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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO ALTON VILLAGE WATER DISTRICT

Introduced By: Representative Rodney D. Driver

Date Introduced: May 11, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Creation — (a) There is created a body corporate and public and a political
2 subdivision of the state, a special water district to be known as the Alton Village District water
3 district established for the purpose of providing adequate water supply to the residents of said
4 district and to others who may contract with the district for water supply. The District shall
5 consist of the area or tract of land situated in the Town of Richmond, Rhode Island, County of
6 Washington bounded and described as follows: Beginning at a point at the Richmond and
7 Hopkinton Town line at the Wood River (and Wood River Pond) of 71 degrees 43' 58.00" W / 41
8 degrees 26' 43.43" N thence southerly along the centerline of the Wood River as it winds and
9 bends; to a point at the Richmond and Hopkinton Town Line at the confluence of the Wood River
10 with the Pawcatuck River at 71 degrees 43' 08.03" W / 41 degrees 25' 41.58" N thence north and
11 northeasterly along the centerline of the Pawcatuck River as it winds and bends; to a point at the
12 Richmond and Charlestown Town Line at the Pawcatuck River of 71 degrees 42' 28.00" W / 41
13 degrees 26' 06.97" N and north to a point of 71 degrees 42' 30.331" W / 41 degrees 26' 43.597"
14 N and west to first said point of beginning. The area within the boundaries described in this
15 section shall be known as the Alton Village water district.

16 (b) The district is hereby constituted an independent public instrumentality and the
17 exercise by the district of the powers conferred by this chapter shall be deemed and held to be the
18 performance of an essential public function.

19 SECTION 2. Electors. — The inhabitants of the district registered to vote for town

1 officers are electors of the district and are eligible to vote in all elections of officers of the district.

2 SECTION 3. Regular and special meetings — Voting. (a) The first meeting of the district
3 may be called and run by any five (5) qualified electors. The first meeting shall be held on such
4 date as shall be determined by the electors who called the meeting, taking into account the notice
5 requirement of Section 3(b) hereof. The district shall hold a regular meeting on the first Monday
6 in May in every year, or at such intervals and on such dates as a majority of electors present at a
7 regular meeting shall determine.

8 (b) Special meetings of the district shall be called by the clerk upon order of the board or
9 upon written application of at least five (5) electors; and whenever the subject of imposing or
10 increasing rates and fees or ordering a tax is to be acted on at any special meeting, the rates, fees
11 or tax shall be mentioned in the notice. It is the duty of the clerk to fix a suitable place for the
12 holding of all meetings, and to give notice of each meeting, both annual and special, by posting a
13 notice in at least two (2) public places within the district at least ten (10) days before the meeting,
14 and the notice shall contain a statement of the time and place when and where a meeting will be
15 held for the purpose of correcting and canvassing the voting list to be used at the annual or special
16 meeting, and it is the duty of the assessor of taxes of the district to canvass and correct the voting
17 list in the same manner, as near as may be, or as provided by law for boards of canvassers.

18 (c) No vote, except upon an adjournment, or in the annual election of officers, shall be
19 taken at any meeting of the district unless at least seven (7) electors are present at the meeting. On
20 demand of at least one-fifth (1/5) of the qualified electors of the district present at any meeting for
21 a ballot on any question pending at the meeting, the ballot shall be allowed; and all votes except
22 on motion to adjourn, or on amendment to any pending proposition, shall be required by the
23 moderator to be so taken, that the votes affirmative and negative may be by him or her counted,
24 and the results entered by the clerk on the minutes of the meeting.

25 (d) It is the duty of the clerk of the district to fix a suitable place within the district for the
26 holding of meetings and for giving notice of subsequent meetings.

27 SECTION 4. Officers constituting board — Powers — Bylaws — Elections. — (a) The
28 electors of the district shall at each annual meeting elect officers to serve until the next
29 succeeding first Monday in May and until their successors are elected and qualified, and the
30 offices shall consist of a moderator, clerk, treasurer, one (1) assessor, and a collector of taxes,
31 whose duties and powers are within the district, as like officers proper for a district. The officers
32 constitute the board, and the duties of the board are prescribed in this chapter. Any vacancy that
33 may occur in any of the aforementioned offices between annual meetings shall be filled by some
34 person to be chosen by the other members of the board to hold the office until the next annual

1 meeting. The electors of the district may, at any meeting, adopt and ordain bylaws, and, from
2 time to time, rescind or amend the bylaws, as they deem necessary and proper for the purposes of
3 this chapter and not repugnant to it and not inconsistent with any other law; provided, that no
4 greater penalty is inflicted by the board than is prescribed in Section 12; and provided, further,
5 that the electors may appoint committees they deem necessary, and may fix the compensation of
6 all officers, agents, employees, and committees of the district.

7 (b) The electors of the district shall elect officers at each regular meeting held on the first
8 Monday in May or at such intervals and on such dates as a majority of the electors present at a
9 regular meeting shall determine, provided that regular elections shall be held not less than once
10 every four (4) years. Such officers shall consist of a moderator, clerk, one (1) assessor, one (1)
11 collector of taxes, and one (1) additional member, whose duties and powers are within the district,
12 as like officers proper for a district. These enumerated officers shall constitute the board, and the
13 duties of the board are prescribed in this chapter. At the first meeting of the district, the moderator
14 and one (1) additional member shall be elected for a term ending the first Monday in May, 2013,
15 two (2) members shall be elected for a term ending the first Monday in May, 2012 and one (1)
16 member shall be elected for a term ending the first Monday in May, 2011. Thereafter, members
17 of the board shall be elected for a term of office of three (3) years, or such other term as a
18 majority of electors present at a regular meeting shall determine in order to conform with any
19 changes to the frequency of elective meetings approved by the electors in conformity with this
20 paragraph (a). Any vacancy that may occur in any of the aforementioned offices between regular
21 meetings shall be filled by some person to be chosen by the other members of the board to hold
22 the office until the next regular meeting. The electors of the district may, at any meeting, adopt
23 and ordain bylaws, and, from time to time, rescind or amend the bylaws, as they deem necessary
24 and proper for the purposes of this chapter and not repugnant to it and not inconsistent with any
25 other law; and provided that the electors may appoint committees they deem necessary, and may
26 fix the compensation of all agents, employees, and committees of the district.

