

**COMPILED CHARTER**

**OF**

**THE METROPOLITAN DISTRICT**



This Compilation has been Published  
by the Office of the District Clerk of  
THE METROPOLITAN DISTRICT  
and Contains all Revisions Through January 1, 2012

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Any reference to the District Manager, to the Manager, to the Manager of the Bureau of Public Works, or to the Manager of the Water Bureau, shall be construed as referring to the Chief Executive Officer, as provided in Section B2d of the By-Laws of the District Board of The Metropolitan District, as approved on September 11, 2000.

Any reference to the Clerk of the Bureau of Public Works shall be construed as referring to the District Clerk, as provided in Section B2h of the By-Laws of the District Board of The Metropolitan District, as approved on September 11, 2000.

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# CHAPTER 1

## GENERAL POWERS

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## **SEC. 1-1 ESTABLISHMENT OF THE DISTRICT**

There shall be within the county of Hartford a metropolitan district with territorial limits as hereinafter more particularly defined. All the inhabitants and electors of the towns composing said metropolitan district are constituted and declared, upon the taking effect of this act as hereinafter provided, a body politic and corporate by the name of The Metropolitan District, capable of suing and being sued, pleading and being impleaded in all courts and holding and conveying any estate, real or personal, and having a common seal and changing the same at pleasure and holding and exercising such powers and privileges hitherto exercised by the towns composing said district as are perpetuated herein together with all additional powers and privileges herein conferred.

## **SEC. 1-2 POWERS, GENERAL**

Said district shall have within its territorial limits, except as hereinafter provided, the following powers and duties:

### **SEC. 1-2a HIGHWAYS**

The layout, construction, maintenance, paving, repair, improvement, widening, extension, alteration and discontinuance of public highways, streets, walks, bridges, viaducts and ways, street lighting and sprinkling, the removal of snow and ice and the establishment of street, building and veranda lines, provided the authority of said district shall include only such streets and highways as enter more than one of the towns of said district or shall form a boundary or part of a boundary between two or more of such towns, and have, from time to time, been designated and described or laid out by vote of the district board, or streets or highways existing or proposed, which are voluntarily turned over to said district by any town or city within said district acting through the duly constituted authority of any such town or city having authority to lay out highways and have been accepted by said district;

### **SEC. 1-2b SEWERS AND MISCELLANEOUS PUBLIC WORKS**

The layout, building, creation, maintenance, improvement, alteration, repair and discontinuance of sewers and sanitary systems and plants for the disposal of sewage the collection and disposal of garbage and refuse, the planning, design, construction and the control, operation and maintenance of resource recovery facilities utilizing processes aimed at reclaiming the material for energy values from solid waste or other solid waste or refuse disposal facilities designed to recover resources from materials that are useless, unwanted or discarded, including contracting with the Connecticut Resources Recovery Authority with respect to the planning, design, construction, operation, ownership, maintenance or other function deemed necessary, convenient or desirable by the district with respect to the foregoing, the construction of drains for water or sewage and the control and maintenance of all the foregoing in the public highways and elsewhere throughout the district, together with such control of the streams and water courses of said district as is necessary or convenient for the foregoing as hereinafter more particularly stated; for the purposes of effectuating and

carrying out any contract with the Connecticut Resources Recovery Authority, as described in this section, the Metropolitan District shall be deemed to be a municipal authority within the meaning of Chapter 361b of the General Statutes, and shall have, notwithstanding any other provisions of law, full power to provide for and regulate the collection and disposal of all garbage, trash, waste and ashes either by contract or otherwise within the district provided that the district board has adopted a solid waste management plan in conformity with chapter 361a of the general statutes;

#### **SEC. 1-2c WATER SUPPLY**

The creation, maintenance, extension, improvement, alteration, repair and operation of a water system including the impounding of water both within and without the territorial limits of said district, and the transmission and transportation of the same and the sale and delivery at retail or otherwise by means of a pipe system or otherwise;

#### **SEC. 1-2d HYDROELECTRIC FACILITIES**

The construction, maintenance, improvement, operation, alteration and repair of hydroelectric dams both within and without the territorial limits of said District, and the transmission, sale and distribution of electricity produced by hydroelectric dams to public service companies, municipal electric energy cooperatives, municipal utilities or municipalities;

#### **SEC. 1-2e RECREATIONAL AND EDUCATIONAL FACILITIES**

The creation, establishment and maintenance of active recreational and educational facilities, including the ownership, construction, improvement, extension, operation and maintenance of a public golf course, managed on a for-profit basis, and any and all facilities customarily appurtenant thereto, including clubhouse, pro shop and restaurant; the lease of all or any part of any park or active recreational or educational facility upon any such terms or conditions and for such term of years as the district board may deem advisable where, in the determination of said board, such lease or leases are for commercial uses related to the public uses of the facility; the establishment, charging, collection and revision of fees, rents and other charges for the use of any such facility, and the provision by ordinance for the management and operation of any such facility, provided the powers granted pursuant to this subsection shall only be exercised on nonreservoir lands located in the towns of Glastonbury or Manchester;

#### **SEC. 1-2f MISCELLANEOUS**

In connection with any of the foregoing functions, said district shall have, so far as may be necessary for the convenient carrying out of all or any of the foregoing functions, exclusive control of engineering, control of finance, the right to lay and collect taxes, the right to borrow money and to pledge the credit of the district, as security therefor, the right to issue evidences of indebtedness for and in behalf of said district and such other necessary or convenient auxiliary and collateral functions as are hereinafter indicated, including the right to take property by right of eminent domain, the right to assess

benefits and damages in the layout of any public improvement included within the scope of the powers herein granted and generally the powers granted to municipal corporations by the general statutes so far as may relate to functions hereby transferred.

### **SEC. 1-3 HEADQUARTERS OF THE DISTRICT**

The Metropolitan District is authorized to establish headquarters and branch quarters in any town or city of said district and for such purposes or any of them to purchase or lease land and buildings and construct buildings without a referendum as required under the provisions of number 127 of the special acts of 1947. Any town or city of said district is authorized to designate convenient quarters in any public building for the purpose of housing the departments of the metropolitan district. Any town or city of said district is authorized to provide adequate headquarters for said metropolitan district to be maintained by the proper commission of said town or city to the satisfaction of said district board. Reasonable rentals shall be arranged with the city of Hartford and with the other towns furnishing quarters.

### **SEC. 1-4 POWER TO ACQUIRE REAL ESTATE**

The Metropolitan District, having voted to purchase real estate for district purposes, shall have power to take such real estate, where situated within the areas in which the district is authorized to perform its functions, and if said district cannot agree with the owner upon the amount to be paid him for any property thus taken, it shall proceed in the manner provided for the exercise of eminent domain by municipal corporations in section 48-12 of the 1967 supplement to the general statutes.

### **SEC. 1-5 PENSION SYSTEM FOR EMPLOYEES**

(a) The district board shall have power to adopt for all or certain classes of the employees of said district a pension system which may be on a contributing basis or on a non-contributing basis, or partly on each, and shall have power to provide for the management and prudent investment of pension funds in accordance with requirements of the general statutes. The provisions of any pension system adopted under the provisions of number 453 of the Special Acts of 1939, shall be effective only in the case of retirements which shall take place after the adoption of such system, but all pensions to employees of the water departments of the several towns, cities and districts within towns which compose said metropolitan district and all payments to such employees on the so-called inactive list are validated and continued in force. Terms of service complying with the provisions of such pension system in connection with any of the organizations transferred hereunder, whether of water, public works or otherwise, shall count as service for the purpose of qualifying an employee of the district board under the terms of Number 453 of the Special Acts of 1939. (b) Employees of any local organization transferred to the district board under the terms of Number 511 of the Special Acts of 1929, who, except for such transfer, might have become entitled to a pension upon a total term of service of less than twenty-five years shall have the same right under the provisions of any pension system which shall be established hereunder. The district board shall have power to adopt such ordinances, by-laws and regulations

not inconsistent with the provisions of Number 511 of the Special Acts of 1929, as it shall deem necessary for the effective administration of the pension system. It may engage the services of a physician or surgeon to make physical examinations and may obtain such actuarial services and advice as may be necessary. The estimate of the expenditure required to pay the pensions already in effect and to become effective under the provisions of Number 511 of the Special Acts of 1929, shall form part of the annual expenses of the district, shall be submitted annually to the board of finance and shall be embodied in the budget and pensions shall be payable in the same manner as salaries are payable. (c) Whenever any person employed by The Metropolitan District or by any of the municipalities which are members of The Metropolitan District shall be transferred either temporarily or permanently to the service of the other, the period of his service with each municipality shall be counted for the purpose of qualifying such employee for a retirement allowance and for the purpose of computing the amount thereof. The municipality by which such employee shall be employed at the time of his retirement shall pay to him the retirement allowance provided under the terms of its retirement system and the other municipality shall contribute monthly to such allowance a proportion of the total thereof equal to the ratio which his period of service with such other municipality shall bear to his total period of service with both municipalities; provided such proportionate contribution shall in no case exceed the proportionate amount of retirement allowance which would be allocable to such period of service if his total period of service had been rendered to the municipality so contributing. The term "period of service" shall be construed to mean such service as may be considered in qualifying such employee for a retirement allowance under the provisions of the retirement system of the municipality to which such service shall have been rendered. (d) Said district is authorized to provide by by-law or ordinance for carrying into effect the provisions hereof. Service of individuals covered under the retirement system of The Metropolitan District need not be excluded in determining coverage under the Federal Social Security System.

#### **SEC. 1-6     AGREEMENTS WITH STATE MARKETING AUTHORITY               RE DRAINAGE**

The marketing authority, with the advice and consent of the governor, may in the name of the state, enter into an agreement or agreements with The Metropolitan District concerning drainage ditches under the control of said district and concerning rights of way for sewer and water pipes on land acquired by the state through said authority and located in the south meadows area of the city of Hartford.

#### **SEC. 1-7a    INTERLOCAL AGREEMENTS FOR REFUSE DISPOSAL, ETC.**

The Metropolitan District may exercise the powers conferred upon it by section 2 of number 511 of the special acts of 1929, as amended, concerning the collection and disposal of garbage and refuse and other functions over which the said district has or may hereafter have powers conferred by law in the manner set forth for interlocal agreements in sections 7-339a to 7-339l, inclusive, of the general statutes, as amended.

## **SEC. 1-7b INTERLOCAL AGREEMENTS, PARTIES**

Such interlocal agreements may be entered into between The Metropolitan District and any town or city, whether constituent municipalities of the district or not, or between said district and any group of such towns or cities.

## **SEC. 1-7c DESIGN, CONSTRUCTION AND OPERATION OF FACILITIES**

The Metropolitan District may, upon the request of such towns or cities and upon the consummation of an interlocal agreement, design, construct, acquire, purchase, reconstruct, improve, extend, finance, refinance, operate or manage any facility and operate the same and conduct any system and may exercise any other function which by law is within its powers for and in behalf of, and at the expense of, participants in such interlocal agreements. Expenditures by said district of funds received from participant municipalities and involving no expenditure of district funds need not be submitted to the electors of said district as provided in number 127 of the special acts of 1947.

## **SEC. 1-7d ACQUISITIONS OF LAND, BUILDINGS AND RIGHTS-OF-WAY**

Pursuant to the provisions of such interlocal agreements, The Metropolitan District may acquire by purchase or by eminent domain in the manner provided in section 48-12 of the 1967 supplement to the general statutes, land, buildings and rights of way within the limits of any participating municipality necessary for the construction and operation of works provided for in said interlocal agreements, and title to lands so acquired may be held in the name of said district for and in behalf of the participants in such interlocal agreements.

## **SEC. 1-7e FINANCING**

The Metropolitan District, if and when provision for such action is included in an interlocal agreement consummated and ratified by the participant municipalities, is authorized to issue negotiable bonds, notes or other certificates of debt under its corporate name and seal and upon the credit of the participant municipalities benefited by the proposed expenditure, pursuant to the provisions of section 4 of Special Act 90-27, as amended by sections 6 to 8, inclusive, of this act, for the purposes specified in Special Act 90-27, as amended by this act, and in such agreement, and including temporary borrowing previous to the issue of such bonds, or previous to the receipt of funds from the participating municipalities. The limit of such indebtedness shall be two and one-half times the aggregate of the average tax receipts of the participant municipalities for the three most recent fiscal years. Said bonds, notes or other certificates of debt shall be obligatory upon said participant and benefiting municipalities and their inhabitants and upon any property or structure held by said district for the purposes included in such interlocal agreement. The method of issuing and the details of such bonds shall be in the manner provided by section 4 of Special Act 90-27, as amended by sections 6 to 8, inclusive, of this act. Such bonds, when issued, shall not be included in computing the aggregate indebtedness of The Metropolitan District or any participant municipality in respect to any statutory limitation on its indebtedness. Nothing in this section shall preclude the issuance of bonds or notes by the participating and benefiting municipalities if the interlocal agreement so specifies.

## **SEC. 1-7f METHOD OF PAYMENTS BY PARTICIPATING MUNICIPALITIES**

Any such interlocal agreement shall specify the time and the other details of payment by the participating municipalities of their respective shares of bond and note maturities and interest, of operating and maintenance expense, and other costs attendant therewith, including, but not limited to, the guarantee by the municipalities of the punctual payment of all or some of the principal and interest on any bond issued by the district and the pledge of the full faith and credit of the municipalities to the payment thereof. As part of the guarantee of the municipalities for payment of principal and interest on the bonds, the municipalities may pledge to and agree with the owners of bonds issued under Section 4 of Special Act 90-27, as amended by Sections 6 to 8, inclusive, of this act, and with those persons who may enter into contracts with the municipalities or the District pursuant to the provisions of this act that it will not limit or alter the rights thereby vested in the bond owners, the district or any contracting party until such bonds, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the municipalities or the district, provided nothing contained herein shall preclude such limitation or alteration if and when adequate provision shall be made by law for the protection of the owners of such bonds of the municipalities or the district or those entering into such contracts with the municipality or the district. The district is authorized to include this pledge and undertaking for the municipalities in such bonds or contracts to the extent provided in such agreement or agreements, the obligations of the municipalities thereunder shall be obligatory upon the municipalities and the inhabitants and property thereof, and thereafter the municipalities shall appropriate in each year during the term of such agreement, and there shall be available on or before the date when the same are payable, an amount of money which, together with other revenue available for such purpose, shall be sufficient to pay such principal and interest guaranteed by it and payable thereunder in that year, and there shall be included in the tax levy for each such year an amount which, together with other revenues available for such purpose, shall be sufficient to meet such appropriation. Any such agreement shall be valid, binding and enforceable against the municipality if approved by action of the legislative body of such municipality. Action to be taken in case of default of payment shall be stipulated in such agreements. The Metropolitan District, whenever expenditures are made for the benefit of any participating municipality and not for the benefit of said District as a whole, is not to be considered a participating municipality relative to the sharing of costs and expenses, either during or subsequent to the negotiations for, and ratification of, the interlocal agreement.

## **SEC. 1-8 AGREEMENT WITH RIVERFRONT RECAPTURE, INCORPORATED**

The Metropolitan District Commission of Hartford county, established under number 511 of the special acts of 1929, may enter into an agreement with Riverfront Recapture, Incorporated, or its successors or assigns, sponsoring organization or developer, to develop, operate and maintain real property for recreational and park purposes and to lay out, construct and maintain, own, operate, lease or license parks, esplanades, levees, docks, parking facilities and walkways connected to the Riverfront Recapture project and may establish rates for such purposes.

