery
	Other
	WUCC Boundary
	Exclusive Assigned
	Exclusive Unassigned
	Exclusive Undefined



**APPENDIX A**

**Putnam WPCA Charter**

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service and the death and burial of the late Samuel Hine, a soldier served in Company H, Twenty-Seventh Regiment Connecticut Juniteers, and in Company D, Second Regiment Heavy Artillery, Connecticut Volunteers, in the civil war, and in accordance with the form prescribed by the acting quartermaster-general in similar cases, so far as the same may be applicable, the acting quartermaster-general is hereby directed to certify to the comptroller that said evidence has been presented, and the comptroller shall thereupon draw his order on the treasurer in favor of the department of public charities of said city of Bridgeport for the sum of thirty-five dollars for the funeral expenses of said Samuel Hine.

Approved, June 29, 1905.

[Substitute for House Bill No. 389.]

[379.]

AN ACT PROVIDING FOR THE SUPPLY OF PURE AND WHOLESOME WATER IN THE CITY OF PUTNAM.

*Be it enacted by the Senate and House of Representatives in General Assembly convened:*

SECTION 1. The city of Putnam is hereby empowered to acquire, construct, maintain, and operate water-works for the purpose of supplying said city and the inhabitants thereof with pure and wholesome water, and, so far as may be necessary or proper for that purpose, may take and convey water of any river, stream, lake, or pond wholly or in part within the territory of the town of Putnam, the town of Woodstock, or the town of Eastford, and may acquire, hold, and use any lands, rights, privileges, franchises, and other real or personal property in any or all of said towns, and may acquire or construct reservoirs, pipes, aqueducts, pumps, and other suitable works, machinery, and appliances, and in general may do all things necessary or proper to carry this act into effect and accomplish the object thereof.

SEC. 2. Said city of Putnam shall not, however, exercise the powers herein granted until the legal voters of said city, at a meeting duly called for that purpose, shall decide by a majority vote of those present and voting that said city shall establish and operate water-works under the provisions of this act. Said meeting shall be called by the mayor of said city when directed by the common council, and the notice of said meeting shall be given, at least ten days before the day of holding said meeting, by publication in a newspaper published in said city. The mayor, or in his absence the acting mayor, shall preside. The vote at said meeting shall be taken by ballot, and the presiding officer shall appoint one or more legal voters of said city to be box tenders, and one or more legal voters of said city to check the voting list, and shall also appoint two or more legal voters of said city to count said ballots, and shall declare the result of the ballot

before the adjournment of said meeting. A ballot shall be provided for the reception of ballots at said meeting, and shall be open to receive ballots from nine o'clock in the forenoon until five o'clock in the afternoon of the day of said meeting. The provisions of the charter of said city in respect to the voting list to be used at special meetings of said city shall apply to the voting list to be used at said meeting. The legal voters in favor of said proposition will give in the presiding officer a ballot having written or printed upon it the word "Yes," and those opposed a ballot having written or printed upon it the word "No," and if a majority of said ballots shall have the word "Yes," upon them, no other meeting to consider said proposition shall be held within one calendar year, and a two-third vote of said common council shall be necessary to authorize the calling of such meeting.

SEC. 3. If such meeting shall decide that said city shall establish and operate water-works under the provisions of this act, the mayor of said city shall, as soon as practicable, with the advice and consent of the common council, appoint three legal voters of said city all of whom shall be sworn to a faithful discharge of their duties, and be a board of water commissioners of the city of Putnam, and they shall hold office as follows: one of said commissioners until the first Monday of the January next succeeding his appointment, one of said commissioners until the first Monday of the second January succeeding his appointment, and one of said commissioners until the first Monday of the third January succeeding his appointment and until their successors are respectively appointed and qualified. The appointment shall state the term of office of each of said commissioners, and one water commissioner shall be appointed by the mayor, by and with the advice and consent of the common council, at a meeting of said common council on the first Monday of January in each year, beginning with the first Monday of the January next succeeding said original appointment, to hold office for the term of three years from the first Monday of January of the year in which said appointment shall be made and until another shall be appointed and qualified. In case of the failure to make any such appointment as above provided, such appointment may be made in the same manner at any subsequent meeting of the common council. Any vacancy which may occur in such offices may be filled by appointment of the mayor, by and with the consent of the common council, for the unexpired term, at any regular meeting of said common council. Said board of water commissioners is authorized and empowered to appoint a superintendent of the water-works, who shall be paid a compensation to be determined by the common council, and shall perform such duties in relation to the water-works of said city as shall be prescribed by said board of water commissioners of said city, subject, however, to the control of the common council of said city. The treasurer of said city shall keep a separate account of all receipts and disbursements in connection with said water-works.