27 (c) For a person to become a candidate at any election under this section, that person
28 must be a resident of the district and secure the signatures of at least five (5) registered voters in
29 the district. The water district petition must be filed in the office of the clerk of the district not
30 later than 4:00 p.m. on the tenth day prior to the election, and the clerk shall certify as to whether
31 a sufficient number of signers have affixed their signatures to the petition.

32 (d) The general election laws shall govern elections under this section so far as applicable
33 and consistent with the provisions of this chapter. Paper ballots may be used for the elections and
34 the elections shall be at the expense of the district. The ballots shall contain no designation of

1 party or political principle and there shall be no primaries or other preliminary election.

2 (e) All elections shall be at large. No vacancy in the membership of the board shall
3 impair the right of a quorum to exercise the powers of the district. Three (3) members of the
4 board shall constitute a quorum and the affirmative vote of three members shall be necessary for
5 any action taken by vote of the board. Any such action shall take effect immediately unless
6 otherwise provided and need not be published or posted.

7 SECTION 5. Officers and employees of board. — (a) The chairperson of the board shall
8 be selected by the majority vote of the members of the board. The board shall appoint a clerk and
9 a treasurer.

10 (b) The board may from time to time hire, transfer or otherwise appoint or employ legal
11 counsel, financial advisors and such other experts, engineers, agents, accountants, clerks, and
12 other consultants and employees as it deems necessary and determine their duties.

13 SECTION 6. Compensation of board members. — Other than as described in the
14 following sentence, the members of the board shall receive no compensation for the performance
15 of their duties under this chapter. Each member may be reimbursed for all reasonable and
16 necessary expenses incurred in the discharge of official duties as approved by the district.

17 SECTION 7. Powers. — The board shall have all the rights and powers necessary or
18 convenient to carry out and effectuate this chapter, including, but without limiting the generality
19 of the foregoing, the rights and powers:

20 (a) To adopt by-laws for the regulation of its affairs and the conduct of its business, to
21 promulgate rules, regulations and procedures in connection with the performance of its functions
22 and duties and to fix, enforce and collect penalties for the violation thereof;

23 (b) To adopt an official seal and alter the same at pleasure;

24 (c) To maintain an office at such place or places as it may determine;

25 (d) To apply for, receive, accept, administer, expend and comply with the conditions,
26 obligations and requirements respecting any grant, gift, loan, including without limitation any
27 grant, gift or loan from agencies of local, state and federal governments, donation or
28 appropriation of any property or money in aid of the purposes of the district and to accept
29 contributions of money, property, labor or other things of value;

30 (e) To acquire by purchase, lease, lease-purchase, sale and leaseback, gift or devise?, or
31 to obtain options for the acquisition of, any water or water rights and any other property, real or
32 personal, tangible or intangible, or any interest therein, in the exercise of its powers and the
33 performance of its duties;

34 (f) To sell, lease, mortgage, exchange, transfer or otherwise dispose of, or to grant

1 options for any such purposes with respect to, any water, water rights, and any other property,
2 real or personal, tangible or intangible, or any interest therein.

3 (g) To enter onto any land to make surveys, borings, soundings and examinations
4 thereon, provided that said district shall make reimbursements for any injury or actual damage
5 resulting to such lands and premises caused by any act of its authorized agents or employees and
6 shall so far as possible restore the land to the same condition as prior to making of such surveys,
7 borings, soundings and examinations; and within the town of Richmond, and with the consent of
8 the town of Richmond, to acquire by eminent domain any interest in real property within the
9 district in the name of the district in accordance with the provisions of this chapter.

10 (h) To purchase water in bulk or by volume, and to sell water to, any person, private or
11 public corporation or public instrumentality or municipality, the state and the federal government;

12 (i) To construct, improve, extend, enlarge, maintain and repair the water works system;

13 (j) To pledge or assign any money, fees, charges, or other revenues of the district and any
14 proceeds derived by the district from the sale of property, insurance or condemnation awards;

15 (k) To borrow money and incur indebtedness and issue its bonds and notes as hereinafter
16 provided;

17 (l) To make contracts of every name and nature and to execute and deliver all instruments
18 necessary or convenient for carrying out any of its purposes;

19 (m) To establish public hydrants in public places as it may see fit and prescribe for what
20 purposes the public hydrants are used, all of which it may change in its discretion;

21 (n) To enter into contracts and agreements with municipalities in all matters necessary,
22 convenient or desirable for carrying out the purposes of this chapter including, without limiting
23 the generality of the foregoing, collection of revenue, data processing, elections and other matters
24 of management, administration, construction and operation;

25 (o) To sue and be sued and to prosecute and defend actions relating to its properties and
26 affairs; provided that only property of the district other than revenues pledged to the payment of
27 bonds and notes shall be subject to attachment or levied upon execution or otherwise;

28 (p) To lend money for its purposes, invest and reinvest its funds and at its option to take
29 and hold real and personal property as security for the funds so loaned or invested;

30 (q) To do all things necessary, convenient or desirable for carrying out the purposes of
31 this chapter or the powers expressly granted or necessarily implied in this chapter, including
32 entering into agreements with other cities, towns or districts to provide for the joint operation of
33 water supply activities;

34 (r) Consistent with the constitution and laws of the state, the board shall have such other

1 powers, including all powers pertaining to the water works system not inconsistent herewith, as
2 may be necessary for or incident to carrying out the foregoing powers and the accomplishment of
3 the purposes of this chapter; provided, however, that nothing in this chapter shall impose any duty
4 on the district to maintain groundwater levels within or without the boundaries of the district.