## CHAPTER 2

### GOVERNMENT OF THE DISTRICT

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
2	1	The District Board
2	2	Membership of the District Board
2	3	Appointments by Member Municipalities
2	4	Appointments by Governor and General Assembly
2	4a	Vacancies in The Metropolitan District Commission
2	5	Manner of Election of Commissioners
2	6	Call for District Elections
2	7	District Elections
2	8	District Board, Organization, Officers, etc.
2	9	Terms of Office: Bureaus, Committees, and Officers
2	10	Quorum of District Board
2	11	Organization of Bureaus, Committees, etc.
2	12	Miscellaneous Powers, District Board
2	12a	Miscellaneous Powers, District Board (Conveyance of Property - Glastonbury and Manchester)
2	13	Ordinances and By-Laws
2	14	Ordinances: Publication, Revision and Enforcement
2	15	District Counsel
2	16	Competitive Bidding, Contracts over \$25,000
2	17	District Board, Power to Investigate

## **SEC. 2-1 THE DISTRICT BOARD**

(a) The affairs of The Metropolitan District shall be managed by a board of commissioners, hereinafter referred to as the district board.

## **SEC. 2-2 MEMBERSHIP OF THE DISTRICT BOARD**

On and after July 1, 1993, said district board shall be composed of twenty-nine electors of said district, seventeen to be appointed by the member municipalities, from among their respective electors, eight to be appointed by the governor, one to be appointed by the Speaker of the House of Representatives, one to be appointed by the Minority Leader of the House of Representatives, one to be appointed by the president pro tempore of the Senate, and one to be appointed by the Minority Leader of the Senate, all such appointments being subject to the provisions of section 2 of special act 75-73, as amended by section 2 of special act 83-18, section 2 of special act 84-75 and section 17 of public act 93-380. The provisions of section 9-167a of the general statutes shall apply only to appointments made under this section by municipalities having three or more members and only with respect to members appointed by any such municipality. For the commissioners appointed by the member municipalities and the governor, membership of the district board shall be apportioned among the member municipalities as follows: nine commissioners from the city of Hartford, four commissioners from the city of East Hartford, one commissioner from the town of Rocky Hill, two commissioners from the town of Wethersfield, two commissioners from the town of Newington, one commissioner from the Town of Bloomfield, two commissioners from the town of Windsor and four commissioners from the town of West Hartford.

The members of the board of commissioners appointed prior to and holding office on the effective date of Special Act 75-73, special act 83-18 , Special Act 84-75 or this act shall continue to serve until the expiration of their terms for which they were appointed. Thereafter, members shall be appointed by the legislative body of each member municipality, to replace the members whose terms expire and until their successors are appointed and qualify, provided, in no event shall the total number of members appointed by the legislative body of any member municipality exceed: (1) six in the city of Hartford, (2) three in the city of East Hartford, (3) one in the town of Rocky Hill, (4) one in the town of Wethersfield, (5) one in the town of Newington, (6) one in the town of Windsor, (7) one in the town of Bloomfield and (8) three in the town of West Hartford.

## **SEC. 2-3 APPOINTMENTS BY MEMBER MUNICIPALITIES**

Appointments to the district board by the legislative bodies of the member municipalities shall be made in accordance with the following schedule:

(1) The legislative body of the city of Hartford shall appoint (A) three commissioners for a term of two years to commence January 1, 1977, and (B) three commissioners for a term of six years to commence January 1, 1981;

- (2) The legislative body of the city of East Hartford shall appoint (A) two commissioners for a term of four years to commence January 1, 1977, and (B) one commissioner for a term of six years to commence January 1, 1979;
- (3) The legislative body of the town of Wethersfield shall appoint one commissioner for a term of six years to commence January 1, 1979;
- (4) The legislative body of the town of Newington shall appoint one commissioner for a term of six years to commence January 1, 1981;
- (5) The legislative body of the town of Windsor shall appoint one commissioner for a term of six years to commence January 1, 1981;
- (6) The legislative body of the town of Bloomfield shall appoint one commissioner for a term of two years to commence January 1, 1987;
- (7) The legislative body of the town of Rocky Hill shall appoint one commissioner for a term of six years to commence January 1, 1977;
- (8) The legislative body of the town of West Hartford shall appoint (A) one commissioner for a term of one year to commence January 1, 1984, (B) one commissioner for a term of three years to commence January 1, 1984, and (C) one commissioner for a term of five years to commence January 1, 1984.

Upon the expiration of the initial terms of appointment under this section, members shall be appointed for terms of six years from January first in the year of their appointment and shall serve until their successors are appointed and qualify.

#### **SEC. 2-4 APPOINTMENTS BY GOVERNOR AND GENERAL ASSEMBLY**

On and after January 1, 1989, the eight members appointed by the governor to the district board shall be electors from the metropolitan district, not more than three of whom shall be from any one municipality within said district nor shall such appointees represent more than fifty per cent of any municipality's representation on the district board. The appointments by the governor shall be for six years and shall be made in accordance with the following schedule:

- (1) Three commissioners from the city of Hartford for a term to commence January 1, 1989;
- (2) One commissioner from the city of East Hartford for a term to commence January 1, 1989;
- (3) One commissioner from the town of Wethersfield for a term to commence January 1, 1989;
- (4) One commissioner from the town of Newington for a term to commence January 1, 1991;
- (5) One commissioner from the town of Windsor for a term to commence January 1, 1989;

(6) One commissioner from the town of West Hartford for a term to commence January 1, 1989.

The four commissioners appointed by the designated members of the general assembly shall be appointed as follows: (1) one commissioner by the President Pro Tempore of the Senate, for a term of five and one-half years commencing July 1, 1993; (2) one commissioner by the Speaker of the House of Representatives, for a term of four and one-half years commencing July 1, 1993; (3) one commissioner by the Minority Leader of the Senate, for a term of three and one-half years, commencing July 1, 1993, and (4) one commissioner by the minority leader of the House of Representatives, for a term of two and one-half years, commencing July 1, 1993. After such initial appointment the terms of all such commissioners shall thereafter be six years. Such commissioners shall be electors from the metropolitan district, provided no two commissioners shall be residents of the same municipality.

#### **SEC. 2-4a VACANCIES IN THE METROPOLITAN DISTRICT COMMISSION**

Notwithstanding any provision of section 8 of number 511 of the special acts of 1929, any vacancy among the members of the district board appointed by member municipalities shall be filled by the legislative body of the municipality from which such member was appointed, any vacancy among the members of said board appointed by the governor shall be filled by the governor and any vacancy among the members of said board appointed by a designated member of the general assembly shall be filled by such designated member of the general assembly. Vacancies shall be filled for the unexpired portion of the term.

#### **SEC. 2-5 MANNER OF ELECTION OF COMMISSIONERS**

If, not more than three months nor less than two months before the first day of each November, during which time it is the duty of the governor under the provisions of Special Act 75-73, as amended by this act, to make appointments to the commission of the Metropolitan District in Hartford County, a petition signed by not less than twenty-five per cent of the registered voters of each of the towns of said district, asking for an election to be held of the successor commissioners whose appointment would otherwise be made as hereinbefore provided during the month of November next following the filing of such petition, shall be filed with the district clerk of said district, then the chairman of the district board shall, upon notification by the clerk of the filing of such petition in manner and form as herein provided, call an election during the month of November next following, either in connection with the regular state or local election then to be held or at a special election, as said chairman may deem wise. The clerk of each of such towns shall verify the names of the registered voters of his town signing any such petition and shall certify to the district clerk that the required number of such voters have signed.

At said election held pursuant to such call, the electors of said district shall, by plurality vote, choose five commissioners from the electors of said district to succeed the five commissioners whose terms first thereafter expire in the second form to hold office for a term of six years from the first day of January next following. At such election, each

town included in said district shall elect a successor to the commissioner of said town from the first form. All such elections shall be held in accordance with the provisions of this act. Except in a year when a petition of said electors has been filed in the manner herein provided, the governor shall continue to appoint successor commissioners as provided herein.

At such election no person shall vote for more than three of such five commissioners. The five persons who shall have the highest number of votes shall be elected. In case of a tie, the remainder of said district board shall, at a meeting held within six days after such election, decide such tie and shall file with the district clerk a certificate of such decisions. Nominations for any such office shall be made in the manner otherwise provided by law. The electors of said district entitled to vote at said district elections shall be those qualified to vote at the town and city elections held within said district.

## **SEC. 2-6 CALL FOR DISTRICT ELECTIONS**

The chairman or, in case of his absence or disability, the acting chairman of the district board, shall call all district elections by issuing a warrant to the sheriff of the county of Hartford requiring him to notify the electors of the district that such election will be holden at the time and place in such warrant designated, which warrant shall specify the objects thereof and shall be issued and served at least twenty \* days before the days when such election is to be holden. Service of such warrant shall be made by causing a true and attested copy thereof to be published in one daily newspaper published in said district and by sending a copy thereof, duly attested, to each of the town clerks of the towns comprising said district. Warrants for district elections shall be returned, before the election, to the district clerk with a suitable endorsement of service.

\* 1961 Statute requires sixty days in case of any question to be submitted to electors. (Sec. 9-370).

## **SEC. 2-7 DISTRICT ELECTIONS**

Said biennial district elections shall be held in connection with the regular state, town or city elections held in November in the town of Hartford and in such other of the towns of said district as hold regular elections on said date. Elsewhere in said district, special elections shall be held simultaneously upon said date at the expense of The Metropolitan District. The towns comprising said district and the voting precincts therein shall be election precincts of said Metropolitan District and the regular town and city officials authorized by law to hold town and city elections shall act as election officials in the district for all such elections. A separate record of The Metropolitan District elections shall be kept by said town and city election officials and a return of the results thereof in each precinct shall be made by the proper town or city official to the clerk of The Metropolitan District immediately after the election result in said district shall be known.

## **SEC. 2-8 DISTRICT BOARD, ORGANIZATION, OFFICERS, ETC.**

After the selection of the first district board as hereinbefore provided, the governor shall call the first meeting of the board and appoint the time and place therefor. At such meeting the board shall organize by the appointment from its number of a chairman. It shall also appoint then or at a later meeting, any officers or employees that may seem to it convenient for the transaction of the business of the district. The district board may, from time to time, appoint such standing and special committees and commissions from its number or otherwise as in its judgment may be convenient and define their powers and duties. Said district board shall adopt by-laws and ordinances for the purpose of carrying into effect any of the powers and duties herein given. Said board, either directly or under committees consisting of one or more members of said board, shall organize bureaus for the convenient carrying into effect of the several functions herein committed to said board and may define the powers and duties of such bureaus and delegate to them such powers and duties by ordinance, by-law or otherwise as may, in the judgement of the board, be necessary for the convenient operation of the same. No member of the board shall receive any pay for his services as such member or as a member of a sub-committee of the board except that a reasonable sum may annually be appropriated for the actual expenses of said board. The board may, by ordinance, by-law or otherwise, fix the salaries and define the duties of all officers and employees or may delegate the fixing of salaries of employees and assignment of duties of employees to sub-committees or bureau managers. The district board of The Metropolitan District is authorized to appoint, from time to time, one or more deputies to the counsel, to the managers of the bureaus and to any other officers or agents of the district. Said board may delegate to such deputies such powers as to said board may seem wise. Said board may, at any time, appoint an acting chairman, to whom may be delegated any of the powers of the chairman, including the power to sign bonds of the district to be issued for any purpose.

## **SEC. 2-9 TERMS OF OFFICE: BUREAUS, COMMITTEES AND OFFICERS**

The chairman and vice chairman of said district and of all sub-committees, bureaus, boards and commissions appointed by the district board shall, unless otherwise provided in the appointment or herein, hold office until the end of the fiscal year of their appointment and thereafter shall be appointed for terms of two years and until their successors shall be appointed and shall have qualified. The members of all sub-committees, bureaus, boards and commissions appointed by the district board shall, unless otherwise provided in the appointment or herein, hold such membership until the end of the fiscal year of their appointment and thereafter shall hold membership for terms of two years and until their successors shall be appointed and shall have qualified. The managers of the water bureau and of the bureau of public works and such others of the officers as by the district board shall be especially so designated shall hold office during good behavior and shall be removed only for cause. All other officers and employees may be removed at any time by the district board at pleasure. All vacancies may be filled by the district board.

## **SEC. 2-10 QUORUM OF THE DISTRICT BOARD**

A majority of the board shall constitute a quorum and the time, place and manner of calling meetings and the holdings thereof, including the manner of dissolving tie votes, shall be prescribed by said board by by-law or otherwise.

## **SEC. 2-11 ORGANIZATION OF BUREAUS, COMMITTEES, ETC.**

Unless otherwise expressly provided by law, each board, bureau, committee and commission of The Metropolitan District shall have full power to organize by the appointment from its own number or otherwise of a chairman and vice chairman and such other officers as may be deemed necessary and expedient. In case such appointment shall not be made from the membership of the respective boards, any officer so appointed shall have no vote in the proceedings of such board. An employee of the district shall not be a member of the board of commissioners nor any committee or commission established by the board of commissioners or the charter.

## **SEC. 2-12 MISCELLANEOUS POWERS, DISTRICT BOARD (Election Returns, Conveyance of Property, Audits, Fidelity Bonds)**

The district board shall be the final judge of the election returns and validity of elections and qualifications of its members and shall decide all tie votes in elections. Except as hereinafter provided, the district board shall have power to authorize the sale, transfer and conveyance of real and personal estate belonging to the district, and shall provide by by-law or otherwise for the form and manner of execution of the documents and instruments convenient therefor. No portion of that part of the lands composing the existing reservoir systems received hereunder shall be sold, conveyed or transferred by said district board in parcels of greater extent than ten acres for other than a continued public use unless and until the matter has been submitted in the usual way to the electors of the district for their approval, at a regular or special district meeting, and such approval has been expressed by a majority vote of those actually voting at such election, but nothing herein shall prevent said district board from reconveying any part of such lands not needed for a water system to the town or city from which the same was received. The district board shall make provision for the proper auditing of the district accounts and may cause any officer to execute bonds to the district with surety to the acceptance of the district board for the faithful performance of duties.

## **SEC. 2-12a MISCELLANEOUS POWERS, DISTRICT BOARD (Conveyance of Property - Glastonbury and Manchester)**

The district board of the metropolitan district in Hartford county created pursuant to number 511 of the special acts of 1929, as amended, shall have the power to sell, lease, transfer, grant and convey any portion of the district's lands which the district board shall determine by resolution is not part of the existing reservoir system of the district on such terms and conditions and for such compensation as the district board shall determine. All proceeds from the sale of nonreservoir lands located in the towns of Glastonbury and Manchester shall be deposited by the district treasurer in an account with a bank and trust company and applied for the following purposes: First, to the replacement, pro tanto, of any surplus moneys of the district pledged in accordance with the provisions of section 4 of this act to secure repayment of any bonds issued under the provisions of sections 2 and 13 of number 511 of the special acts of 1929, as

amended, and sections 2 and 4 of this act to the extent necessary to replace such moneys as security for such bonds, all in accordance with the provisions of the indenture of trust for such bonds; second, to the payment at maturity of any temporary notes issued in anticipation of bonds of the district pursuant to the authority granted in sections 2 and 13 of number 511 of the special acts of 1929, as amended, and sections 2 and 4 of this act to finance temporarily the costs of active recreational and educational facilities, to the extent necessary; and third, to meet any portion of the costs of active recreational or educational facilities not met by bonds or notes.