SEC. 4. Said board of water commissioners is empowered, subject to the control of the common council of said city, to which full power is given to act in said matters, to decide upon a feasible plan for the introduction and proper distribution of water into and through said city, and to purchase and take conveyance, for and in the name of said city, of any lands, rights, privileges, franchises, and other real or personal property necessary or proper to be acquired by said city to carry out the purposes of this act, and also to construct or acquire, for and in the name of said city, any necessary or proper reservoirs, pipelines, pumps, aqueducts, buildings, machinery, appliances, and whatever else may be necessary or proper to establish a complete system of water-works for said city, as contemplated in this act; also, in carrying out such purpose, to make suitable water-ways for the surplus water of any streams from which water may be taken under this act, to change the location of any road or passway if it shall become necessary and proper to be done, and to take land therefor, to enter upon and make use of the ground or soil under any railroad, railway, street, highway, or private way, or public or private grounds, and to lay, construct, and maintain all necessary pipes and aqueducts, to make any contracts for labor and materials to carry out the purposes of this act, to make rules and regulations regarding the use and distribution of water by means of said water-works, and to establish the price to be paid therefor, to cause all water rents to be collected and paid over to the treasurer of the city, to audit, allow, and draw orders on said treasurer for the payment of all claims against said city on account of said water-works, including payments of interest on notes and bonds issued on account of said works, and generally to attend to the care, supervision, maintenance, management, and extension of said water-works. The majority of said commissioners shall constitute a quorum for the transaction of any of the business of the board. No entry upon or use of the land now owned by the Norwich and Worcester Railroad Company or the New England Railroad Company shall be made without the consent of the company owning said land, or in the absence of such consent the approval of the railroad commissioners, who shall have the power to direct the mode of such entry and use.

SEC. 5. The common council of said city may, by a majority vote at any meeting called for that purpose, take any lands, rights, privileges, franchises, and other real or personal property in any or all of said towns mentioned in section one, as may be necessary or proper to carry out the purposes of this act; and in case it shall fail to agree with the owner or owners of the same as to the amount of compensation to be paid therefor, or in case such owner shall be an infant, or a married woman, or insane, or absent from the state, or unknown, or the owner of an uncertain or contingent interest, any judge of the superior court may, on application of said city, brought with the approval of said common council, cause such notice to be given of said application as said judge shall see fit to prescribe and after proof thereof and

hearing of said city and such of said parties as shall appear and ask to be heard, may nominate and appoint three disinterested persons, not residents of said city, who shall be sworn, and give reasonable notice to the parties in interest in regard to the time and place of making an estimate of all damage that may arise to any person from a taking and occupation of any such property, and shall estimate such damages, and shall report such estimate to the superior court within and for the county of Windham, which court may set aside such report for any illegality or improper conduct and appoint another committee to rehear the case; but if said court shall accept said report, the same shall be recorded, and any such assessment accepted by said court shall be binding on the parties, and the payment thereof, or a deposit of the amount with the treasurer of said county of Windham to the use of such owner or owners, shall release said city from liability to any further claims for compensation or damages; provided, however, that nothing in this section shall prevent any corporation incorporated by the general assembly for the purpose of supplying the city or town of Putnam, or the inhabitants of said city or town, with water for public or domestic purposes, and actually engaged in the business of supplying water for any such purpose to said city or inhabitants of said city at the time when said city shall vote to establish and operate water-works, as provided in section two, from availing itself of the provisions of sections six, seven, eight, nine, and ten of this act.

SEC. 6. If, at the time when said city shall vote to establish and operate water-works, as provided in section two, any corporation, incorporated by the general assembly for the purpose of supplying the city or town of Putnam with pure water for public and domestic uses, shall be engaged in the business of supplying water for public or domestic uses to consumers in said city of Putnam, said city of Putnam shall, if such corporation shall elect to sell and comply with this act, before establishing its water-works, purchase of such corporation its water-works and all of its property suitable for such business.

SEC. 7. The price to be paid for such water-works and property shall be their fair and equitable value, less the amount of any mortgage or other encumbrance or lien to which such water-works and property, or any part thereof, may be subject at the time of the transfer of title. But said city of Putnam may require that such water-works or property shall be transferred to it free and clear of any mortgage or lien, unless the superior court, through its committee, as hereinafter provided, shall otherwise determine.