5 SECTION 8. Additional powers and limitations. — In addition to the powers of the board
6 otherwise provided herein, the board shall have the following powers and shall be subject to the
7 following limitations:

8 (a) The board is authorized and empowered to fix, revise, charge, collect and abate fees,
9 rates, rents, assessments, delinquency charges and other charges for water, and other services,
10 facilities and commodities furnished or supplied by it including penalties for violations of such
11 regulations as the board may from time to time promulgate under this chapter. Fees, rates, rents,
12 assessments, delinquency charges and other charges of general application shall be adopted and
13 revised by the board in accordance with procedures to be established by the board for assuring
14 that interested persons are afforded notice and an opportunity to present data, views and
15 arguments. Such fees, rates, rents, assessments and other charges may be based on the quantity of
16 water used or the number and kind of water connections made, or the number and kind of
17 plumbing fixtures installed on the estate, or upon the number or average number of persons
18 residing or working in or otherwise connected with the estate, or upon any other factor affecting
19 the use of or the value or cost of the water and water facilities furnished, or upon any combination
20 of these factors. The board shall hold at least one public hearing on its schedule of fees, rates and
21 charges or any revision thereof prior to adoption, notice of which shall be published in a
22 newspaper of substantial circulation in the district at least one month in advance of the hearing.
23 No later than the date of such publication the board shall make available to the public the
24 proposed schedule of fees, rates and charges. Fees, rates, rents, assessments, abatements and other
25 charges established by the board shall not be subject to supervision or regulation by any
26 department, division, district, board, bureau, or agency of the state or any of its political
27 subdivisions, including, without limitation, the public utilities commission and the division of
28 public utilities pursuant to chapters 1-5 of title 39 of the general laws. Owners of property within
29 the district shall not be required to connect to the water works system of the district and shall not
30 be required to pay “connect capable” charges for property not connected to the water works
31 system of the district.

32 (b) The fees, rates, rents, assessments and other charges established by the board in
33 accordance with paragraph (a) shall be so fixed and adjusted in respect to the aggregate thereof so
34 as to provide revenues, which, when added to taxes, if any, collected pursuant to Section 12

1 hereof, are at least sufficient (i) To pay the current expenses of the district, (ii) To pay the
2 principal of, premium, if any, and interest on bonds, notes, or other evidences of indebtedness
3 issued by the district under this chapter as the same become due and payable, (iii) To create and
4 maintain such reasonable reserves as may be reasonably required by any trust agreement or
5 resolution securing bonds and notes, (iv) To provide funds for paying the cost of all necessary
6 repairs, replacements and renewals of the water works system and (v) To pay or provide for any
7 amounts which the district may be obligated to pay or provide for by law or contract including
8 any resolution or contract with or for the benefit of the holders of its bonds and notes.

9 (c) In order to provide for the collection and enforcement of its fees, rates, rents,
10 assessments and other charges, the board is hereby granted all the powers and privileges with
11 respect to such collection and enforcement held by a town of liens for unpaid taxes.

12 In addition to the other enforcement powers and remedies provided in this chapter, if any
13 fees, rates, rents, assessments or other charges billed by the board against any premises which are
14 connected with the water works system remain unpaid for a period of more than sixty (60) days
15 from the due date thereof, and following such period notice and demand have been posted on
16 such premises and have been given to the owner of said premises, by registered or certified mail
17 addressed to said premises and to the address of said owner as shown on the records of the
18 assessor of the municipality where the premises is located and to occupants of said premises by
19 mail, to pay the same within fifteen (15) days from the date of mailing of said notice, and such
20 fees, rates, rents, assessments or other charges remain unpaid, the board shall have the power and
21 is hereby authorized to shut off the supply of water to said premises until said fees, rates, rents,
22 assessments or other charges and penalties are paid, together with interest thereon at the
23 applicable rate and the standard charge of the district for restoring water service to said premises.

24 (d) In the month of January of each year the board shall make an annual report to the
25 district of its activities for the preceding fiscal year. Each report shall set forth a complete
26 operating and financial statement covering its operations during the year. The board shall cause
27 an annual audit of the books, records and accounts of the district to be made.

28 SECTION 9. Exclusive authority for water distribution — Contracts. — (a) The board is
29 authorized to obtain and maintain for the district a supply of water for the extinguishing of fire
30 and for distribution to the inhabitants of the district, for domestic use and for other purposes, and
31 may obtain that water by the establishment of its own works, or by contracting for it as provided
32 in subsection (c), or in any other manner that the board may deem necessary and proper, and is
33 not inconsistent with law. The district may also furnish water to inhabitants of municipalities
34 outside of the boundaries of the district. If the district undertakes to distribute the water so

1 obtained, it shall have the exclusive right to it, and may maintain an action against any person for
2 using the water without the consent of the board, and may regulate the distribution and use of the
3 water within and without the district. Nothing in this section, or any other section of this chapter,
4 shall be construed as giving to the district an exclusive franchise to furnish water outside of the
5 boundaries of the district.

6 (b) Without limiting the generality of the previous provisions as to fees, rates, rents,
7 assessments and charges, any contract for the sale of water to inhabitants outside of the
8 boundaries of the district may be recorded in the same manner as a deed of land, and, upon the
9 recording, the obligations of the owner of the real property involved are a lien on the property and
10 the lien is enforceable in the same manner as taxes assessed on real estate are by law collected.

11 (c) The board is authorized to contract, for periods not exceeding forty (40) years, with
12 the state, any other municipal or quasi-municipal corporation, or with the owners of any privately
13 owned water system for the purchase or sale of water or for the use of water facilities, and the
14 state, the other municipal or quasi-municipal corporations, and the owners of privately owned
15 water systems are authorized to enter into contracts with the district. Notwithstanding Section 39-
16 1-2(20) of the general laws, neither the district nor its governing body shall be deemed to be a
17 public utility, and the district and its governing body shall not be subject to chapters 1-5 of title
18 39 of the general laws.

19 SECTION 10. Condemnation Power. — (a) If for any of the purposes of this act, the
20 board shall find it necessary to acquire any real property within the district and within the town of
21 Richmond, whether for immediate or future use, the district may find and determine that such
22 property, whether a fee simple absolute or a lesser interest, is required for the acquisition,
23 construction or operation of a water supply facility, and upon such determination, the said
24 property shall be deemed to be required for such public use until otherwise determined by the
25 board; and with the exceptions hereinafter specifically noted, the said determination shall not be
26 affected by the fact that such property such property has theretofore been taken for, or is then
27 devoted to, a public use; but the public use in the hands or under the control of the district shall be
28 deemed superior to the public use in the hands of any other person, association or corporation;
29 provided further, however, that no real property or interest, estate or right therein belonging to the
30 state shall be acquired without consent of the state; and no real property or interest, estate or right
31 therein belonging to any municipality shall be acquired without the consent of such municipality.