The Metropolitan District in Hartford County created pursuant to number 511 of the special acts of 1929, as amended, may issue bonds or other obligations, or may enter into leases of real or personal property or any interest therein, from time to time for the purpose of paying all or any part of the cost of designing, acquiring, purchasing, constructing, reconstructing, improving, extending, financing, refinancing, operating or managing any facility, system, program or equipment necessary or desirable in connection with carrying out any of its authorized purposes, including payment of expenses of administration properly chargeable thereto, including, without limitation, legal, architectural and engineering expenses and fees, and costs of audits, and payment of costs, fees and expenses which the district board may deem necessary or advantageous in connection with the authorization, sale and issuance of bonds or notes or other obligations, including but not limited to, underwriters' discount and payment of all other items of expense incurred in connection therewith. The district may issue such types of bonds or other obligations as the district board by resolution approved by a majority of its members may determine, including, without limiting the generality of the foregoing, bonds or other obligations payable as to principal and interest exclusively from the income and revenues of a particular facility, system or program. Notwithstanding the provisions of sections 23, 24, 25, 26 and 51 of number 511 of the special acts of 1929, as amended, any surplus moneys not needed in the determination of the district board to meet the purposes of funds established pursuant to said sections and any surplus revenues in the assessable sewer fund may be pledged as additional security for any such bonds or the provider of any credit enhancement for any such bonds, which also may be secured by a pledge of any income or revenues of the district, or a mortgage on any facility or system or the site thereof. Whenever and for so long as the district has issued and has outstanding bonds pursuant to this section, the district board shall fix, charge and collect rates, rents, fees and other charges in accordance herewith. Neither the members of the district nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the district, and such bonds and obligations shall so state on their face, shall not be a debt of the state or any political subdivision thereof, and no person other than the district shall be liable thereon, nor shall such bonds or obligations be payable out of any funds or properties other than those of the district. Bonds of the district issued under the provisions of sections 2 and 13 of number 511 of the special acts of 1929, as amended, and sections 2 and 4 of Special Act 90-27, as amended by this act, are declared to be issued for an essential public and governmental purpose. In anticipation of the sale of such bonds the district may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from any revenues of the district available therefor and not otherwise pledged, or from the proceeds of sale of the bonds of the district in anticipation of which they were issued.

Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations which a bond resolution of the district may contain.

Bonds of the district may be issued as serial bonds or as term bonds, or a combination thereof, as the district board, in its discretion, may determine. Bonds shall be authorized by resolution adopted by a majority of the members of the district board and shall bear such date or dates, mature at such time or times, not exceeding twenty-five years from their respective dates, bear interest at such rate or rates, or have provisions for the manner of determining such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places and be subject to such terms of redemption as such resolution or resolutions may provide. The bonds or notes may be sold at public or private sale for such price or prices as the district shall determine. Pending preparation of the definitive bonds, the district may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

Any resolutions authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to: (1) Pledging all or any part of the revenues of facilities, systems, programs or any revenue-producing contract or contracts made by the district board with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the bonds or of any particular issue of bonds, subject to such agreements with bondholders as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the setting aside of reserves or sinking funds already in existence or other funds or accounts of the district board as it may establish and the regulation and disposition thereof, including requirements that any such funds and accounts be held separate from or not be commingled with other funds of the district; (4) limitations on the right of the district or its agent to restrict and regulate the use of the facilities, systems or programs; (5) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or any issue of the bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from such facilities, systems or programs to be expended for operating, administrative or other expenses of the district; (9) defining the acts or omissions to act which shall constitute a default in the duties of the district to holders of its obligations and providing the rights and remedies of such holders in the event of a default; (10) the mortgaging of facilities or systems and the site thereof for the purpose of securing the bondholders; and (11) provisions for the execution of reimbursement agreements or similar agreements in connection with credit facilities, including, but not limited to, letters of credit or policies of bond insurance, remarketing agreements and agreements for the purpose of moderating interest rate fluctuations.

If any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if

he had remained in office until such delivery. All bonds under the provisions hereof shall be deemed to be negotiable instruments under the provisions of the general statutes.

The district shall have power out of any funds available therefor to purchase its bonds or notes. The district may hold, pledge, cancel or resell such bonds, subject to and in accordance with agreements with bondholders. The district shall cause a copy of any bond resolution adopted by it to be filed for public inspection in its office and may thereupon cause to be published at least once in a newspaper published or circulating in each participating municipality a notice stating the fact and date of such adoption and the places where such bond resolution has been so filed for public inspection and also the date of the first publication of such notice and also stating that any action or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds provided for by the bond resolution, or the validity of any covenants, agreements or contracts provided for by the bond resolution, shall be commenced within twenty days after the first publication of such notice. If any such notice is published and if no action or proceeding questioning the validity or proper authorization of bonds provided for by the bond resolution referred to in such notice, or the validity of any covenants, agreements or contracts provided for by the bond resolution is commenced or instituted within twenty days after the first publication of said notice, then all other persons shall be forever barred and foreclosed from instituting or commencing any action or proceeding in any court, or from pleading any defense to any action or proceeding, questioning the validity or proper authorization of such bonds, or the validity of such covenants, agreements or contracts, and said bonds, covenants, agreements and contracts shall be conclusively deemed to be valid and binding obligations in accordance with their terms and tenor.

Any bonds issued under the provisions of sections 2 and 13 of number 511 of the special acts of 1929, as amended, and sections 2 and 4 of this act may, in the discretion of the district board, be secured by a trust indenture by way of conveyance, deed of trust or mortgage of any active recreational or educational facility or any other property of the district, whether or not financed in whole or in part from the proceeds of such bonds, or by a trust agreement by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state or by both such conveyance, deed of trust or mortgage and indenture or trust agreement. Such trust indenture or agreement may pledge or assign any or all fees, rents and other charges to be received or proceeds of any contract or contracts pledged and may convey or mortgage any property of the district. Such trust indenture or agreement may contain such provision for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have been specifically authorized in this section to be included in any resolution or resolutions of the district authorizing the issue of bonds. Any bank or trust company duly qualified as a public depository under the laws of the state may act as depository of the proceeds of such bonds or of revenues or other moneys and may furnish such indemnifying bonds or pledge such securities as may be required by the district. Such trust indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, such trust indenture or agreement may contain such other provisions as the district board may deem reasonable and proper for the security of the bondholders. All expenses incurred

in carrying out the provisions of such trust indenture or agreement may be treated as a part of the cost of active recreational or educational facilities.

The district is authorized to fix, revise, charge and collect rates, rents, fees, charges and assessments for the use of and for the services furnished or to be furnished by each and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees, charges and assessments shall be fixed and adjusted in respect of the aggregate of rates, rents, fees, charges and assessments from such facilities, systems or programs as to provide funds sufficient with other revenues, if any, (1) to pay the cost of maintaining, repairing and operating the facilities, systems or programs and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for, (2) to pay the principal of and the interest on outstanding bonds of the district issued in respect of such facilities, systems or programs as the same shall become due and payable, and (3) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such bonds of the district. Such rates, rents, fees, charges and assessments shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this state other than the district. A sufficient amount of the revenues derived in respect of facilities, systems or programs, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any bonds of the district or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees, charges and assessments and other revenues or other moneys so pledged and thereafter received by the district shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice hereof. Neither the resolution nor any trust indenture or agreement by which a pledge is created need be filed or recorded except in the records of the district. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement.

Any holder of bonds, notes, certificates or other evidences of borrowing issued under the provisions hereof, and the trustee under any trust indenture or agreement, except to the extent the rights herein given may be restricted by such indenture or agreement, may, either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the provisions of the general statutes or granted by said sections or under such trust indenture or agreement or the resolution authorizing the issuance of such bonds, notes or certificates, and may enforce and compel the performance of all duties required by said sections or by such trust indenture or agreement or resolution to be performed by the district or by any officer or agent thereof, including the fixing, charging and collection of fees, rents and

other charges. Bonds issued under the provisions of this act shall not be subject to the requirements of section 14 of number 511 of the special acts of 1929, as amended by section 1 of number 332 of the special acts of 1931, number 127 of the special acts of 1947, special act 79-102, special act 80-13 and section 1 of special act 83-31 and section 5 of this act; section 17 of number 511 of the special acts of 1929, as amended by section 2 of number 332 of the special acts of 1931 and special act 79-32; section 18 of number 511 of the special acts of 1929, as amended by section 3 of number 332 of the special acts of 1931, number 285 of the special acts of 1949 and section 2 of special act 81-56; section 20 of number 511 of the special acts of 1929 and section 21 of number 511 of the special acts of 1929, as amended by number 216 of the special acts of 1939, number 258 of the special acts of 1955, special act 79-30 and special act 80-12.

The exercise of the powers granted hereby shall be in all respects for the benefit of the inhabitants of the district, for the increase of their commerce and for the promotion of their safety, health, welfare, convenience and prosperity, and as the operation and maintenance of any active recreational and educational facilities which the district is authorized to undertake constitutes the performance of an essential governmental function, the district shall not be required to pay any taxes or assessments upon any active recreational and educational facilities acquired and constructed by it under the provisions hereof; and the bonds, notes, certificates or other evidences of debt issued under the provisions of said sections, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the state and by any political subdivision thereof.

Bonds issued by the district under the provisions hereof shall be securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies and executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds shall be securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

## **SEC. 2-13 ORDINANCES AND BY-LAWS**

Said district board may by ordinance, by-law or otherwise, not inconsistent with the foregoing, provide for the carrying into effect of the powers hereby granted.

The district board of The Metropolitan District may by ordinance prescribe the number of members of its bureau of public works to constitute a quorum at meetings of, or at hearings conducted by, said bureau.

## **SEC. 2-14 ORDINANCES: PUBLICATION, REVISION AND ENFORCEMENT**

The district commission shall conduct a public hearing on any proposed ordinance or revision to an ordinance at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the metropolitan district at least twice at intervals of not less than two days, the first not more than fifteen days nor less than ten days before such hearing, and the last not less than two days before such

hearing. The proposed ordinance or revision to an ordinance shall be filed in the office of the town clerk in each municipality that is a member of the district for public inspection at least ten days before such hearing. The proposed ordinance or revision to an ordinance may be published in full in such newspaper. No ordinance passed by the district board shall take effect until ten days from the passage of such ordinance nor until it has been published twice in one or more daily papers issued within The Metropolitan District and the clerk of said district shall cause each ordinance passed by the said district board to be published without unnecessary delay, and a certificate of the district clerk upon the record of such ordinance that the same has been so published shall be prima facie evidence thereof in any suit or proceeding, and no ordinance shall be valid if repugnant to the laws of the state. The district board of the metropolitan district may, from time to time, revise the ordinances of said district combining therein existing ordinances and making such alterations as it may deem necessary. The city and police court of the city of Hartford and any town, city, city and police, borough, or police court or trial justice shall have jurisdiction to enforce any ordinance, by-law or regulation of The Metropolitan District and may punish any offender by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days or by both such fine and imprisonment.

#### **SEC. 2-15 DISTRICT COUNSEL**

There shall be an attorney chosen by the district board who shall be counsel to the district and whose duties and compensation shall be fixed by a by-law or ordinance of said district. He shall be an attorney of at least five years' practice and shall be a resident of the district. The district counsel of said district shall hold office during the pleasure of the board. The board may also provide, by ordinance or otherwise, for the appointment by the counsel of such assistance as the board shall approve.

#### **SEC. 2-16 COMPETITIVE BIDDING, CONTRACTS OVER \$25,000**

(a) The following terms shall have the meaning indicated hereafter as used in this section:

(1) "Lowest qualified bidder" means the bidder whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary to faithful performance of the work based on objective criteria considering past performance and financial responsibility;

(2) "Minority business enterprise" means any small contractor (A) of which twenty-five per cent of the employees are members of a minority, (B) in which fifty-one per cent or more of the capital stock, if any, or assets of which are owned by a person or persons who (i) are active in the daily affairs of the enterprise, (ii) have the power to direct the management and policies of the enterprise, and (iii) are members of a minority, and (C) that has a certificate of eligibility issued by the Department of Administrative Services under regulations adopted under section 4a-60h of the general statutes;

(3) "Minority" means (A) Black Americans, including all persons having origins in any of the black African racial groups not of Hispanic origin, (B) Hispanic Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race, (C) Asian Pacific Americans and Pacific Islanders, or (D) American Indians and persons having origins in any of the original

peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification;

(4) "Responsible" means the ability to perform a contract for the amount specified in a submitted bid; and

(5) "Small contractor" means any contractor, subcontractor, manufacturer or service company (A) that has been doing business under the same ownership or management and has maintained its principal place of business in the state for a period of at least one year immediately prior to the date of application for certification under regulations adopted under section 4a-60h of the general statutes, (B) that had gross revenues not exceeding ten million dollars in the most recently completed fiscal year prior to such application, (C) of which at least fifty-one per cent of the ownership is held by a person or persons who exercise operational authority over the daily affairs of the business, and (D) has the authority to direct the management and policies and receive the beneficial interests of the business. Notwithstanding the provisions of this subdivision, a nonprofit corporation shall be construed to be a small contractor if such nonprofit corporation meets the requirements of subparagraphs (A) and (B) of this subdivision.

(b) Whenever any work shall be necessary to execute or perfect any public work or improvement, or whenever any supplies for the district shall be needed for any particular purpose and such work or supplies shall involve the expenditure of more than twenty-five thousand dollars, except in the case of an emergency to be determined by the district board, a written contract for such work or supplies shall be made under such regulations as the district board may establish, which contract shall be based on sealed bids at least ten calendar days prior to the time designated for opening competitive bids or proposals, the district shall solicit competitive bids or proposals by (1) publishing notice in daily and weekly newspapers servicing the member municipalities, and (2) posting notice on the Internet web site of the district. The district may send such notice to trade associations or other groups active in the business or service solicited. Each contract awarded by the district shall be awarded to the lowest qualified bidder with bid requirements, except as provided in this subsection.

(c) Pursuant to the provisions of a minority business disparity study conducted by the district, the district may waive the provisions of subsection (b) of this section concerning selection of the lowest qualified bidder if a responsible qualified bid is submitted by a minority business enterprise or by a nonminority business enterprise in association with a responsible qualified bid with a minority business enterprise. In the case of a bid submitted by a nonminority business enterprise in association with a responsible qualified bid with a minority business enterprise, the district shall give priority to such bid in an amount equal to the proportion of participation by a minority business enterprise in the responsible qualified bid.

(d) Pursuant to the provisions of a minority business disparity study conducted by the district, in awarding a contract, a bid shall be considered to be the same as the lowest qualified bid if such bid is not more than five per cent greater than the amount of the lowest qualified bid and the responsible contractor that submitted the bid agrees to perform the contract for the amount of the lowest qualified bid. Such bids shall be considered in the following order of priority: (1) A minority business enterprise whose principal place of business is located in a member municipality of the district, (2) a minority business enterprise whose principal place of business is located in a member

municipality of the district, participating with a nonminority business enterprise whose principal place of business is located in a member municipality of the district, (3) a minority business enterprise whose principal place of business is located in a member municipality of the district, participating with a nonminority business enterprise, and (4) a minority business enterprise whose principal place of business is not located in a member municipality of the district.

(e) If a bid selected includes participation by a minority business enterprise, the contract or subcontract shall be performed with at least the same proportion of minority business enterprise participation as the priority that was given by the district to the general contractor or subcontractor in evaluating the bid. If more than one minority business enterprise submit bids that are not more than five per cent greater than the lowest qualified responsible bid and such bids are in the same priority category established in subsection (d) of this section, then the contract shall be awarded to the minority business enterprise submitting the lowest responsible qualified bid whose original bid was lower.