SEC. 8. Any corporation desiring to enforce the obligation of said city of Putnam, hereby imposed, to purchase any property, shall file with the clerk of said city, within thirty days after said city shall decide to establish and operate water-works, as provided in section two, a detailed schedule describing such property and stating the terms of sale proposed. If the parties shall fail to agree as to what shall be sold or what the terms of sale or delivery shall be, either party

to the superior court within and for the county of Windham, or to a judge of the superior court, setting forth the facts, and praying an adjudication between the parties, and thereafter such court or judge shall, after notice and hearing, appoint a committee of three disinterested persons, who shall give the parties an opportunity to be heard, and shall thereafter adjudicate whether the property contained in said schedule, real and personal, including rights and easements, property belongs to such water-works and should be sold by the one and purchased by the other, and what the time, price, and other conditions of sale and delivery thereof shall be. Such committee shall report its doings to the superior court within and for the county of Windham for confirmation by said court. And said superior court or said judge may, at any time, upon application of either party, fill any vacancy that may occur in said committee.

SEC. 9. Any party aggrieved by the doings of said committee may, within fourteen days after its report has been filed with the clerk of said superior court, or such longer time as such court may allow, file a remonstrance to such report, and such court shall hear the questions arising on such remonstrance, and if the matters of the remonstrance are found true and sufficient, such court may set aside such report in whole or in part, as the justice of the case may require, and with the consent of the parties recommit the case to the same committee, and in the absence of such consent, appoint another committee to rehear the case, in whole or in part, as the justice of the case may require, which committee shall make report of its doings in the premises to said superior court, which report shall be subject to remonstrance in like manner as the original report; and, in case such remonstrance is sustained, the court shall likewise send the case to another committee for action, and like proceedings shall be had until the report of such committee, covering all the questions involved, shall have been confirmed by said superior court. An appeal may be taken from the decision of said superior court, confirming the report of the committee, to the supreme court of errors in the same manner in which appeals are usually taken and with like effect. If said supreme court of errors shall reverse the judgment of the superior court, thereupon the superior court shall appoint another committee to hear and determine the questions arising in the case. This report shall be subject to remonstrance, confirmation, and appeal, and such proceedings shall continue to be had in said case until the questions arising thereunder are fully heard and determined according to law. The superior court shall have jurisdiction in equity to compel compliance with the final decree of said court, and may also issue and enforce such interlocutory decrees and orders as justice may require.

SEC. 10. Whenever the existing water-works of any person or corporation shall have been acquired by said city of Putnam, pursuant to the provisions of this charter, the powers and rights of such person or corporation in relation to the supplying of water for any

water under the provisions of this act, shall from and after the date of such acquisition cease and determine.

SEC. 11. The said board of water commissioners may, subject to the control of the common council of said city, make contracts to supply any person with water as it may deem proper, outside of the limits of said city along the line of said water-works, but said water shall not be supplied to such person or persons to the detriment of the inhabitants of said city, nor at less rents than are charged to the inhabitants of said city.

SEC. 12. All rents and charges for water under this act shall be and remain a lien upon the real estate wherein or in connection with which said water shall have been used by the owner or occupier thereof, and said lien shall have priority over all subsequent encumbrances and may be enforced and foreclosed in the name of said city in the same manner as mortgages of real estate are foreclosed; provided, however, that said lien shall not continue for more than sixty days after said water rent or charges become due unless, within that period, one of said board of water commissioners shall lodge with the town clerk of the town wherein such real estate is situated, a certificate in writing, signed with the name of the city of Putnam by said member of said board, stating the amount due as nearly as can be ascertained, and a general description of the premises holden, and provided further, that the water shall not be introduced into any building or premises occupied by a tenant without the consent of the owner or owners thereof, first had and obtained in writing.

SEC. 13. Said city of Putnam may, from time to time, as the common council may deem necessary, borrow money to defray the expense of the construction or acquisition of said water-works and all other expenses incident thereto, and may give temporary notes or certificates of debt therefor, none of which, however, shall be for a longer period than two years, and the common council may provide for the borrowing of such money and the execution and delivery of such notes or certificates of debt; and upon the construction or acquisition of said water-works, or sooner, if it should seem best to the common council of said city, said city may issue and sell and dispose of its bonds to defray the cost of the construction or acquisition of said water-works, and all expenses incidental thereto, which said bonds shall bear interest at a rate not greater than four per centum per annum, payable semi-annually, and the principal of said bonds shall be payable at some time or times not more than thirty years from their date.

SEC. 14. The common council of said city shall prescribe and determine, subject to the limitations of this act, the several and aggregate amounts of said bonds, the form of the same, the rate of interest to be paid thereon, not exceeding the amount aforesaid, the times and places of paying the interest and principal of the same, and the person or persons who shall execute the same for and on behalf of said city.

bonds need not all be issued at the same time, but may be issued from time to time, and to such amounts as said common council shall prescribe and determine. Such bonds, when executed in the manner so prescribed, and issued and delivered by said city or by its officers or agents, duly appointed by said common council, shall be obligatory on said city and upon the inhabitants thereof according to the tenor and purport of the same.