32 (b) The board may proceed to acquire and is hereby authorized to and may proceed to
33 acquire such property, within the district and within the town of Richmond, whether a fee simple
34 absolute or a lesser interest, by the exercise of the right of eminent domain in the manner

1 prescribed in this act.

2 (c) Nothing herein contained shall be construed to prohibit the board from bringing any
3 proceedings to remove a cloud on title or such other proceedings as it may, in its discretion, deem
4 proper and necessary or from acquiring any such property by negotiation or purchase.

5 (d) The necessity for the acquisition of property under this act shall be conclusively
6 presumed upon the adoption of a vote by the board and a vote of the Richmond town council
7 determining that the acquisition of such property or any interest therein described in such vote is
8 necessary for the acquisition, construction or operation of a water supply facility. Within six (6)
9 months after its passage of the vote of the town council , the board shall cause to be filed in the
10 appropriate land evidence records a copy of its vote together with a statement signed by the
11 chairperson of the district that such property is taken pursuant to this act, and also a description
12 of such real property indicating the nature and extent of the estate or interest therein taken as
13 aforesaid and a plat thereof, which copy of the vote and statement of the chairperson shall be
14 certified by the clerk of the district and the description and plat shall be certified by the Richmond
15 town clerk.

16 (e) Forthwith thereafter the board shall cause to be filed in the superior court in and for
17 the county within which the real property lies a statement of the sum of money estimated to be
18 just compensation for the property taken, and shall deposit in said superior court to the use of the
19 persons entitled thereto the sum set forth in such statement. The board shall satisfy the court that
20 the amount so deposited with the court is sufficient to satisfy the just claims of all persons having
21 an estate or interest in such real property. Whenever the board satisfies the court that the claims of
22 all persons interested in the real property taken have been satisfied, the unexpended balance shall
23 be ordered repaid forthwith to the district.

24 (f) Upon the filing of the copy of the vote, statement, description and plat in the land
25 evidence records and upon the making of the deposit in accordance with the order of the superior
26 court, title to said real property in fee simple absolute or such lesser estate or interest therein
27 specified in said resolution shall vest in the district, and said real property shall be deemed to be
28 condemned and taken for the use of the district and the right to just compensation for the same
29 shall vest in the persons entitled thereto, and the district thereupon may take possession of said
30 real property. No sum so paid into the court shall be charged with clerks' fees of any nature.

31 (g) After the filing of the copy of the vote, statement, description and plat, notice of the
32 taking of such land or other real property shall be served upon the owners or persons having any
33 estate or interest in such real property by the sheriff or his deputies of the county in which the real
34 estate is situated by leaving a true and attested copy of the vote, statement, description and plat

1 with each of such persons personally, or at the last and usual place of abode in this state with
2 some person living there, and in case of any such persons are absent, from this state and have no
3 last and usual place of abode therein occupied by any person, such copy shall be left with the
4 person or persons, if any, in charge of, or having possession of such real property taken of such
5 absent persons, and another copy thereof shall be mailed to the address of such person as shown
6 on the records of the assessor of the municipality where the premises is located.

7 (h) After the filing of such vote, description and plat, the board shall cause a copy of the
8 vote and description to be published in some newspaper having general circulation in the town of
9 Richmond at least once a week for three (3) successive weeks.

10 (i) If any party shall agree with the board upon the price to be paid for the value of the
11 real property so taken and of appurtenant damage to any remainder or for the value of his estate,
12 right or interest therein, the court, upon application of the parties in interest, may order that the
13 sum agreed upon be paid forthwith from the money deposited, as the just compensation to be
14 awarded in said proceedings; provided, however, that no payment shall be made to any official or
15 employee of the district for any property or interest therein acquired from such official or
16 employee unless the amount of such payment is determined by the court to constitute just
17 compensation to be awarded in said proceedings.

18 (j) Any owner of, or person entitled to any estate or right in, or interested in any part of
19 the real property so taken, who cannot agree with the board upon the price to be paid for his
20 estate, right or interest in such real property so taken and the appurtenant damage to the
21 remainder, may, within three (3) months after personal notice of said taking, or if he has no
22 personal notice, may within one (1) year from the time the sum of money estimated to be just
23 compensation is deposited in the superior court to the use of the persons entitled thereto, apply by
24 petition to the superior court for the county in which said real property is situated, setting forth
25 the taking of his land or his estate or interest therein and paying for an assessment or damages by
26 the court or by a jury. Upon the filing of such petition the court shall cause twenty (20) days'
27 notice of the pendency thereof to be given to the district by serving the chairperson of the district
28 with a certified copy thereof.

29 (k) After the service of such notice the court may proceed to the trial thereof. Such trial
30 shall be conducted as other civil actions at law are tried. Such trial shall determine all questions
31 of fact relating to the value of such real property, and any estate or interest therein, and the
32 amount thereof and the appurtenant damage to any remainder and the amount thereof, and such
33 trial and decision or verdict of the court or jury shall be subject to all rights to except to rulings, to
34 move for new trial, and to appeal, as are provided by law. Upon the entry of judgment in such

1 proceedings execution shall be issued against the money so deposited in court and in default
2 thereof against any other property of the district.

3 (l) In case two (2) or more petitioners make claim to the same real property or to any
4 estate or interest therein, or to different estate or interests in the same real property, said court
5 shall, upon motion, consolidate their several petitions for trial at the same time, and may frame all
6 necessary issues for the trial thereof.

7 (m) If any real property or any estate or interest therein, in which any infant or other
8 person not capable in law to act in his own behalf is interested, is taken under the provisions of
9 this act, said superior court, upon the filing therein of a petition by or in behalf of such infant or
10 person or by the district may appoint a guardian ad litem for such infant or other person.
11 Guardians may, with the advice and consent of said superior court, and upon such terms as said
12 superior court may prescribe, release to the district all claims for damages for the land of such
13 infant or other person or for any such estate or interest therein. Any lawfully appointed, qualified
14 and acting guardian or other fiduciary of the estate of any such infant or other person, with the
15 approval of the court of probate within this state having jurisdiction to authorize the sale of lands
16 and properties within this state of such infant or other person, may before the filing of any such
17 petition, agree with such infant or other person for any taking of his real property or of his interest
18 or estate therein, and may upon receiving such amount, release to the district all claims for
19 damages for such infant or other person for such taking.