(f) If a contract or subcontract awarded to a nonminority business enterprise includes participation by a minority business enterprise, the general contractor or subcontractor shall submit to the district every thirty days after the date the work has commenced under the contract or subcontract a report which describes the extent of minority business enterprise participation in performance of the contract or subcontract. Such report shall identify all subcontracts and the dollar value of the contract between the general contractor and the subcontractor. If the extent of minority business enterprise participation in such contract is less than the amount of priority that was committed at the time of the award, the district may (1) claim any retainage payable under the terms of the contract, and (2) disqualify the bidder from any future contracts.

(g) The district may waive the provisions of subsection (b) of this section to apply, by regulation or ordinance, the procedures described in the Federal Acquisition Regulation System, as amended, to implement construction delivery systems, acquisition policies and procedures, or to increase contract participation by small contractors, minority business enterprises and businesses located in member municipalities of the district.

(h) The district shall establish a program to assist potential minority business enterprises in obtaining technical assistance or bonds to ensure performance completion in contracts awarded by the authority. The district shall make a grant in the amount of two hundred thousand dollars to an entity, that the district determines to be qualified, for the purpose of training residents of member municipalities to qualify for employment in projects of the district.

(i) The district may adopt regulations or ordinances to implement the provisions of this section. The district shall send a copy of such regulations or ordinances to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and to commerce, and to the Office of Workforce Competitiveness.

(j) Subject to regulations adopted by the Commissioner of Environmental Protection under section 22a-482 of the general statutes and the provisions of the general statutes, the (1) district shall pay any uncontested sum due any contractor under a contract awarded by the district not later than sixty days after its completion and acceptance. After such sixty-day period, interest shall begin to run in favor of the contractor at the rate of six per cent per annum on the unpaid balance.

(k) Each contractor awarded a contract by the district shall pay any uncontested amounts due any subcontractor not later than thirty days after the date the contractor receives payment from the district for the labor performed or materials furnished by such subcontractor. After such thirty-day period, interest shall begin to run in favor of the subcontractor at the rate of six per cent per annum on the unpaid balance.

#### **SEC. 2-17 DISTRICT BOARD, POWER TO INVESTIGATE**

The district board shall have power to supervise and investigate all departments, officers and employees of the government of said district and to inquire into any charges preferred against any of the said officers or employees and may, for cause or except as hereinbefore provided without cause, remove or suspend any of said officers, and shall have power of access to all records thereto pertaining and power to compel the attendance of witnesses and the production of books and papers and other evidence at any meeting of the board or any committee thereof.

## CHAPTER 3

### FINANCES, BUDGET AND TAX

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
3	1	Board of Finance, Composition, Powers, etc.
3	2	Budget Estimates Referred to Board of Finance
3	3	Board of Finance Reviews Budget
3	4	Part I of Budget, Tax-Financed
3	5	Part II of Budget, Water Functions
3	6	Part III of Budget, Enterprise Funds
3	7	Publication and Adoption of Budget
3	8	Limitations on Expenditures; Supplemental Appropriations; Transfers
3	9	Emergency Expenditures
3	10	Appropriations to be Approved by District Board
3	11	Appropriations Exceeding \$5,000,000
3	12	Tax: Power to Levy
3	13	Tax: Amount, Apportionment and Collection
3	14	Appropriations Filed with Treasurer
3	15	Fiscal Year

### **SEC. 3-1 BOARD OF FINANCE, COMPOSITION, POWERS, ETC.**

There shall be in said metropolitan district a board of finance, consisting of four members of the district board and five taxpayers and electors of said district appointed by the district board who shall hold office each for the term of two years from his appointment and shall not be removed by the district board. Five members shall constitute a quorum. All vacancies shall be filled for the unexpired portion of the term by said district board. The chairman of said metropolitan district shall be an ex-officio member with voting rights on the board of finance. The district clerk shall be the clerk of the board of finance and shall keep a record of its doings. The board of finance may call for information including books and papers in the possession of any bureau, commission, committee or officer of said district and each such bureau, commission or committee or any member thereof and each such officer shall appear before said board of finance when summoned and furnish all facts and data in written, printed or other form concerning the respective departments.

### **SEC. 3-2 BUDGET ESTIMATES REFERRED TO BOARD OF FINANCE**

The district manager shall furnish to the district board at or before its regular meeting in November of each year a proposed budget of the estimated expenditures and revenues required for the business of the district for the ensuing year. Such estimated expenditures and revenues shall be referred by the district board to the board of finance.

### **SEC. 3-3 BOARD OF FINANCE REVIEWS BUDGET**

The board of finance shall review and amend if necessary and furnish to the district board at its December meeting an itemized budget of the estimated expenditures and revenues of The Metropolitan District for the ensuing year. This budget shall be in three parts and parts one and two shall be in two sections and part three shall be in one section as follows:

#### **SEC. 3-4 PART I OF BUDGET, TAX-FINANCED**

Part I, expenditures to be financed by taxation: First section, the estimated expenditures showing the total amount of money required to pay all fixed charges and running expenses, including a contingency fund, as determined by the board of finance by estimate based on such facts as are obtainable; and, per contra, an estimate of the receipts for the forthcoming year from which these expenses will be met; second section, the permanent and temporary improvements and extraordinary expenditures which in the judgement of the board of finance should be made in the ensuing year, or to provide a fund which may be allowed to accumulate from year to year for the purpose of financing wastewater facilities construction;

#### **SEC. 3-5 PART II OF BUDGET, WATER FUNCTIONS**

Part II, functions and operations of the water department, customarily financed from water revenues: First section, the amount of money required to pay all the fixed charges and running expenses including a contingency fund as determined by the board of finance by estimate based on such facts as are obtainable; and, per contra, an estimate of the receipts for the forthcoming year from which these expenses will be

met; second section, the permanent and temporary improvements and extraordinary expenditures which in the judgement of the board of finance should be made in the ensuing year, with an estimate of the sources from which these expenditures are to be financed, or to provide a fund or funds which may be allowed to accumulate from year to year for the purpose of financing water facilities construction;

### **SEC. 3-6 PART III OF BUDGET, ENTERPRISE FUNDS**

Part III, enterprise funds to be established in connection with the issuance of revenue bonds or other facility, system or program specific obligations of the district issued pursuant to Section 4 of Special Act 90-27, and Sections 5 to 7, inclusive, of this act, and funded from user charges, fees, rates and rentals: from the commencement of operation of any facility, system or program, the estimated expenditures of each facility, system or program showing all fixed charges and running expenses, permanent and temporary improvements, debt service payments becoming due and payable for the ensuing year and extraordinary expenditures as determined by the board of finance by estimate based on such facts as are obtainable and an estimate of the revenues of such facility, system or program for the forthcoming year from which these expenses and costs will be met.

### **SEC. 3-7 PUBLICATION AND ADOPTION OF BUDGET**

Upon the completion of the proposed budget by the board of finance it shall be published for three consecutive days, except Sundays or holidays, in one or more newspapers published within said district. After such proposed budget or estimate has been so published it shall be referred to the district board for adoption and, when such budget or estimate has been so adopted, the estimates of expenses therein for each function or department shall constitute the appropriations for the district for the ensuing year.

### **SEC. 3-8 LIMITATIONS ON EXPENDITURES; SUPPLEMENTAL APPROPRIATIONS; TRANSFERS**

No expenditure for any function or department designated in the budget shall exceed the appropriation therefor, provided the district board may, upon approval of the board of finance or, in the absence of such approval by a vote of the district board, make additional or supplemental appropriations in any part of the budget from the undesignated fund balance or retained earnings applying to any part or transfer any unexpended balance of any appropriation included in any part of the budget to any other appropriation in the same part thereof provided there shall be attached to the resolution making such additional or supplemental appropriation or transfer a certificate from the chief financial officer that a balance actually exists free from encumbrance, or funds are available from the undesignated fund balance or retained earnings within section one of any part of the budget.

### **SEC. 3-9 EMERGENCY EXPENDITURES**

If an emergency condition in the services or functions of The Metropolitan District shall be declared to exist by formal vote of the district board and if such condition shall require additional expenditures which cannot be met by the established budget for the year, the board of finance shall be requested by the district board to prepare and submit

a special emergency budget, with a stipulation as to how the funds therefor shall be provided. Such emergency budget shall be submitted to the district board for approval in the same manner as the annual budget, but publication thereof shall not be required.

### **SEC. 3-10 APPROPRIATIONS TO BE APPROVED BY DISTRICT BOARD**

Appropriations to be financed by the issuance of bonds, notes or other obligations of the District may be made at any time upon approval of the district board and recommendation of the board of finance in accordance with section 20 of number 511 of the special acts of 1929.

### **SEC. 3-11 APPROPRIATIONS EXCEEDING \$5,000,000**

Any appropriation in excess of five million dollars for any single item of capital expense not regularly recurring, including, but not limited to, a capital purpose, a public improvement or an extraordinary expenditure which may properly be financed long-term rather than from current revenues, notwithstanding that such appropriation is included in the budget to be met from current revenues, and any financing lease under which the total amount of payments shall be in excess of five million dollars, shall be approved by a two-thirds vote of the entire district board and by a majority of the electors of the district at a referendum of the district called by the district board in accordance with the requirements of section 5 of number 511 of the special acts of 1929, as amended by special act 77-54; provided an appropriation for any reason involving not more than ten million dollars in any one year for the purpose of meeting a public emergency threatening the lives, health or property of citizens of the district may be made upon approval by a two-thirds vote of the entire district board without submission to the electors of the district; provided further, appropriations may be made in any amount without submission to the electors of the district for any public improvement all or a portion of which is to be paid for by assessments of benefits or from funds established to pay for waste or water facilities pursuant to section 13 of number 511 of the special acts of 1929, as amended by number 366 of the special acts of 1949, special act 77-54 and special act 83-31. The district board may determine, in the case of appropriations for water, sewer and utility line extensions and improvements, or the installation or replacement of service meters, the definition of what shall constitute a single item of capital expense for purposes of compliance with the referendum requirement of this section. Such determination may be contained in the capital budget or a resolution making such appropriation or authorizing the issuance of bonds, notes or obligations of the district and any such determination shall be final and conclusive.

### **SEC. 3-12 TAX: POWER TO LEVY**

Upon the acceptance and approval of such budget and upon the completion of the grand lists, the district board, acting on the recommendation of the board of finance, may lay a tax upon the towns composing the district in a manner similar to that provided for by section 1224 of the general statutes, revision of 1918.

### **SEC. 3-13 TAX: AMOUNT, APPORTIONMENT AND COLLECTION**

The total amount of such tax shall be at least sufficient to pay the net estimated expenses and current charges of the district for the ensuing year and the same shall be divided among the towns in the proportion provided for which the total revenue received

yearly from direct taxation in each town, including that received by all taxing districts therein, and including also that which would have been received from all property exempted from taxation under the provisions of any special act, or by town vote as provided by sections 1161 and 1162 of the general statutes, revision of 1918, as averaged for the three fiscal years next preceding is to the total revenue so determined at such time as averaged in all the towns in the district. Such tax shall be payable at such time as the district board may prescribed and the chairman shall draw and sign an order upon each town for its tax so imposed in favor of the district treasurer, notice of which shall forthwith be given by the district clerk to each town or city clerk and if any town shall neglect to pay its tax by the time prescribed, said treasurer shall report such neglect to the clerk of the superior court for Hartford county, who shall record it and issue an execution against the goods and estate of the inhabitants of such town in the name of the district treasurer, returnable in sixty days, directed to the sheriff of said county or his deputy, for the amount of the tax remaining unpaid to be proceeded with as executions in civil actions. The towns and cities composing said metropolitan district are empowered in any such case to include in the tax collections for the current year an amount sufficient to pay such district tax.

#### **SEC. 3-14 APPROPRIATIONS FILED WITH TREASURER**

Upon the completion of the budget and final laying of the tax, the board of finance shall deliver to the district treasurer a detailed list of the accounts for which appropriations shall have been made and the amount of each such appropriation. If transfers of funds be made from one account to another as hereinbefore provided, the board of finance shall file with the treasurer a copy of the authorization for such transfers, the account from which the transfer was made, the account to which the transfer was made and the amount transferred.

#### **SEC. 3-15 FISCAL YEAR**

The first fiscal year of said district shall begin and end on days to be fixed by the district board, and thereafter the fiscal year of said district and of all departments of said district shall begin and end as said district board shall prescribe.

## CHAPTER 4

### BONDS, NOTES AND SINKING FUND

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
4	1	Power to Issue Bonds
4	2	Purposes of Bond Issues
4	3	Limitation on Indebtedness
4	4	Bonds, Method of Issuing
4	4a	Bonds, Refunding of Outstanding Issues
4	5	Bonds, Details
4	6	Bonds, Payment of
4	7	Sinking Fund, General (non-water)
4	8	Sinking Fund, Investment (non-water)
4	9	Sinking Fund, Additions (non-water)
4	10	Sinking Fund, Annual Report and Audit (non-water)
4	11	Sinking Fund, Withdrawals (non-water)
4	12	Sinking Fund, Water Supply

## **SEC. 4-1 POWER TO ISSUE BONDS**

The Metropolitan District is authorized to issue negotiable bonds, notes or other certificates of debt under its corporate name and seal or a facsimile of such seal and upon the credit of the district for the purposes hereinafter specified, up to the limit provided in section 19 of number 511 of the Special Acts of 1929, which bonds, notes or other certificates of debt shall be obligatory upon the district and the inhabitants thereof according to the purport and tenor of the same; provided each issue of bonds, notes or other certificates of debt made under the authority of this act for the purpose of obtaining funds for a period longer than one year shall be issued as serial bonds or term bonds, or a combination thereof, as the District Board, in its discretion, may determine, maturing at such time or times not later than forty years from the date of original issuance.

## **SEC. 4-2 PURPOSES OF BOND ISSUES**

The purposes for which such bonds, notes, or other certificates of debt may be issued and for which the avails thereof shall be used are: To meet the cost of public improvements and such other improvements authorized by the charter of the District; to raise funds in anticipation of a bond issue for the purpose of financing such improvements for a temporary period previous to the issue of such bonds; to raise funds in anticipation of taxes or in anticipation of water revenues estimated to be received by the issue of notes maturing in six months or less from date of issue; to redeem or refund outstanding bonds or other obligations of the District, not intending to include bonds or other obligations of the component towns not assumed under the provisions of this act; to meet the cost in whole or in part, including damages awarded, which the District is required to defray temporarily in connection with public improvements duly authorized where benefits assessed cannot be immediately collected provided this authority shall be an alternative to and not a limitation of the power of the District Board to provide for the issue of assessment certificates.

## **SEC. 4-3 LIMITATION ON INDEBTEDNESS**

No bonds, notes or other certificates of debt, except such as are to mature in six months or less and to be paid from current taxes shall be issued under authority of this act if such issue shall bring the total outstanding indebtedness of the district to an amount in excess of five per centum of the combined grand lists of said district unless otherwise provided by special act. The grand lists for the purpose of this section shall be deemed to include the assessed value of all shares of capital stock the taxes on which are required by section 1205 of the general statutes, revision of 1918, as amended to be remitted annually to the towns and cities composing the district by the state. In computing the total outstanding indebtedness of the district for the purposes of this section, there shall be deducted the amount of the district's sinking fund, the amount of bonds issued for the supply of water or for the construction of subways or underground conduits for cables, wires or pipes and of such other bonds of the district as may be issued under any act of the legislature, especially providing that the bonds issued thereunder shall be deducted in computing the total outstanding indebtedness of the district.