Sec. 15. This act shall take effect upon its passage.  
Approved, June 29, 1905.

[Substitute for House Joint Resolution No. 413.]

[380.]

INCORPORATING THE NORWICH, JEWETT CITY AND VOLUNTOWN  
STREET RAILWAY COMPANY.

*Resolved by this Assembly:* SECTION 1. That Lucius Brown, Albert H. Potter, Albert H. Chase, Welcome A. Smith, Dwight H. Hough, Charles J. Winters, Charles H. Brown, Noyes B. Allen, John F. Richardson, and Joseph A. Doane, with such other persons as may be associated with them, are hereby constituted a body politic and corporate by the name of The Norwich, Jewett City and Voluntown Street Railway Company, to be located in the town of Norwich, in the county of New London, and by that name may sue and be sued, plead and be impleaded in any court, may adopt and have a common seal and alter the same at pleasure, and may have, use, and exercise all the powers, privileges, and immunities herein granted, and also all other powers, privileges, and immunities which may be necessary to carry into effect the purposes and objects of this resolution.

Sec. 2. Said corporation is authorized to locate, construct, equip, maintain, and operate a street railway, with not more than two tracks, with suitable turn-outs and switches, upon, over, and along the following routes: Commencing at the track of the Consolidated Railway Company at the corner of Main and North Main streets in the city of Norwich and running easterly in said Main street to Hamilton avenue; thence northeasterly in said Hamilton avenue to the easterly boundary of the city and town of Norwich; thence easterly along the Shetucket turnpike, so-called, and the highway leading to Preston City to said Preston City; and thence along the highway leading from Preston City to Jewett City to said Jewett City, entering said Jewett City by Slater avenue; thence in said Slater avenue to the corner of Slater avenue and Main street in the borough of Jewett City; also in the towns of Preston, Griswold, and Voluntown from Preston City along the highway to the village of Glasgo; thence northerly and easterly along the highway leading from Glasgo to Voluntown to the dividing line between the towns of Griswold and Voluntown; thence easterly through Main street in said town of Voluntown to the Robbins tavern, so-called; thence in an easterly direction to the westerly end of Bench

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pond, so-called, in said town of Voluntown, about two miles from state line; also in the city of Norwich beginning at the track of Consolidated Railway Company at the corner of Water Street, Shetucket street, and running southerly and westerly along Slater street and across private land to a point near the wharf of the city and New York Propeller Company; also in Talman street, Norwich from Main street to the track of the Consolidated Railway Company in Laurel Hill avenue; with the right, between the named above, and without varying substantially in general character from the routes above described, to pass over private property either side of said highways and over, across, or along other lands, so far as is necessary on account of passing through such lands. But no right herein granted shall permit the crossing of tracks of any steam railroad at grade.

Sec. 3. Said corporation is authorized and empowered to transport, and carry persons upon its railway and to carry and express matter, but it shall not draw upon its tracks any street gauge steam freight car nor deliver any cars to any steam railway. Said corporation is also authorized and empowered to use any motive power practicable for drawing cars thereon, except by machinery, poles, wires, conductors, apparatus, and appliances, and may erect, maintain, and use any power stations, buildings, sary or convenient for its said business; and said corporation establish and collect a toll upon all persons transported and carried by it upon its railroad at such reasonable rates as may be determined upon from time to time by its directors.

Sec. 4. Said corporation may take any land or other real estate, or right or interest therein, that may be necessary for the construction and operation of its railway, and, if it cannot agree with the owner of any such property, right, or interest as to the amount of damages to be paid therefor, it may apply to any judge of the superior court for the appointment of appraisers to estimate all damages that may arise to any person from the taking and occupation of any property for such purposes; and, after reasonable notice of said appointment shall have been given to all parties in interest, such judge may appoint three disinterested appraisers, who shall be sworn and reasonable notice to said parties of the time and place of making estimate, and, after viewing the premises and hearing the application and such of said parties as shall appear at such time and place, ask to be heard, shall estimate such damages, and shall return a written appraisal of such damages in writing to the clerk of the superior court in New London county, who shall record it; and when such appraisal has been so returned and recorded, and the damages appraised such parties shall have been paid or deposited with the treasurer of New London county, subject to their order, said corporation may use upon and use said property for the purposes for which the same has been taken as hereinbefore provided. When any lands or other property or interest therein of any feme covert, married before