20 (n) In case any owner of or any person having an estate or interest in such real property
21 shall fail to file his petition as above provided, the superior court for the county in which the real
22 property is situated, in its discretion, may permit the filing of such petition within one (1) year
23 subsequent to the year following the time of the deposit in the superior court of the sum of money
24 estimated to be just compensation for the property taken; provided, such person shall have had no
25 actual knowledge of the taking of such land in season to file such petition; and provided, no other
26 person or persons claiming to own such real property or estate or interest therein shall have been
27 paid the value thereof; and provided, no judgment has been rendered against the district for the
28 payment of such value to any other person or persons claiming to own such real estate.

29 (o) If any real property or any estate or interest therein is unclaimed or held by a person
30 or persons whose whereabouts are unknown, after making inquiry satisfactory to the superior
31 court for the county in which the real property lies, the board, after the expiration of two (2) years
32 from the first publication of the copy of the vote, statement and description, may petition such
33 court that the value of the estate or interest or such unknown person or persons be determined.
34 After such notice by publication to such person or persons as the court in its discretion may order,

1 and after hearing on said petition, the court shall fix the value of said estate or interest and shall
2 order said sum to be deposited in the registry of such court in a special account to accumulate for
3 the benefit of the person or persons, if any, entitled thereto. The receipt of the clerk of the
4 superior court therefor shall constitute a discharge of the district from all liability in connection
5 with such taking. When the person entitled to the money deposited shall have satisfied the
6 superior court of his right to receive the same, the court shall cause it to be paid over to him, with
7 all accumulations thereon.

8 (p) The superior court shall have power to make such orders with respect to
9 encumbrances, liens, taxes and other charges on the land, if any, as shall be just and equitable.

10 (q) Whenever in the opinion of the board a substantial saving in the cost of acquiring
11 title can be effected by conveying other real property, title to which is in the district, to the person
12 or persons from whom the estate or interest in real property is being purchased or taken, or by the
13 construction or improvement by the district of any work or facility upon the remaining real
14 property of the person or persons from whom the estate or interest in real property is being
15 purchased or taken, the board shall be and hereby is authorized to convey such other real property
16 to the person or persons from whom the estate or interest in real property is being purchased or
17 taken and to construct or improve any work or facility upon the remaining land of such person or
18 persons.

19 (r) At any time during the pendency of any proceedings for the assessment of damages
20 for property or interests therein taken or to be taken by eminent domain by the district, the board
21 or any owner may apply to the court for an order directing an owner or the board, as the case
22 may be, to show cause why further proceedings should not be expedited, and the court may upon
23 such application make an order requiring that the hearings proceed and that any other steps be
24 taken with all possible expedition.

25 SECTION 11. Construction and maintenance of pipes, aqueducts, and other structures —
26 Tax exemption. — The board may within and without the district, and without the consent of any
27 municipality, drive, lay, make, construct, and maintain pipes, aqueducts, conduits, machinery, or
28 other equipment or appliances, or authorize the construction and maintenance to be done, and
29 regulate their use; and may carry any works to be constructed, or authorized to be constructed by
30 it, over or under any highway, turnpike, railroad, or street, in any manner so as not to permanently
31 obstruct or impede travel; and may enter upon and dig up any highway, turnpike, road, or street
32 for the purpose of laying down pipes or building aqueducts, upon or beneath the surface or for the
33 purpose of repairing the pipes or aqueducts, and, if in the course of the making, constructing, or
34 repairing, any pipe, conduit, or other structure lawfully located in a highway, turnpike, road, or

1 street is damaged, or if the location of the pipe, conduit, or other structure is changed, the district
2 shall reimburse the owner of the pipe, conduit, or other structure for the damage, or for the
3 expense of the change of location. The board shall restore the highway, turnpike, road, or street so
4 dug up, to as good a condition as before the work was done.

5 In connection with construction in any municipality, the board shall obtain such consents,
6 approvals and permits as shall be required by the municipality for such construction.

7 Section 12. Taxes — Assessments — Penalty for nonpayment. — The qualified voters of
8 the district, at any of the meetings of the district, have power to order taxes, and provide for
9 assessing and collecting the taxes on the ratable real estate and tangible personal property of the
10 district, as it deems necessary for the purpose of obtaining and maintaining a supply of water and
11 distributing the water for the extinguishing of fire; for power, domestic, and other uses; for
12 establishing and maintaining and constructing water works and driving wells, and operating the
13 water works and wells; for acquiring and leasing real estate and other property and property rights
14 necessary for a water supply, and laying and maintaining pipes, conduits, aqueducts, and other
15 structures connected with them, and purchasing implements, machinery, and other appliances; for
16 the payment of the current expenses of the district; for the payment of officers, employees, and
17 other agents as the board is authorized to elect, appoint, or otherwise choose under this chapter;
18 and for the payment of any indebtedness that has been or may be incurred by the district; and the
19 taxes so ordered shall be assessed by the assessor of the district on the taxable inhabitants and the
20 property in the district according to the last valuation made by the assessor of the district on the
21 taxable inhabitants and the property in the district according to the last valuation made by the
22 Richmond tax assessor, next previous to the assessment, adding, however, any taxable property
23 which may have been omitted by the town assessor or afterwards acquired, using the assessed
24 valuation made by the Richmond tax assessor. In all cases where the town assessor has included
25 property within and without the district in one valuation, the assessor of the district shall make an
26 equitable valuation of that portion of the property lying within the district; and in the assessing
27 and collecting of the taxes proceedings shall be had by the officers of the district, as near as may
28 be, as are required to be held by the officer of the town in assessing and collecting town taxes. All
29 taxes assessed against any person in the district shall constitute a lien upon his or her real estate
30 therein for a period of 3 years after the assessment, and if the real estate be not alienated, then
31 until the taxes are collected, as provided in chapter 9-1, et seq., of title 44 of the general laws.
32 The collector of taxes for the district shall, for the purpose of collecting taxes assessed by the
33 district, have the same powers and authority as are now by law conferred on collectors of taxes
34 for towns in this state. The qualified electors of the district may provide for a deduction, from the

1 tax assessed against any person if paid by an appointed time, or for a penalty, by way of
2 percentage on the tax if not paid at the appointed time, not exceeding twelve percent (12%) per
3 annum, as they deem necessary to insure punctual payment.