#### **SEC. 4-4 BONDS, METHOD OF ISSUING**

Such bonds, notes or other certificates of debt may be issued, from time to time, whenever the district board of The Metropolitan District in legal meeting assembled, by a majority of its members present and absent, shall by resolution vote to issue such bonds, notes or other certificates of debt, provided the district board shall pass no such resolution or vote unless the board of finance has considered and acted upon the same and submitted its recommendation and report to the district board, and, in case of disapproval by the board of finance, no such issue shall be made by the district board except by a two-thirds vote of the entire board.

#### **SEC. 4-4a BONDS, REFUNDING OF OUTSTANDING ISSUES**

The board of finance may recommend and the board of commissioners of The Metropolitan District in Hartford County may authorize, by resolution, the issuance of bonds to refund any outstanding series of bonds of said district, provided that said board shall determine that the issuance of such refunding bonds shall result in net present value debt service savings to the district.

#### **SEC. 4-5 BONDS, DETAILS**

The resolution for the issuance of such bonds, notes or other certificates of debt to be adopted by the district board shall designate such name or title for the issue as seems appropriate, set forth the amount of the issue and the purposes for which its avails are to be used and provide as to the form, interest payment periods, the amount of such bonds, notes or other certificates of debt, the date of issue and maturity, the method of registration, if any, and whether the same shall carry interest coupons or otherwise. Such resolution may also provide for the rate of interest or, upon recommendation of the board of finance of the district, the rate of interest may be fixed by the bidders for such bonds in multiples of one-twentieth of one per cent per annum, but in neither case shall the rate of interest exceed six per cent per annum. Such resolution may also provide, in connection with the issue of bonds or notes for public improvements, as to whether the same shall be paid from the proceeds of benefits assessed, the collection of which is anticipated, or from annual tax revenue, or other sources, as the case may be, or in case of notes maturing in six months or less, by payment out of current taxes. Such resolution may also direct and prescribe the method of sale of such obligations, which may be public or private, and any of such obligations may be sold at a price less than par. The principal and interest of such obligations may be made payable in gold or otherwise as determined by the district board. Such obligations shall be signed by the chairman and treasurer and the use of a facsimile signature is authorized and such obligations may be issued notwithstanding that the chairman signing them or whose facsimile signature appears thereon has ceased to hold office at the time of their issuance or at the time of the delivery thereof to the purchaser. The avails of such bonds, notes or other certificates of debt, when sold, shall be applied for the purposes for which such issue was authorized by the resolution of the district board.

#### **SEC. 4-6 BONDS, PAYMENT OF**

The district board, upon recommendation of the board of finance, shall include in the annual budget such an amount as may be determined upon to be assessed and collected as a part of the regular annual tax revenue of said district for the purpose of

paying such bonds or notes as mature during the fiscal year covered by such budget and as are designated by the resolution of the district board under which they are issued as intended to be paid by the proceeds of annual tax revenue.

#### **SEC. 4-7 SINKING FUND (non-water); GENERAL**

The district board shall designate and appoint a bank or trust company located in the district as agent of the district sinking fund and such appointment shall continue unless it be revoked for cause. The district board, upon recommendation of the board of finance, shall annually include in the tax levy a sum to be determined upon, to be collected within the district at the same time as the regular annual taxes for district expenses, for the benefit of the district sinking fund established for the purposes of paying at maturity the debt of the district evidenced by bonds or other obligations theretofore issued which are intended to be paid out of said sinking fund but not including any part of the water indebtedness of the district. The proceeds of said district sinking fund tax shall be delivered by the district treasurer to the agent of the sinking fund.

#### **SEC. 4-8 SINKING FUND (non-water); INVESTMENT**

Said agent of the district sinking fund shall hold such sinking fund and the proceeds of such annual tax delivered to it by the district treasurer and any other payments transmitted to such agent under authority of the district board and shall invest the same and the interest received thereon, with due regard to the dates of maturity of the obligations of the district payable from the sinking fund, in such obligations of the United States or of this state or of any municipality of this state, or of any other state in the United States or any municipality thereof in which trust funds may be invested under the laws of this state, giving preference to the purchase of obligations of the district when the same can be purchased to yield a rate of return which in the judgement of said agent seems fair in comparison with other issues.

#### **SEC. 4-9 SINKING FUND (non-water); ADDITIONS**

The district board, on recommendation of the board of finance, may order transferred to the sinking fund unappropriated revenue, including proceeds received by the district from the sale or lease of district property and may also order transferred any amount received by the district in excess of the amount appropriated for any public improvement from the sale of an issue of bonds or notes when such issue is sold at a premium, and also may order transferred the unexpended balance of appropriations theretofore or thereafter made for public improvements when funds required by such appropriations have been raised by bond or note issue and there remains a balance on hand unexpended after the entire cost of any such public improvement has been met.

#### **SEC. 4-10 SINKING FUND (non-water); ANNUAL REPORT AND AUDIT**

Said agent of the sinking fund shall make an annual report to the district clerk, who shall transmit such report to the district board and it shall be the duty of the treasurer to audit the accounts and funds of said agent semi-annually.

#### **SEC. 4-11 SINKING FUND (non-water); WITHDRAWALS**

No funds shall be drawn from said sinking fund except for the purpose of meeting maturing obligations of The Metropolitan District and then only when determined upon by the board of finance, in which case the district shall draw its order upon the sinking fund agent payable to the district treasurer for the sum necessary to meet the payment of such maturing obligations.

#### **SEC. 4-12 SINKING FUND, WATER SUPPLY**

The district board is authorized to create a sinking fund to secure the payment at maturity of the outstanding bonds of said district heretofore issued or assumed hereunder or hereafter to be issued for the purpose of enlarging and improving the water supply of said district, and to appropriate to such fund, from time to time, such portion of the unexpended or surplus income of the water department as, in its judgment, may not be needed for the current expenses of said department, or for authorized improvements and enlargements of the water supply of said district already undertaken or contemplated by said bureau. The district board shall designate and appoint a bank or trust company located in the district as agent of the water sinking fund and such appointment shall continue unless it be revoked for cause. Said agent of the sinking fund shall hold such sinking fund and shall invest the same in the manner hereinbefore provided in section 4-8.

## CHAPTER 5

### WATER SUPPLY - GENERAL

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
5	1	Water Bureau: General Powers
5	2	Ordinances re Water Bureau Powers
5	2a	Ordinances: Miscellaneous Powers Water Bureau
5	2b	Ordinances: Charges, Rates, Assessments, Liens
5	3	Water Bureau May Make Regulations
5	4	Water Rates (and unpaid bills)
5	5	Eminent Domain, Water Bureau
5	6	Water Bureau Rights in Streets, Railways, etc.
5	7	High-Pressure Service Areas
5	8	Supply to Non-Member Towns
5	9	Assessments in Non-Member Towns
5	10	Recreation, Forest Products, Ice
5	11	Purchase of Water Companies
5	12	Water Supply to New Britain
5	13	Representative from New Britain

## **SEC. 5-1 WATER BUREAU: GENERAL POWERS**

The water bureau of said metropolitan district is empowered to take and convey for and in behalf of said district, from the Connecticut river or tributaries thereof, including ponds and water courses situated in this state, such supply of water as the convenience and necessity of the inhabitants of said district may require; and to take and hold for and in behalf of said district lands or other estate necessary for the construction of any canals, aqueducts, reservoirs, water sheds or other works for conveying or containing water, or for the erection and construction of any buildings or machinery, or for laying any pipes or conductors for conveying water into or through said district, or to secure and maintain any portion of the waterworks, and in general to do any other act necessary or convenient for accomplishing the purposes of supplying said district with water and to distribute such water through said district; to establish public hydrants; to prosecute or defend any action or process at law or in equity, by the name of The Metropolitan District, against any person or persons or corporation for the breach of any contract, express or implied, relating to the performance of any work or labor upon such waterworks, or the management of the same, or the distribution of the water, or for money due for the use of the water, or for any injury or trespass or nuisance affecting the water, machinery, pipes, buildings, apparatus or other things under its superintendence, or for any improper use of the water or any wasting thereof, or upon any contract or promise.

## **SEC. 5-2 ORDINANCES RE WATER BUREAU POWERS**

The district board of said district shall make ordinances:

### **SEC. 5-2a ORDINANCES: MISCELLANEOUS POWERS WATER BUREAU**

Prescribing the duties of the water bureau not expressly prescribed in the charter of said district, its powers over the water fund of said district and duties relative thereto, the officers of said bureau and their compensation and their bonds and oaths of office, the powers of said bureau over the waterworks of said district also relative to the number of said bureau to constitute a quorum.

### **SEC. 5-2b ORDINANCES: CHARGES, RATES, ASSESSMENTS, LIENS**

The mode in which all charges for water, including amounts guaranteed on new mains, the cost of laying water mains in streets or highways and the cost of laying or replacing service pipes upon public or private property shall be collected by assessment upon the lands and buildings benefited thereby or otherwise and secured by lien on lots, houses or tenements or otherwise. Such lien shall take precedence over all other liens or encumbrances except taxes due to the state and town, and such lien may be foreclosed in the name of The Metropolitan District in the same manner as if the lien were a mortgage on such property in favor of said district, to secure the amount of such costs, charges or assessments, and a certificate of such lien describing the property on which the same exists and the amount thereof shall be filed with the town clerk of the town wherein such lien accrued, but no such lien shall attach unless such certificate, signed by the executive secretary or other authorized representative of the water

bureau of said district, describing the property on which the lien exists and the amount to be claimed by said district as a lien thereon, shall be filed with such town clerk within one year after the assessment or charge shall have become payable.

### **SEC. 5-3 WATER BUREAU MAY MAKE REGULATIONS**

The water bureau of The Metropolitan District is empowered to make such by-laws or regulations for the preservation, protection and management of the waterworks of said district as may be deemed advisable and enforce the same by suitable penalties; and, when such by-laws or regulations have been approved by the district board and shall have been published ten days at least in a daily newspaper issued within said district, they shall be of binding validity, and said bureau may bring, in the name of The Metropolitan District, actions of debt on such by-laws before the court of common pleas for Hartford county to recover any penalty for the breach of the same. The police court of the city of Hartford or any town court within said district shall also have jurisdiction over any breach of such by-laws or regulations and may punish the offender by a fine not exceeding thirty dollars, or by imprisonment not exceeding thirty days or by both fine and imprisonment.

### **SEC. 5-4 WATER RATES (and unpaid bills)**

The water bureau shall have power to establish rates for the use of water, subject to the approval of the district board, and, whenever any water rent shall remain unpaid after the time prescribed and limited for payment by the rules and regulations of said bureau, said bureau may charge and receive additional percentage for collecting the same, provided the conditions of such percentage be published as aforesaid in the rules of said bureau. Rates for water shall be uniform throughout the district.

### **SEC. 5-5 EMINENT DOMAIN, WATER BUREAU**

Said bureau is authorized, for and in behalf of The Metropolitan District, to enter in and upon any land or water for the purpose of making surveys and to agree with the owner or owners of any property or franchise, which may be required for the purpose of section 5-1 hereof, as to the amount of compensation to be paid to such owner or owners for the same.

### **SEC. 5-6 WATER BUREAU RIGHTS IN STREETS, RAILWAYS, ETC.**

The water bureau shall be empowered to make use of the ground or soil under any road, railroad, highway, street, private way, lane or alley within this state, for the purpose of constructing the waterworks; but shall in all cases cause the surface of such road, railroad, highway, street, private way, lane or alley to be restored to its usual condition and all damages done thereto to be repaired.

### **SEC. 5-7 HIGH-PRESSURE SERVICE AREAS**

The Metropolitan District is authorized, by ordinance, or otherwise, to establish within the territory served by such district high-pressure service in areas where due to elevation it is impracticable to furnish water at adequate pressure without pumping or other special assistance. Within any such area, said district may add to the established rate a charge to cover the extra cost of furnishing such service. That portion of the Maple Hill District, so-called, of the Town of Newington now being supplied with water from the water supply works of the City of New Britain is exempted from the provisions of this act unless water pressure in excess of that now supplied is required.

#### **SEC. 5-8 SUPPLY TO NON-MEMBER TOWNS**

The Metropolitan District is authorized to supply water at rates uniform with those charged within said district, to any town or city, any part of which is situated not more than twenty miles from the State Capitol at Hartford, or to the inhabitants thereof, or to any state facility located within such area, upon such terms as may be agreed upon, but all other sources belonging to any such town or city shall be developed by such consumer or made available for development by said district. The cost of constructing the pipe connection between the district and such town or city shall be paid by such town or city. The cost of constructing the pipe connection between the District and any such state facility shall be paid by the State of Connecticut. Nothing herein shall authorize The Metropolitan District to supply any water in competition with any water system in any town or city except by agreement.

#### **SEC. 5-9 ASSESSMENTS IN NON-MEMBER TOWNS**

The Metropolitan District is authorized to assess the cost of laying water mains in streets or highways and the cost of laying or replacing water service pipes upon public or private property upon the land and buildings benefited thereby in any town which is not a member of said district, but in which it shall have the right either under the terms of its charter or otherwise to supply or distribute water, and to secure payment thereof by lien. Such assessment and lien rights may be exercised by the water bureau of said district under procedure substantially similar to that for like assessments made upon property located within the territorial limits of said district.

#### **SEC. 5-10 RECREATION, FOREST PRODUCTS, ICE**

The district board may, by ordinance, by-law or otherwise, authorize the water bureau of The Metropolitan District to use any moneys within its control to develop waters, not actually held for water supply, for fishing, bathing or other recreational and park purposes in connection with lands or other real estate owned by said district and not directly necessary for the protection of the water supply. The Metropolitan District is authorized to acquire, receive and hold lands and other real estate and water for park and recreational purposes and to develop and maintain the same under such rules and regulations as the district board shall, from time to time, provide. The district board may also, by ordinance, by-law or otherwise, authorize the water bureau of The Metropolitan District to use any moneys within its control to manufacture, buy, house and sell ice and to harvest ice from any reservoir in the control of said bureau, provided such harvesting

and the methods to be employed have not been disapproved by the state board of health, and may authorize said water bureau to produce and sell forest products.

## **SEC. 5-11 PURCHASE OF WATER COMPANIES**

The Metropolitan District is authorized to purchase and receive the physical assets or any of them of any private water company operating within The Metropolitan District or in any town supplied by The Metropolitan District, or in which The Metropolitan District holds and maintains waterworks or pipe lines, provided any such purchase involving more than five million dollars shall be made subject to the approval of the district board and the electors of the district required by subsection (b) of section 5 of special act 90-27. The Metropolitan District may purchase all property of any water company within the Towns of South Windsor and East Windsor, provided each such company shall sell the same to said District at a price to be mutually agreed upon. If said District acquires all of such property, within either of said towns, it shall have the exclusive franchise for distribution of water in such town.

## **SEC. 5-12 WATER SUPPLY TO NEW BRITAIN**

(a) The Metropolitan District is authorized and directed upon the completion and filling of the East Branch Reservoir, so-called, on the Farmington River, and upon the completion of a connection as hereinafter provided, to furnish to the City of New Britain, at charges uniform with those in force from time to time in The Metropolitan District, and in accordance with a master meter, such water as said city shall require for the use of its inhabitants, including inhabitants of the towns being supplied with water by said city at the time of passage of this act, in excess of that obtainable from sources otherwise available to said city, to the same extent that water is supplied to The Metropolitan District. Said city, acting by its board of water commissioners, and said district, acting by its district board, have agreed as to the interpretation, meaning and intent of the words "available sources" and "uniform charges" as used herein, which agreement is hereby authorized, ratified and approved.

(b) The City of New Britain shall pay the cost of the construction of the necessary main pipe connection.