4 SECTION 13. Issuance of bonds and notes. — For the purpose of raising money to carry
5 out the provisions of this chapter, the board is authorized and empowered to issue bonds and
6 notes in anticipation of bonds. Such bonds and notes may be issued hereunder as general
7 obligations of the district or as special obligations payable solely from particular funds. Without
8 limiting the generality of the foregoing, such bonds and notes may be issued to pay or refund
9 notes issued in anticipation of the issuance of bonds, to pay the cost of any acquisition, extension,
10 enlargement, or improvement of the water works system, to pay expenses of issuance of the
11 bonds and the notes, to provide such reserves for debt service, repairs and replacements or other
12 costs or current expenses as may be required by a trust agreement or resolution securing bonds or
13 notes of the district, or for any combination of the foregoing purposes. The bonds of each issue
14 shall be dated, bear interest at a rate or rates, and mature at a time or times not exceeding forty
15 (40) years from their dates of issue, as may be determined by the officers of the district, and may
16 be made redeemable before maturity at a price or prices and under terms and conditions that may
17 be fixed by the officers of the district prior to the issue of the bonds. The officers of the district
18 shall determine the form of the bonds and notes, including interest coupons, if any, to be attached
19 to them, and the manner of their execution, and shall fix the denomination or denominations of
20 the bonds and notes and the place or places of payment of the principal and interest, which may
21 be at any bank or trust company within or without the state. The bonds shall bear the seal of the
22 district or a facsimile of the seal. In case any officer whose signature or a facsimile of whose
23 signature shall appear on any notes, bonds or coupons shall cease to be such officer before the
24 delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all
25 purposes as if he had remained in office until after such delivery. The board may also provide for
26 authentication of bonds or notes by a trustee or fiscal agent. Bonds may be issued in bearer or in
27 registered form, or both, and, if notes, may be made payable to bearer or to order, as the district
28 may determine, and provision may be made for the registration of any coupon bonds as to
29 principal alone and also as to both principal and interest, for the reconversion into coupon bonds
30 of bonds registered as to both principal and interest and for the interchange of bonds registered as
31 to both principal and interest and for the interchange of registered and coupon bonds. The issue of
32 notes shall be governed by the provisions of this chapter relating to the issue of bonds in
33 anticipation of bonds as the same may be applicable. Notes issued in anticipation of the issuance
34 of bonds including any renewals, shall mature no later than five (5) years from the date of the

1 original issue of such notes. The board may by resolution delegate to any member of the board or
2 any combination of them the power to determine any of the matters set forth in this section
3 including the power to award such bonds or notes to a purchaser or purchasers at public sale. The
4 board may sell its bonds and notes of the district in such manner, either at public or private sale,
5 for such price, at such rate or rates of interest, or at such discount in lieu of interest, as it may
6 determine will best effect the purposes of this chapter.

7 The board may issue interim receipts or temporary bonds, with or without coupons,
8 exchangeable for definitive bonds when such bonds shall have been executed and are available
9 for delivery. The board may also provide for the replacement of any bonds which shall have
10 become mutilated or shall have been destroyed or lost.

11 SECTION 14. Issuance of notes in anticipation of revenue or receipt of grants or
12 other aid. — The board may also provide by resolution for the issuance from time to time of
13 temporary notes in anticipation of the revenues to be collected or received by the district in any
14 year, or in anticipation of the receipt of federal, state or local grants or other aid. Notes issued in
15 anticipation of revenues, including any renewals thereof, shall mature no later than one (1) year
16 from their respective dates, and that notes issued in anticipation of federal, state or local grants or
17 other aid including any renewals thereof, shall mature no later than three (3) years from their
18 respective dates. The issue of such notes shall be governed by the provisions of this chapter
19 relating to the issue of bonds or other notes as the same may be applicable.

20 SECTION 15. Payment of bonds and notes. — The principal of, premium, if any, and
21 interest on all bonds and notes issued under the provisions of this chapter, unless otherwise
22 provided herein, shall be general obligations of the district or shall be payable solely from the
23 funds provided therefor from revenues as herein provided.

24 In the discretion of the board, any bonds and notes issued hereunder may be secured by a
25 resolution of the board or by a trust agreement between the district and a corporate trustee, which
26 may be any trust company or bank having the powers of a trust company within or without the
27 state, and such trust agreement shall be in such form and executed in such manner as may be
28 determined by the board. Such trust agreement or resolution may pledge or assign, in whole or in
29 part, the revenues and other moneys held or to be received by the district, including the revenues
30 from any facilities already existing when the pledge or assignment is made, and any contract or
31 other rights to receive the same, whether then existing or thereafter coming into existence and
32 whether then held or thereafter acquired by the district, and the proceeds thereof. Such trust
33 agreement or resolution may contain such provisions for protecting and enforcing the rights,
34 security and remedies of the bondholders or noteholders as may, in the discretion of the board, be

1 reasonable and proper and not in violation of law, including, without limiting the generality of the
2 foregoing, provisions defining defaults and providing for remedies in the event thereof which
3 may include the acceleration of maturities and covenants setting forth the duties of, and
4 limitations on, the district in relation to the acquisition, construction, improvement, enlargement,
5 alteration, equipping, furnishing, maintenance, use, operation, repair, insurance and disposition of
6 the water works system, or other property of the district, the custody, safeguarding, investment
7 and application of moneys, the issue of additional or refunding bonds and notes, the fixing,
8 revision and collection of fees, rates, rents, assessments or other charges, the use of any surplus
9 bond and note proceeds, the establishment of reserves, and the making and amending of
10 contracts.

11 In the discretion of the board any bonds or notes issued under authority of this chapter,
12 may be issued in the form of lines of credit, loans, or other banking arrangements and under such
13 terms and conditions, not inconsistent with this chapter, and under such agreements with the
14 purchasers or makers thereof, as the board may determine to be in the best interest of the district.
15 In addition to other security provided herein or otherwise by law, bonds or notes issued by the
16 district under any provision of this chapter may be secured, in whole or in part, by insurance or
17 letters or lines of credit or other credit facilities, and the board may pledge or assign any of its
18 revenues as security for the reimbursement by the district to the issuers of such insurance, letters
19 or lines of credit or other credit facilities of any payments made under the insurance or letters or
20 lines of credit or other credit facilities.

21 It shall be lawful for any bank or trust company to act as a depository or trustee of the
22 proceeds of bonds, notes, revenues or other moneys under any such trust agreement or resolution
23 and to furnish such indemnification or to pledge such securities and issue such letters of credit as
24 may be required by the district. Any pledge of revenues or other property made by the board
25 under this chapter shall be valid and binding and shall be deemed continuously perfected from the
26 time when the pledge is made; the revenues, moneys, rights and proceeds so pledged and then
27 held or thereafter acquired or received by the district shall immediately be subject to the lien of
28 such pledge without any physical delivery or segregation thereof or further act; and the lien of
29 any such pledge shall be valid and binding against all parties having claims of any kind in tort,
30 contract or otherwise against the district, irrespective of whether such parties have notice thereof.
31 Neither the resolution, any trust agreement nor any other agreement by which a pledge is created
32 need be filed or recorded except in the records of the district.

33 Any holder of a bond or note issued by the district under the provisions of this chapter or
34 of any of the coupons appertaining thereto and any trustee under a trust agreement or resolution

1 securing the same, except to the extent the rights herein given may be restricted by such trust
2 agreement or resolution securing the same, may bring suit upon the bonds or notes or coupons
3 and may, either at law or in equity, by suit, action, mandamus, or other proceedings for legal or
4 equitable relief, including proceedings for the appointment of a receiver to take possession and
5 control of the business and properties of the district, to operate and maintain the same, to make
6 any necessary repairs, renewals and replacements in respect thereof and to fix, revise and collect
7 fees and charges, protect and enforce any and all rights under such trust agreement, resolution or
8 other agreement, and may enforce and compel the performance of all duties required by this act
9 or by such trust agreement or resolution to be performed by the board or by any officer t of the
10 district.

11 SECTION 16. Refunding bonds and notes. — The board may issue refunding bonds and
12 notes for the purpose of paying any of its bonds or notes at maturity or upon acceleration or
13 redemption. Refunding bonds and notes may be issued at such time prior to the maturity or
14 redemption of the refunded bonds or notes as the board deems to be in the public interest.
15 Refunding bonds and notes may be issued in sufficient amounts to pay or provide the principal of
16 the bonds or notes being refunded, together with any redemption premium thereon, any interest
17 accrued or to accrue to the date of payment of such bonds or notes, the expenses of issue of
18 refunding bonds or notes, the expenses of redeeming bonds or notes being refunded and such
19 reserves for debt service or other capital or current expenses from the proceeds of such refunding
20 bonds or notes as may be required by a trust agreement or resolution securing bonds or notes. The
21 issue of refunding bonds or notes, the maturities and other details thereof, the security therefor,
22 the rights of the holders thereof, and the rights, duties and obligations of the district in respect of
23 the same shall be governed by the provisions of this chapter relating to the issue of bonds or notes
24 other than refunding bonds or notes insofar as the same may be applicable.

25 SECTION 17. Defeasance of bonds or notes. — The board may at any time deposit with
26 a trustee, a sum sufficient, with amounts then on deposit, including the debt service reserve fund,
27 to purchase direct or guaranteed obligations of the United States of America which are adequate
28 to pay the entire principal amount of the bonds or notes of a series, together with the interest to
29 maturity, or to an applicable redemption date specified by the board to the trustee and any
30 applicable redemption premium; or the board may deposit direct or guaranteed obligations of the
31 United States of America in lieu of money for their purchase. The obligations are deemed
32 adequate if the principal and interest payable on them are sufficient to pay the previously
33 mentioned sums when due. Upon any deposit of money and a request by the board, the trustee
34 shall purchase direct or guaranteed obligations of the United States of America. When adequate

1 direct or guaranteed obligations of the United States of America are held by the trustee pursuant
2 to this section, the bond resolution or indenture shall cease to be in effect with respect to such
3 series of bonds or notes. The obligations and their proceeds shall be held in trust for the benefit of
4 the bondholders or noteholders, and the trustee shall, on behalf of the district, call bonds or notes
5 for redemption on the applicable redemption date. Any compensation or expenses of the trustee in
6 carrying out this section shall be paid by the district, and any surplus funds held by the trustee
7 under this section shall be remitted by the trustee to the district.

8 SECTION 18. Credit of state and municipality not pledged. — Bonds, notes and other
9 evidences of indebtedness issued or entered into under the provisions of this chapter shall not be
10 deemed to be a debt or a pledge of the faith and credit of the state or of any city or town, but shall
11 be payable solely from the revenues of the district. All bonds, notes and other evidences of
12 indebtedness, shall contain on the face thereof a statement to the effect that neither the state nor
13 any city or town shall be obligated to pay the same and that neither the faith and credit nor the
14 taxing power of the state or of any city or town is pledged to the payment of the principal of or
15 interest on such bonds or notes. Each bond or note shall also recite whether it is a general
16 obligation of the district or a special obligation thereof payable solely from particular funds
17 pledged to its payment.

18 SECTION 19. Moneys received deemed to be trust funds. — All moneys received
19 pursuant to the provisions of this chapter, whether as proceeds from the issue of bonds or notes or
20 as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as
21 provided in this chapter.

22 SECTION 20. Bonds eligible for investment. — Bonds and notes issued under the
23 provisions of this chapter are hereby made securities in which all public officers and public
24 bodies of the state and its political subdivisions, all insurance companies, trust companies in their
25 commercial departments, savings banks, co-operative banks, banking associations, investment
26 companies, executors, administrators, trustees and other fiduciaries may properly and legally
27 invest funds, including capital in their control or belonging to them. Such bonds and notes are
28 hereby made securities which may properly and legally be deposited with and received by any
29 state or municipal officer or any agency or political subdivision, of the state for any purpose for
30 which the deposit of bonds or obligations of the state is now or may hereafter be authorized
31 by law.