(c) The Metropolitan District, in order to furnish the City of New Britain with water under the provisions of an act authorizing The Metropolitan District to furnish water to the City of New Britain, approved May 25, 1931, is authorized to expend such amount as may be required to pay the cost of acquisition of rights of way and of construction and financing of the necessary main pipe connections and other works and appurtenances to provide such water service, in the event that the legislative body of said City of New Britain votes to have The Metropolitan District perform such work. Then said district and said city are authorized to enter into an agreement with respect to such work and the repayment by said city of the amount so expended plus interest thereon, by vote of their respective legislative bodies.

(d) Said district is authorized to issue negotiable bonds, notes or other certificates of debt in accordance with the provisions of its charter to an amount sufficient to meet the total cost of the acquisition of such rights of way, construction work and financing and to

apply the amounts received from said city to the payment of said bonds, notes or certificates of debt as the same shall mature and of said costs incurred by it for said project.

#### **SEC. 5-13 REPRESENTATIVE FROM NEW BRITAIN**

The court of common council of said City of New Britain shall select an elector of said city, to sit with the district board of said district, who shall be ex-officio a member of the water bureau of said district, and who shall have a vote only on matters concerning water. He shall hold office until December 31, 1931, at midnight, and until his successor shall be chosen, and shall have qualified. Before January 1, 1932, and biennially thereafter, said court of common council shall choose a successor for a term of two years. In case of the death, resignation, refusal to serve, or the removal from the City of New Britain of the member so selected, said court of common council shall fill such vacancy for the unexpired portion of the term.

## CHAPTER 6

### EAST BRANCH WATER SUPPLY

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
6	1	General Powers, East Branch
6	2	Construction of Works, Use of Highways, etc.
6	3	Water Supply to Certain Towns
6	4	Regulation of Flow; Riparian Contracts
6	5	Compensation to Riparian Owners
6	6	Ratification, Riparian Contracts; Condemnation, Riparian Rights
6	7	Limitations on Storage before Diversion
6	8	Highways and Bridges: Agreements with Towns
6	9	Procedure on Failure to Agree
6	10	Relocation Route 20
6	11	Power to Purchase Land, Acquire Highways, etc.
6	12	State Park and Forest Land
6	13	Eminent Domain, Procedure
6	14	Land Taken: Entry on, Costs of Taking, Taxes on
6	15	Procedure, Property of Infants, Insane Persons, etc.
6	16	Cemeteries, Procedure
6	17	Bridges and Highways to Conform to Standards
6	18	Certain Bridges, Buildings and Schools

## **SEC. 6-1 GENERAL POWERS, EAST BRANCH**

The Metropolitan District, for the purpose of improving and increasing the water supply of the towns, and/or the inhabitants thereof to which said district shall furnish water, is authorized to take, hold, conserve, store, utilize, divert and convey to, into and through its system of waterworks the waters of the so-called East Branch of the Farmington River and its tributaries, or such part thereof, as may from time to time be necessary or convenient for said purpose, and for said purpose to build, erect and maintain a dam or dams on said East Branch of the Farmington River, and may take and hold by purchase, condemnation or otherwise any lands, water rights, flowage rights, rights of way or easements or other rights of property, which said district may deem necessary or convenient for constructing dams, aqueducts, reservoirs and other works for the purpose of storing and utilizing such water supply, for conveying the same between reservoirs or from reservoirs to any part of said district or to any other place which is, or under authority of law may be supplied with water by said district, and for protecting the purity of such waters and which may be necessary and convenient for the purpose of carrying out the provisions hereof.

## **SEC. 6-2 CONSTRUCTION OF WORKS, USE OF HIGHWAYS, ETC.**

Said district may construct and maintain on land so taken dams, dikes, reservoirs, spillways, flumes, canals, aqueducts, wheel-pits, waste-weirs, races, buildings and other works and structures which said district may deem necessary or convenient for taking, storing, purifying, controlling, measuring and distributing the waters hereinbefore authorized to be taken, or for any other purpose hereby permitted, and, for the purpose of conveying the waters of said East Branch of the Farmington river and utilizing the same to increase its water supply, may construct, lay, carry, maintain and repair such canals, tunnels, pipes, telephone and electric power wires, or other works, as may be necessary or convenient for such purpose, through or over any lands, rivers, or other water courses, railroads, street railways, or public or private ways, and over and upon any public bridge now existing or hereafter built; may contract with the public authorities owning or controlling any public bridge or bridges hereafter built for adaptation thereof to the uses herein provided, under such terms as may be agreed upon, for the purposes hereof; may open the ground in any private or public way in any city or town in which any portion of said works is located, under the approval of the selectmen or other proper authority thereof, or if control be exercised by the state over any highway so opened, under the approval of the highway commissioner, in such manner as to cause no unreasonable hindrance to public travel, and shall hold the party responsible for such highway harmless from all liability for and indemnify it against all damages suffered and expenses incurred by it from any cause resulting from such acts of said district.

## **SEC. 6-3 WATER SUPPLY TO CERTAIN TOWNS**

Whenever said district shall divert water under the authority hereof, said district shall supply water to any inhabitants of the towns through which the line of main pipes conducting said water shall pass, upon such reasonable terms and conditions as may be agreed upon, but said district shall not sell water in any such town in competition with any other company or system not having authority to supply water in such town, except that said district may sell water at wholesale to any such company or system

desiring the same. The district shall pay taxes on all land owned or taken as provided in section 6-14 hereof.

#### **SEC. 6-4 REGULATION OF FLOW; RIPARIAN CONTRACTS**

If said district shall construct said works as authorized by section 6-1 hereof upon the East Branch of the Farmington river, said district may use any part of the water therein stored, which is not needed for its water supply system, for the purpose of returning to said Farmington river at convenient times water in lieu of that, in whole or in part, diverted as herein provided, and may install such necessary spillways, locks, gates and appliances for regulating the discharge and flow of water in said river for the purpose of maintaining in said river a more constant flow regardless of seasonal variation, and said district may make and enter into contracts and agreements with any person or corporation affected by any such diversion, provided that the water so stored, ponded and returned to said river from said reservoir shall be in lieu, in whole or in part, of damages resulting to such person or corporation by reason of such diversion, and may make any and all contracts, agreements and conveyances which may be necessary or convenient to provide for the maintenance, care, operation and control of said reservoir for said purpose; and said district is authorized to purchase electric power and to make and enter into contracts and agreements with any person or corporation affected by the diversion of water from said East Branch whereby said electricity so purchased by said district shall be delivered or supplied in lieu, in whole or in part, of damages resulting to such person or corporation by reason of such diversion or by reason of the storing or ponding of the waters of said river, and for the purpose of furnishing compensation in kind to persons and corporation damaged by the diversion of water, under the authority given herein. For any of the purposes of compensation, said district may continue to maintain the Richards Corner compensating reservoir upon the East Branch and may provide for increased storage therein, by raising the dam.

#### **SEC. 6-5 COMPENSATION TO RIPARIAN OWNERS**

Said district is authorized to make and enter into contracts and agreements with any person or corporation affected by the diversion, or holding back of said water of the Farmington river providing for the compensation to any such person or corporation in lieu, in whole or in part, of damages resulting from the diversion or holding back of said water, which contracts or agreements may provide that such compensation shall be a regulated flow of water returned to said river over and above its natural flow or shall be electric power or shall be pecuniary compensation, or may combine one or more of said methods of compensation in lieu of the complete taking of the water rights of any of said riparian owners for all time or may relate merely to a temporary compensation for a stipulated period, at the conclusion of which either further agreement or condemnation proceedings shall be required. Contracts made with any such person or corporation in anticipation hereof are ratified and confirmed. In substituting electricity, in whole or in part, for water, said district shall supply such electricity through and by agreement with the electric light and power companies authorized to distribute and sell electricity within said territory.

## **SEC. 6-6     RATIFICATION, RIPARIAN CONTRACTS; CONDEMNATION, RIPARIAN RIGHTS**

The agreement dated May 1, 1911, between the board of water commissioners of the city of Hartford and certain riparian owners on the Farmington river, which related to the construction, ownership and operation of the so-called compensating reservoir located on the East Branch of the Farmington river in the towns of New Hartford and Barkhamsted, as modified by an agreement dated October 13, 1925, between said board of water commissioners, said riparian owners and The Riparian Company, and also said agreement dated October 13, 1925, are ratified and confirmed, and the benefits and obligations thereof assumed by said district, and the rights existing thereunder of said riparian owners and said The Riparian Company are declared to be valid and subsisting rights of which said riparian owners and said The Riparian Company may not be deprived under the provisions hereof, except by consent or except upon receiving just compensation therefore through condemnation proceedings instituted pursuant to the authority granted hereby, or by any amendment hereto. No riparian owner on said Farmington river below said proposed dams, authorized by section 6-1 hereof, shall be required in order to preserve his rights to assert any claim for loss or damage arising from the construction of said dams and said new reservoirs prior to the time when water is actually diverted from said reservoir for use in the water system of said district, and the failure to assert such a claim for loss or damage prior to the actual diversion of said water from said East Branch of said river shall not constitute laches of a waiver or a bar by limitation of time. Before said district shall divert from said reservoir any of the water of said East Branch of said river for use in the water system of said district, either it shall agree with the riparian owners on said Farmington river below the dam of said reservoir upon the compensation to be made to them in lieu of damages arising by the reason of such diversion, such agreement to be authorized by section 6-5 hereof, or it shall by condemnation proceedings acquire the right to divert said water and make just compensation for the water so diverted to any of such riparian owners with whom no agreement for compensation has been made.

## **SEC. 6-7     LIMITATIONS ON STORAGE BEFORE DIVERSION**

The natural flow of the water of said East Branch of the Farmington river shall not be held back at the dams of said proposed new reservoirs, for the purpose of filling said reservoirs in the first instance, nor at any subsequent time before water is actually diverted from said reservoir for use in the water system of said district, except at such times as the total flow of said East Branch of said river over or through the dams or reservoirs shall be in excess of two cubic feet per second per square mile above the point of diversion.

## **SEC. 6-8     HIGHWAYS AND BRIDGES, AGREEMENTS WITH TOWNS**

Before any highway or bridge, except a state aid or trunk line highway or bridge, shall be overflowed by reason of any dam erected or reconstructed under authority given hereby and before any change of location or grade of any such highway shall be made, said district shall cause a plan or plans to be made showing the location of the highway, or highways or bridges which it proposes to alter, and the location of the new highway, or highways or bridges which it proposes to substitute, so as to fully show all changes in location proposed to be made, and such plans shall be presented to the selectmen of each town within which any such highway or bridge is or is to be located, and such

selectman shall, within fifteen days thereafter, issue a call for a meeting of the legal voters of such town, to be held within ten days after the issuing of such call, and shall submit such plan to such meeting for its consideration. Such meeting may adopt, make additions to, modify or reject such plan or any part thereof, and, within ten days after such meeting and in accordance with the vote thereof, such selectmen shall notify said district of the decision thereon or of such modifications therein as have been made. Said district may, if it shall so desire, thereupon present other plans, in the manner hereinbefore provided, and said district and such local authorities shall agree, in the manner herein provided, upon a plan for such change. The proceedings, orders and decisions of any town, as aforesaid, shall be in writing and shall be recorded in the records of such town. Said district shall not make any such change in any highway or bridge, in any town except in accordance with the plan accepted by said authority as aforesaid or as hereinafter provided.

#### **SEC. 6-9      PROCEDURE ON FAILURE TO AGREE**

If said district and any town affected by any change of location or grade of any highway hereinbefore described cannot agree upon any plan as herein provided, said district may refer its petition to the superior court for the county in which such highway is located, asking for the appointment of a committee as hereinafter provided. Said court shall make such order as it may deem proper as to notice to be given to all parties interested in such proposed alterations of tile highway or highways of any town, of the time and place of hearing on such petition, and such order shall be served upon the adverse party or parties at least twelve days before the time fixed for such hearing. Unless the parties shall agree as to the judgment to be rendered, said court shall appoint the state highway commissioner as a committee, or, in the event of his inability or refusal to act, a committee of three disinterested freeholders, not residents of said district or of the town wherein such highway or highways are or are to be located or are to be relocated, which committee, after such notice to the parties interested as may be ordered by said court, shall fully hear said district and all parties interested, and shall thereupon make such changes in the plans for the alteration of such highway or highways as such committee may judge to be necessary for the purpose of carrying out the provisions hereof, and shall report in writing the doings to said court. All persons or parties interested in the alteration of such highway or highways may appear before said court and remonstrate against the acceptance of the report of the committee for any irregularities or improper conduct on its part, and the court may set aside such report for good cause shown. If the court shall be of the opinion that such report ought to be accepted, it shall accept the same, and order the district to proceed with the further preparation of the plans or construction. After a general plan of location shall have been adopted, either under the provisions of this section or of section 6-8, said district shall cause to be prepared detailed plans and specifications for the proposed alterations, or new locations or change of grade, showing the lines and grades and general details of such highways, highways or bridges, and submit the same to the selectmen as provided in section 6-8, which selectmen and said district shall proceed in the same manner as provided for the approval of the general plan of location. If said district and any town affected cannot agree as to grades, specifications and general details, said district may then proceed as provided in this section. If such bridge, highway or highways are trunk line or state aid, the approval of the highway commissioner as to location, grades, specifications and general details shall be sufficient, or, if said district, acting through its committee, and the town, acting through its board of selectmen, and the state, acting through the highway commissioner, shall agree in writing either with or

without conditions, that the state will accept such roads or bridges after construction according to the plans and specifications as state aid highways, then only the approval of the highway commissioner as to location, grades, specifications and general details shall be necessary.

#### **SEC. 6-10 RELOCATION OF ROUTE 20**

In the event of a relocation or abandonment of the present trunk line highway in the town of Hartland, known as route 20, said trunk line highway shall be relocated and built within the limits of the town of Hartland.

#### **SEC. 6-11 POWER TO PURCHASE LAND, ACQUIRE HIGHWAYS, ETC.**

Said district shall have power to make any contract of purchase for acquiring title to any land, water right, franchise or other property required for or affected by the reservoir or other works herein provided and for acquiring title in the respective towns of rights of way for such highways.

#### **SEC. 6-12 STATE PARK AND FOREST LAND**

Any land on the watershed under the control of the State Park and Forest Commission may be left in such control subject to reasonable rules and regulations regarding the water supply, but the district, if it shall take such land, shall either pay the fair market value thereof or supply other land of equivalent value and suitable for park purposes, as said commission may decide.

#### **SEC. 6-13 EMINENT DOMAIN, PROCEDURE**

If said district cannot agree with any owner of land, water rights or other property to be taken for such dams, reservoirs and appurtenant works, or for aqueducts, pipe lines or transmission lines, or for the use of water herein provided, or for the construction of highways in lieu of those taken or abandoned under the provisions hereof, or as to the amount of damages which ought to be awarded to any party claiming to be injured by the doings of said district hereunder, said district may prefer its petition to the superior court for the county wherein such property so to be taken or damaged is located, or, if said court be not in session, to any judge thereof, praying that such compensation may be determined. Said court, or if said court be not in session, any judge thereof may thereupon cause such notice of such petition to be given as said court or such judge shall prescribe, and after approval thereof may appoint three disinterested freeholders, not residents of said district or of the town wherein such land lies, to examine such property as is to be taken or damaged by the acts of said district under this act, including all damages for any land or water right, title, privilege, easement, franchise or other property which may be required, taken or impaired for the purposes hereof. Such committee shall be appointed as provided in section 6-9 hereof unless the district and the owner of such land shall by mutual agreement select such committee, one to be named by such district and one by such owner, the two so named to select a third. Such committee, being duly sworn to a faithful discharge of its duties, shall estimate the amount of compensation which such owners or parties affected shall receive and report the same in writing to said court. Said court may thereupon confirm the doings of such appraisers, and direct whether said district shall pay the amount so reported, in such manner as said court may prescribe, in full compensation for the property acquired or

the injury done by the acts of said district; and on compliance with the order of said court, said district may proceed with the construction of its dams, reservoirs and other works provided for hereby, without any liability upon any further claim for compensation for damages, and said district shall thereupon have authority to change the highways overflowed or to be overflowed by reason of the dams erected or to be erected under the authority hereof, and to lay out and construct a new highway or highways or to alter the old highways in the places and manner prescribed in the plans hereinbefore provided for; but no such highway so proposed to be changed shall be in any way discontinued or obstructed, nor shall public travel thereon be interfered with, until a new highway in lieu thereof has been constructed in accordance with the provisions hereof.

#### **SEC. 6-14 LAND TAKEN: ENTRY ON, COST OF TAKING, TAXES ON**

Said district is authorized, after notice to the owner when possible, to enter upon any land or water for the purpose of making surveys necessary to be made for the purposes hereof, and shall pay all damages caused thereby. Said district shall pay all costs, including costs of committees, incurred in the taking of lands, rights of way and property for any purpose under the provisions hereof, not otherwise provided for herein; and all land taken for any of said purposes shall be set in the list for taxation in the town in which said land is situated, to The Metropolitan District, and assessed for taxation at the average assessed valuation per acre of the improved farming land in such town.

#### **SEC. 6-15 PROCEDURE, PROPERTY OF INFANTS, INSANE PERSONS, ETC.**

When lands, rights or other property, or any interest therein, taken or affected under the provisions hereof, shall be owned by an infant, or a married woman, or an insane person, or by a person unknown or absent from this state, or when any person shall be the owner of a contingent or uncertain interest therein, the superior court, or any judge thereof, may make such order for service of process upon such person, or for giving notice to any such person of the pendency of proceedings under this act, or for the appointment of a guardian, conservator, trustee, or other representative for such person as said court or such judge shall determine, and thereupon all proceedings hereunder shall be binding upon the interest of such person in such lands, rights and property, and said court or such judge may make orders to protect the rights, title and interest of any such person taken or affected by or under the provisions hereof.

#### **SEC. 6-16 CEMETERIES, PROCEDURE**

If, to carry out the purposes hereof, any cemetery or land owned for cemetery purposes is to be taken by said district and it shall become necessary to remove such cemetery from its present location and to establish it in another place, the owner or owners of such cemetery, or if there be no known owner or owners, or if such owner or owners shall neglect or refuse to act under the provisions of this act, said district, if land therefor cannot be acquired otherwise, may prefer a complaint to the superior court for the county in which such cemetery is located for authority to take other land which such owner or owners or said district, as the case may be, may consider suitable to be used for cemetery purposes in lieu of that taken under the provisions hereof; and said court may appoint a committee of three disinterested persons, who, after examining the premises and hearing the parties, shall report to the court as to the quantity, boundaries and value of the land which such committee shall deem suitable to be taken for said

purposes, and the damages resulting from such taking; and if the court shall accept such report, the decision of the court thereon shall have the effect of a judgment, and execution may be issued thereon, accordingly, in favor of the person in whose favor damages are assessed, for the amount thereof; and upon payment thereof the title of the land, for such purposes, shall be vested in such owner or owners of the cemetery taken under the provisions hereof, if known, or, if not known, in the name of the town in which such cemetery is located; but such land shall not be taken until such damages shall be paid to the owner or deposited with the treasurer of the county for the use of such owner, which payment or deposit shall be made within thirty days after such report shall be accepted. If such application shall be denied, the owner of the land shall recover from the applicant or applicants' costs, to be taxed by the court, and the court may issue execution therefor. The owner or owners of such cemetery, or, in the event that such owner or owners shall neglect or refuse to act, said district shall have authority to lay out and establish a new cemetery in place of any taken hereunder, and, in all cases in which the friends or relatives of those buried in any cemetery so taken shall not otherwise provide, to remove the bodies buried in such cemetery, together with the monuments and other property of such cemetery, and place them in suitable manner in the new cemetery herein provided for. Said district shall pay all costs incurred under the provisions of this section and shall reimburse the owner or owners of any such cemetery so taken for all expense or liability incurred in the taking, laying out, or establishing of any new cemetery or in removing the bodies, monuments and other property from such cemetery so taken to any established in place thereof, and shall also bear all expense incurred in the removal of bodies and monuments, by friends or relatives, to cemeteries other than those hereinbefore referred to.

#### **SEC. 6-17 BRIDGES AND HIGHWAYS TO CONFORM TO STANDARDS**

All bridges required to be constructed and new or altered highways made for the purpose of carrying out the provisions hereof, shall conform in all respects to the standard required by the high way commissioner for the construction of high ways under the provisions of the general statutes and be subject to inspection and approval by or under the direction of said high way commissioner.

#### **SEC. 6-18 CERTAIN BRIDGES, BUILDINGS AND SCHOOLS**

Said district, at its expense, and upon request of the selectmen of the town of Hartland, shall move the Hartland town building standing on the Hartland Hollow road on the west side of the East Branch of the Farmington river running northerly from the state highway, to a suitable location, with convenient approaches, above the flow line of the proposed new reservoirs, such new location to be approved by said selectmen. Before the highway leading from LeGeyts' corner westerly to Barkhamsted center shall be discontinued or flooded, said district shall pay to the town of Barkhamsted five thousand dollars for the iron bridge on said highway over said East Branch of said river, and one thousand dollars for the wooden bridge by the mill near the Luther Case property, which bridges shall thereupon become the property of said district. The schoolhouses which are to be abandoned shall either be moved at the expense of the district to a new and convenient site provided by the district as the selectmen desire, or shall be purchased by the district at their values as set in the list of empty property for 1930, or, if not so valued, at their fair valuation.

## CHAPTER 7

### WEST BRANCH WATER SUPPLY

#### (WEST BRANCH OF THE FARMINGTON RIVER)

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
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7	2	Construction of Works, Use of Highways, etc.
7	3	Use of Stored Water; Return of Same for Damages
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**CHAPTER 7 (Continued)**

**WEST BRANCH WATER SUPPLY**

**(WEST BRANCH OF THE FARMINGTON RIVER)**

<b><u>Chap.</u></b>	<b><u>Sec.</u></b>	<b><u>Section Title</u></b>
7	18	Co-operation in Promoting Supply of Fish and Game
7	19	Acquisition Certain Lands in, and Abandonment of Highways in Colebrook
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## **SEC. 7-1 GENERAL POWERS, WEST BRANCH**

The Metropolitan District, for the purpose of improving and increasing the water supply of the towns and the inhabitants thereof to which said district shall furnish water, is authorized to take, hold, conserve, store, utilize, divert and convey to, into and through its system of waterworks the waters of the so-called main stream or west branch of the Farmington river and its tributaries, which enter said main stream at or north of the Hogback, so-called, for said purposes or for compensation, and for said purposes to build, erect and maintain a dam on said west branch of the Farmington river, at or about the Hogback, so-called, and may take and hold by purchase, condemnation or otherwise any lands, water rights, flowage rights, rights of way or easements or other rights of property, which said district may deem necessary or convenient for constructing said dam, a reservoir, aqueducts, pipe lines, tunnels or other works for the purpose of storing, distributing and utilizing such water supply, for conveying the same between reservoirs or from reservoirs to any part of said district or to any other place which is, or under authority of law may be, supplied with water by said district, and for protecting the purity of said waters and which may be necessary or convenient for the purpose of carrying out the provisions hereof. The provisions of this paragraph shall be subject to the provisions as to minimum stream flow set forth in section 7-6 hereof.

## **SEC. 7-2 CONSTRUCTION OF WORKS, USE OF HIGHWAYS, ETC.**

Said district may construct and maintain, on land so taken, a dam, a reservoir, dikes, spillways, flumes, canals, aqueducts, wheel-pits, waste-weirs, races, buildings and other works and structures which said district may deem necessary or convenient for taking, storing, purifying, controlling, measuring and distributing the waters hereinbefore authorized to be taken, or for any other purpose hereby permitted, and, for the purpose of conveying the waters of said west branch of the Farmington river and utilizing the same to increase its water supply, may construct, lay, carry, maintain and repair such canals, tunnels, pipes, telephone and electric power wires, or other works, as may be necessary or convenient for such purpose, through or over any lands, rivers or other water courses, railroads, street railways or public or private ways, and over and upon any public bridge now existing or hereafter built; may contract with the public authorities owning or controlling any public bridge or bridges hereafter built for adaptation thereof to the uses herein provided under such terms as may be agreed upon, for the purposes hereof; may open the ground in any private or public way in any city or town in which any portion of said works is located, under the approval of the selectmen or other proper authority thereof or, if control be exercised by the state over any highway so opened, under the approval of the highway commissioner, in such manner as to cause no unreasonable hindrance to public travel, and shall hold the party responsible for such highway harmless from all liability for, and indemnify it against, all damages suffered and expenses incurred by it from any cause resulting from such acts of said district.

## **SEC. 7-3 USE OF STORED WATER; RETURN OF SAME FOR DAMAGES**

If said district shall construct said works as authorized by section 7-1 hereof upon the west branch of the Farmington river, said district may use any part of the water therein stored, which is not needed for its water supply system, for the purpose of returning to said Farmington river at convenient times water in lieu of that, in whole or in part, diverted, and may install such necessary spillways, locks, gates and appliances for

regulating the discharge and flow of water in said river for the purpose of maintaining in said river a more constant flow regardless of seasonal variation, and said district may make and enter into contracts and agreements with any person or corporation affected by any such diversion providing that the water so stored, ponded and returned to said river from said reservoir shall be in lieu, in whole or in part, of damages resulting to such person or corporation by reason of such diversion or holding back of said water and may make any and all contracts, agreements and conveyances which may be necessary or convenient to provide for the maintenance, care, operation and control of said reservoir for said purposes; but said district shall retain the right to enforce such limitations on operations as may be necessary for the protection of the primary purpose of the use of said works as a part of its water supply system;

#### **SEC. 7-4 ELECTRIC POWER IN LIEU OF DAMAGES**

Said district is authorized to purchase electric power and to make and enter into contracts and agreements with any person or corporation affected by the diversion of water from said west branch whereby said electricity so purchased by said district shall be delivered or supplied in lieu, in whole or in part, of damages resulting to such person or corporation by reason of such diversion or by reason of the storing or ponding of the waters in said river and for the purpose of furnishing compensation in kind to persons and corporations damaged by the diversion of water under the authority given herein. In substituting electricity, in whole or in part, for water, said district shall supply such electricity through and by agreement with the electric light and power companies authorized to distribute and sell electricity within said territory.

#### **SEC. 7-5 RIPARIAN RIGHTS AND AGREEMENTS**

No riparian owner on said Farmington River below said proposed dam authorized by section 7-1 hereof shall be required, in order to reserve his rights, to assert any claim for loss or damage arising from the construction of said dam and said new reservoir prior to the time when water is actually diverted from said reservoir for use in the water system of said District and the failure to assert such a claim for loss or damage prior to the actual not constitute laches or waiver or a bar by limitation of time. Before said District shall divert from said reservoir any of the water of said west branch of said river for use in the water system of said District it shall either agree with riparian owners on said Farmington River below the dam of said reservoir upon the compensation to be made to them in lieu of damages by reason of such diversion or it shall by condemnation proceedings acquire the right to divert said water and make just compensation for the water so diverted to any of such riparian owners with whom no agreement for such compensation has been made.

#### **SEC. 7-6 LIMITATIONS ON FLOW**

The District shall pass a minimum flow through or over the dam of the Hogback Reservoir and said minimum flow shall not be allowed to fall below fifty cubic feet per second regardless of the actual natural minimum flow. Water released by the Army Corps of Engineers at the request of the Connecticut Department of Environmental Protection from the two fisheries storage pools behind the Colebrook River Dam shall not be counted as part of the District's low flow obligation. In order to provide water temperature suitable for salmonid fishes between May 15 and September 30 of each year, the Department of Environmental Protection shall determine on Monday of each

week, during said period, the manner by which the minimum flow obligation of the District and the water releases of the Department of Environmental Protection shall be released at the Hogback Dam. The Department of Environmental Protection may require that these released waters be passed over or through the dam or any combination of these two methods.

## **SEC. 7-7 HIGHWAYS, LOCAL AND STATE**

If any highway or any section of highway is to be overflowed, abandoned or discontinued by reason of the construction or reconstruction of the reservoir under authority given hereby and a substitute highway or section of highway is to be constructed therefor, before any change of location or grade of any highway shall be made said district shall cause a detailed plan to be made indicating the grade and location of the new highway, which may be a town or state aid or trunk line highway, which it proposes as a substitute so as to show fully all changes proposed to be made. If any highway to be flooded or abandoned is a town road and the highway to be substituted therefor is to be a town road, plans as provided herein shall be presented to the selectmen of each town within which highway alterations are to be made. Such selectmen, within fifteen days thereafter, shall issue a call for a meeting of the legal voters of such town to be held within ten days after the issuing of said call and shall submit said plan to such meeting for its consideration. Said meeting may adopt, modify or reject such plan or any part thereof and, within ten days after said meeting and in accordance with the vote thereof, such selectmen shall notify said district of the decision of said meeting thereon or of such modifications therein as have been made. If the plans presented are modified or rejected, said district may at its option thereupon present other plans to such selectmen for presentation to a meeting of the legal voters of such town in accordance with the procedure hereinbefore provided. The proceedings, orders and decisions of any town as aforesaid shall be in writing and shall be recorded in the records of such town. If said district and any town affected by any change of location of any highway hereinbefore described shall not agree upon any plan submitted or if such selectmen of any town shall fail to act thereon as hereinbefore provided, said district may petition the superior court for the county in which such highway or such part thereof is located or, if such court is not in session, any judge thereof, asking said court or such judge to approve one of said plans as presented. Said court or such judge may thereupon cause such notice of such petition to be given as said court or such judge shall prescribe. Unless the parties shall agree as to the judgment to be rendered, said court or such judge shall fully hear said district and all parties interested and shall thereupon approve such plan or make such changes therein as it may decide to be necessary for the purpose of carrying out the provisions hereof, and said district may thereupon proceed with the construction of such highway in accordance with said plan as approved. If any highway to be flooded or abandoned is a trunk line or state aid highway or if the highway to be substituted for any highway to be flooded or abandoned is to be a trunk line or state aid highway, a plan prepared as herein provided shall be submitted to the state highway commissioner and the approval of said commissioner as to location, grade, specification and general details or the highway to be constructed shall be sufficient, or if said district, acting through its district board, and the state, acting through said commissioner, shall enter into an agreement in writing, either with or without conditions, that the state will accept the new highway after construction according to said plans and specifications as a state aid or trunk line highway, then only the approval of said commissioner as to location, grades, specifications and general details shall be necessary. No such highway so proposed to

be changed shall be in any way discontinued or obstructed, nor shall public travel thereon be interfered with, until a new highway in lieu thereof has been constructed in accordance with the provisions hereof.

#### **SEC. 7-8 POWER TO PURCHASE LAND, ACQUIRE HIGHWAYS, ETC.**

Said district shall have power to make any contract of purchase for acquiring title to any land, water right, franchise or other property required for or affected by the reservoir or other works herein provided and for acquiring title in the respective towns of rights of way for such highways.

#### **SEC. 7-9 STATE PARKS AND FORESTS**

Any land on the watershed under the control of the state park and forest commission may be left in such control subject to the rules and regulations of the state department of health regarding public water supplies.