32 SECTION 21. Bonds and notes issued without consent of other entities. — Bonds and
33 notes may be issued under this chapter without obtaining the consent of any department,
34 division, commission, board, bureau or agency of the state or any municipality, including the

1 public utilities commission and the division of public utilities pursuant to Chapters 1-5 of title 39
2 of the general laws, and without any other proceedings or the happening of any other conditions
3 or things than those proceedings, conditions or things which are specifically required therefor by
4 this chapter, and the validity of and security for any bonds and notes issued by the district shall
5 not be affected by the existence or nonexistence of any such consent or other proceedings,
6 conditions or things.

7 SECTION 22. Tax exemption. — The district and all its revenues, income and real and
8 personal property shall be exempt from taxation and from betterments and special assessments
9 and the district shall not be required to pay any tax, excise or assessment to or for the state or any
10 of its political subdivisions; provided, however, that the board is authorized to enter into
11 agreements to make annual payments in lieu of taxes with respect to property of the district
12 located outside the district. Bonds and notes issued under this act and their transfer and the
13 income therefrom, including any profit made on the sale or exchange thereof, shall at all times be
14 exempt from taxation by the state and all political subdivisions of the state. The district shall not
15 be required to pay any transfer tax of any kind on account of instruments recorded by it or on
16 its behalf.

17 SECTION 23. Malicious damage — Civil and criminal penalties. — If any person
18 maliciously or wantonly destroys or damages any hydrant, pipe, aqueduct, conduit, machinery,
19 equipment, appliance, or other property of the district used for the purposes provided for in this
20 chapter, that person, whether principal or accessory, forfeits to the district, to be recovered by an
21 action of trespass on the case, treble the amount of damages which appear to have been sustained,
22 and shall also be liable to indictment, and, upon conviction, shall be fined not more than one
23 hundred dollars (\$100) or imprisoned not more than one year, or shall suffer both fine and
24 imprisonment.

25 SECTION 24. Records; reports; inspection. — The district shall at all times keep full and
26 accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, which shall
27 be open to inspection by any officer or duly appointed agent of the state.

28 SECTION 25. Termination or dissolution of district. — Upon termination or dissolution
29 of the district, the title to all funds and other properties owned by it which remain after payment
30 of all bonds and notes and other obligations of the district shall vest in the town of Richmond.

31 SECTION 26. Inconsistent laws or ordinances inoperative. — Except as otherwise
32 provided herein, any provisions of any special law and part of any special law and all ordinances
33 and parts of ordinances pertaining to the water works system which are inconsistent with the
34 provisions of this chapter shall be inoperative and cease to be effective.

1 SECTION 27. Provisions of act controlling. — The provisions of this chapter shall be
2 deemed to provide an exclusive, additional, alternative and complete method for the doing of the
3 things authorized hereby and shall be deemed and construed to be supplemental and additional to,
4 and not in derogation of, powers conferred upon the district by law; provided, however, that
5 insofar as the provisions of this chapter are inconsistent with the provisions of any general or
6 special law, administrative order or regulation, or law of any municipality, the provisions of this
7 chapter shall be controlling.

8 SECTION 28. Pledge not to alter rights of district. — The state does hereby pledge to and
9 agree with the holders of the bonds, notes, and other evidences of indebtedness of the district that
10 the state will not limit or alter rights hereby vested in the district until the bonds, notes, or other
11 evidences of indebtedness, together with interest thereon, with interest on any unpaid installment
12 of interest and all costs and expenses in connection with any actions or proceedings by or on
13 behalf of the bondholders and noteholders, are fully met and discharged.

14 SECTION 29. Construction of act. — This chapter, being necessary for the welfare of the
15 district and its inhabitants, shall be liberally construed to effect the purposes hereof.

16 SECTION 30. Severability. — This chapter shall be construed in all respects to meet all
17 constitutional requirements. In carrying out the purposes and provisions of this chapter, all steps
18 shall be taken which are necessary to meet constitutional or other legal requirements whether or
19 not these steps are expressly required by statute. If, after the application of the provisions of this
20 section, any of the provisions of this chapter, or its application to any circumstances, shall be held
21 unconstitutional by any court of competent jurisdiction, that decision shall not affect or impair the
22 validity of the application of those provisions to other circumstances or the validity of any of the
23 other provisions of this chapter.

24 SECTION 31. Open meetings law. — The district shall be subject to chapter 46 of title 42
25 of the general laws entitled "Open Meetings."

26 SECTION 32. The first meeting shall be called by any five (5) qualified electors of the
27 district for purposes of this Section 32 and shall be held at such time and place as is specified in
28 the notice of the call of the meeting, provided that said date shall occur not later than twelve
29 months from the date of the passage of this act. A vote by ballot shall be taken at said first
30 meeting upon the proposition, "Shall the Alton Village Water District be established according to
31 the act of incorporation passed by the general assembly of the state?" If a majority of the persons
32 so voting shall vote in the affirmative then said Alton Village Water District shall be established
33 according to the provisions of this act, but if a majority of the persons so voting shall vote in the
34 negative, then this act shall become null and void. Said first meeting shall be organized by the

1 election of a moderator, a clerk, and a committee of three (3) persons, qualified electors in the
2 district for purposes of this Section 32, who shall act at the meeting as a board of canvassers. Said
3 board of canvassers shall be provided by the board of canvassers of the town of Richmond with
4 lists of the persons who are registered voters within the district and such persons shall be the
5 qualified electors of the district for the purposes of this Section 32. The name of any person
6 whose right to vote at said meeting is challenged shall be referred by the moderator to the
7 committee who shall forthwith determine the question as to whether said person is qualified to
8 vote and take part in the proceedings of the meeting and shall so report forthwith to said
9 moderator. At said meeting said district after acceptance of the act may proceed to adopt bylaws
10 and effect a permanent organization or it may adjourn to a date determined by vote.

11 SECTION 33. Sections 32 and 33 of this act shall take effect upon the passage of the act.
12 The remainder of this act shall take effect upon the approval of a majority of those voting on the
13 question as prescribed by the foregoing section.

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EXPLANATION
OF
A N A C T
RELATING TO ALTON VILLAGE WATER DISTRICT

- 1 This act would create the Alton Village Water District.
- 2 This act would take effect upon passage.

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