#### **SEC. 7-10 EMINENT DOMAIN, PROCEDURE**

If said district cannot agree with any owner of land, water rights or other property to be taken for such dam, reservoir and appurtenant works, or for aqueducts, pipe lines or transmission lines, or for the use of water herein provided, or for the construction of highways in lieu of those overflowed, taken, abandoned or altered under the provisions of this act, as to the amount of damages which ought to be awarded to any party claiming to be injured by the doings of said district hereunder, said district may petition the superior court for the county wherein such property so to be taken or damaged is located, or, if said court is not in session, any judge thereof, praying that such compensation may be determined. Said court or such judge may thereupon cause such notice of such petition to be given as said court or such judge shall prescribe and shall appoint a state referee to examine the property which is to be taken or damaged by the acts of said district hereunder, including all damages for any land or water right, title, privilege, easement, franchise or other property which may be required, taken or impaired for the purposes hereof. Such referee, having given at least ten days notice to the parties interested of the time and place of hearing, shall determine the amount of compensation which said owner or parties affected shall receive and report the same in writing to said court. Any party may remonstrate against the acceptance of said report in accordance with the rules of the superior court. Said court may confirm the doings of such committee and render judgment accepting the report or take such other action as it may determine to be proper. Said district shall pay the amount provided in such judgment, in such manner as said court may prescribe, in full compensation for the property acquired or the injury done by the acts of said district and thereupon said district may proceed with the construction of the dam, reservoir and other works provided for hereby, without any liability upon any further claim for compensation for damages.

#### **SEC. 7-11 LAND TAKEN; ENTRY ON, COST OF TAKING, TAXES ON**

Said district is authorized, after notice to the owner when practicable, to enter upon any land or water for the purpose of making surveys necessary to be made for the purposes hereof, and shall pay all damages caused thereby. Said district shall pay all costs,

including costs of committees, incurred in the taking of lands, rights of way and property for any purpose under the provisions hereof, not otherwise provided for herein; and all land taken for any of said purposes shall be set in the list for taxation in the town in which said land is situated, to The Metropolitan District, and assessed for taxation at the average assessed valuation per acre of the improved farming land in such town.

#### **SEC. 7-12 PROCEDURE, PROPERTY OF INFANTS, INSANE PERSONS, ETC.**

When lands, rights or other property, or any interest therein, taken or affected under the provisions hereof, shall be owned by an infant, or an insane person, or by a person unknown or absent from this state, or where any person shall be the owner of a contingent or uncertain interest therein, the superior court, or any judge thereof, may make such order for service of process upon such person, or for giving notice to any such person of the pendency of proceedings hereunder, or for the appointment of a guardian, conservator, trustee, or other representative for such person, as said court or such judge shall determine, and thereupon all proceedings hereunder shall be binding upon the interest of such person in such lands, rights and property, and said court or such judge may make orders to protect the rights, title and interest of any such person taken or affected by or under the provisions hereof.

#### **SEC. 7-13 CEMETERIES, PROCEDURE**

If, to carry out the purpose hereof, any cemetery or land owned for cemetery purposes is to be taken by said district and it shall become necessary to remove such cemetery from its present location and to establish it in another place, the owner or owners of such cemetery, or if there is no known owner or owners, or if such owner or owners shall neglect or refuse to act hereunder, said district, if land therefor cannot be acquired otherwise, may petition the superior court for the county in which such cemetery is located for authority to take other land which such owner or owners or said district, as the case may be, may consider suitable to be used for cemetery purposes in lieu of that taken under the provisions hereof, and said court may appoint a committee of three disinterested persons who, after examining the premises and hearing the parties, shall report to the court as to the quantity, boundaries and value of the land which such committee shall deem suitable to be taken for said purposes, and the damages resulting from such taking; and if the court shall accept such report, it shall render judgment thereon and execution may be issued thereon accordingly, in favor of the person in whose favor damages are assessed, for the amount thereof; and upon payment thereof the title of the land shall, for such purposes, be vested in such owner or owners of the cemetery taken under the provisions hereof, if known, or, if not known, in the name of the town in which such cemetery is located; but such land shall not be taken until such damages shall be paid to the owner, or deposited with the treasurer of the county for the use of such owner, which payment or deposit shall be made within thirty days after such report shall be accepted. If such application shall be denied, the owner of the land shall recover from the applicant or applicants' costs, to be taxed by the court, and the court may issue execution therefor. The owner or owners of such cemetery, or, in the event that such owner or owners shall neglect or refuse to act, said district shall have authority to lay out and establish a new cemetery in place of any taken hereunder, and in all cases in which the friends or relatives of those buried in any cemetery so taken shall not otherwise provide, to remove the bodies buried in such cemetery, together with the monuments and other property of such cemetery, and place them in suitable manner in the new cemetery herein provided for. Said district shall pay

all costs incurred under the provisions hereof and shall reimburse the owner or owners of any such cemetery so taken for all expense or liability incurred in the taking, laying out, or establishing of any new cemetery or in removing the bodies, monuments and other property from such cemetery so taken to any established in place thereof, and shall also bear all expense incurred in the removal of bodies and monuments, by friends or relatives, to cemeteries other than those hereinbefore referred to.

#### **SEC. 7-14 DIVERSION OF MILL BROOK**

If after the construction of the reservoir authorized hereby the water in Bushnell or Mill brook, so-called, shall, in the opinion of The Metropolitan District or of the state department of health, become unfit for drinking purposes, said district shall at its own expense divert said brook so that it shall enter the west branch of the Farmington river below said Hogback dam so that the use and improvement of the watershed around the sources of said brook, including Hartland pond and the Pinehurst lakes and their tributaries in the town of Hartland, for domestic and recreational purposes shall remain undisturbed.

#### **SEC. 7-15 PROHIBITION OF DEVELOPMENT, ETC., BELOW HOGBACK**

Said district shall not develop for water supply purposes said west branch of the Farmington river below the Hogback dam site to and including Satan's Kingdom, or Sandy brook, Mad river or Still river or any other tributary of said west branch which enters said river between said points and shall not have any right of eminent domain in respect to land or property rights upon, beneath, along or bordering said west branch between said points, except for the construction, repair and maintenance of pipe lines for water Supply purposes. Said district shall not impose any restrictions on swimming or other recreational activities in the towns of Colebrook, Norfolk, Winchester, and New Hartford within the territory of the watershed of said streams.

#### **SEC. 7-16 BOATING, HUNTING, FISHING AND REGULATION THEREOF**

Boating, hunting and fishing shall be allowed upon the reservoir to be constructed under the provisions hereof and within the limits of land owned by the district and located within the watershed of said reservoir and Green wood's pond. Said activities shall be subject to proper regulations to be determined from time to time by a commission of seven members consisting of one member of the state department of health to be appointed by the Connecticut public health council, one member of the state board of fisheries and game to be appointed by said board, one member of the water bureau of the district to be appointed by the district chairman, and one representative from each of the towns of Colebrook, Barkhamsted, New Hartford and Hartland to be appointed by the board of selectmen of each of said towns, such representative, as far as possible, to be selected from a sportsmen's organization. The members of said commission shall serve without compensation.

#### **SEC. 7-17 PURCHASES AND PROCEDURES IN MASSACHUSETTS**

Said district is authorized to acquire by purchase, hold title to, maintain and operate and exercise all privileges of ownership of any land, water right, franchise or other property in Massachusetts required for or affected by the proposed reservoir or other works on either branch of said Farmington river, or necessary or convenient for the protection

thereof or of the water supply system connected thereto, and to negotiate and enter into agreements with the commonwealth of Massachusetts or any of its governmental or administrative subdivisions, agencies, commissions or boards, or dwellers or occupants of real estate necessary or convenient for the protection of the water supply system and the operation thereof, including sanitation and elimination of pollution of any natural waterway or any and all of their tributary waterways or watersheds within said commonwealth of Massachusetts, the alteration, relocation or reconstruction of highways and appurtenances, and as to the payment of taxes on any such land, water right, franchise or other property or for compensation in lieu of such taxes. Said district is authorized to comply with any law of said commonwealth or subdivision thereof which may be applicable to it as owner of any such land, water right, franchise or other property. All purchases of land, water rights, franchises and other property heretofore made by said district within said commonwealth are validated.

#### **SEC. 7-18 CO-OPERATION IN PROMOTING SUPPLY OF FISH AND GAME**

The Metropolitan District is authorized so far as is compatible with the primary purposes of creating and maintaining a pure public water supply and compensation to co-operate with the work of the state board of fisheries and game in promoting the increase of the supply of fish and game.

#### **SEC. 7-19 ACQUISITION OF CERTAIN LANDS IN, AND ABANDONED OF HIGHWAYS IN COLEBROOK**

It shall be the duty of The Metropolitan District and it shall have the right upon passage of this act to proceed forthwith to acquire title by purchase, condemnation or otherwise, to all private land in the town of Colebrook situated within the area bounded on the north by the Massachusetts line, east and south by the town of Hartland, and west by the Farmington River. When said town of Colebrook shall have been notified by said district that said title has been acquired it shall proceed forthwith to discontinue and abandon the town and state aid roads in said area. Said town shall also convey to said district all right and title of the town in and to public lands and all bridges and culverts upon the roads in said area and the bridge on the west side of the river at Brownell's and the triangular piece of land on the west side at the junction of Beech Road and the west side highway. The town shall have the right to remove and use the material from any of the culverts on the abandoned roads. Upon performance by said town as hereinbefore described said district shall pay to said town the agreed sum of twenty thousand five hundred dollars.

#### **SEC. 7-20 TIME OF EXERCISING RIGHTS**

Said district may begin to exercise forthwith the rights herein granted to take property by purchase or otherwise.

#### **SEC. 7-21 AGREEMENTS WITH ALLIED CONNECTICUT TOWNS**

The provisions of an agreement dated April 18, 1949, between The Metropolitan District and The Allied Connecticut Towns, Incorporated, so far as they are beyond the corporate powers of either party thereto, are ratified and confirmed and made obligatory upon the said parties. The provisions of said agreement shall become effective only upon the effective date of special act 444 of 1949. The Metropolitan District and The

Allied Connecticut Towns, Incorporated, are empowered to enter into an agreement amending said agreement of April 18, 1949, to the effect that The Metropolitan District, in lieu of reconstructing the dam at Greenwood's Pond as required in said agreement of April 18, 1949, may construct feeder water pipe lines and recreational developments in one or more towns, on land owned by such to Towns or on the lands of, or to be acquired by, said District; the number, location, extent and character of such developments to be as mutually agreed upon between The Allied Connecticut Towns, Incorporated, and The Metropolitan District. Upon the consummation of such an agreement, amending the said agreement of April 18, 1949, The Metropolitan District is empowered to expend, for the development of such recreational areas and pipe lines as may be provided in such amended agreement, funds from monies appropriated by its District Board September 12, 1949, and approved by its electors, for the reconstruction of the dam of The Metropolitan District of the West Branch of the Farmington River at New Hartford, which appropriation was part of a general appropriation for constructing a dam with appurtenant works on the West Branch of the Farmington River at the Hogback, so called, but the total amount expended for the development of all such recreational areas and pipe lines shall not exceed the estimated cost of reconstruction of the former dam on the West Branch at New Hartford, commonly called the Greenwoods Dam. An agreement pursuant to this section shall become effective only upon ratification by the legislative bodies of the towns of Colebrook, Hartland, Barkhamsted and New Hartford. If no agreement shall become so effective prior to the convening of the 1965 session of the general assembly, The Metropolitan District shall immediately commence performance of the agreement referred to and ratified in Section 17 of Number 444 of the special acts of 1949.

#### **SEC. 7-22 AGREEMENT WITH UNITED STATES, COLEBROOK RIVER DAM**

The Metropolitan District, for the purpose of improving and increasing the water supply of the towns and the inhabitants thereof to which said districts shall furnish water, is authorized to enter into an agreement with the United States to the effect that the said District may share in the benefits of and the expense of construction of, a multi-purpose dam and reservoir, including provisions for flood control and water supply, to be constructed by the United States on the 'west Branch of the Farmington River above the Hogback, in the manner provided in the act of Congress known as the Water Supply Act of 1958 as amended, this act being part of Public Law 85-500 (72 Stat. 319) as amended by Public Law 87-88 (75 Stat. 210).

#### **SEC. 7-23 USE OF WATER FROM MULTI-PURPOSE RESERVOIR**

The Metropolitan District may use water stored in the reservoir created by such multi-purpose dam for water supply of the towns and the inhabitants thereof, and may release any part of the water therein stored which is not needed for its water supply system for the purpose of returning to the Farmington River, at convenient times, water for compensation to riparian owners for the diversion of water, and the powers granted the said District in sections 7-1 through 7-4 hereof, shall be applicable to the said multi-purpose reservoir and the waters stored therein.

#### **SEC. 7-24 LIMITATIONS AND OBLIGATIONS**

The powers granted by (this act [S.A. 122, 1963]) sections 7-22 and 7-23 hereof shall not affect the limitation on storage of waters of the West Branch of the Farmington

River nor shall it affect the obligation of the said District to maintain at all times at its dam at the Hogback, a minimum flow; both as provided in sections 7-5 and 7-6 hereof.

#### **SEC. 7-25 USE OF, FOR RECREATION**

The provisions of section 7-16 hereof, providing for boating, hunting and fishing and the regulations thereof on the Hogback reservoir shall be applicable to property of the said District within the watershed of the said multi-purpose reservoir as well as to the Hogback reservoir.

#### **SEC. 7-26 LANDS AND RIGHTS**

The provisions of section 7-17 hereof relative to lands and rights in Massachusetts shall be applicable to the project authorized under (this act [S.A. 122, 1963]) sections 7-22 and 7-23 hereof.

#### **SEC. 7-27 POWERS UNDER THIS ACT**

The powers granted under (this act [S.A. 122, 1963]) sections 7-22 through 7-26 hereof shall be in addition to, and not in derogation of the powers granted to The Metropolitan District in Number 444 of the special acts of 1949.

## CHAPTER 8

### SEWERS AND OTHER PUBLIC WORKS

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
8	1	Powers, Sewers and Other Public Works
8	2	Highway Layout for Sewerage Rights of Way
8	3	Powers, Sewage Disposal, etc.
8	4	Regulation of Use of Sewers
8	5	Agreements with Town of West Hartford
8	6	Agreements with Other Towns
8	7	Garbage Removal

## **SEC. 8-1 POWERS, SEWERS AND OTHER PUBLIC WORKS**

The district board of The Metropolitan District shall, within the scope of the powers herein granted or whenever the authorities of any of the towns composing said district shall request the district board to act and said district board shall accept such undertaking, have power to lay out new highways, streets, walks and dikes necessary to prevent the water of the rivers and streams throughout the district from inundating and overflowing said district or any part thereof, or to alter the lines or location of those already laid out and discontinue the same, and exchange highways for highways, or sell highways for the purpose of purchasing other highways, to establish building lines on the land of proprietors adjoining any street, highway, alley, walk or river or stream within said district between which and such street, highway, alley, river, stream or walk no building or part of a building or appurtenance thereof shall be set up or erected. Said district board shall also have power to order and establish openings between buildings for the purpose of free circulation of air for the benefit of the public health; to cause low ground, where water at any time may become stagnant, to be raised, filled up or drained; to lay out, construct and alter public sewers through the highways and streets, including turnpike roads, alleys and public grounds within said district, and through the private enclosures within the same; to lay out and acquire rights of way within which said district may construct sewers, drains or other public works at such later time or times as public convenience or necessity may require, and to take and acquire easements and rights incidental and appurtenant to such rights of way for sewers, drains and public works, including rights of access, rights to alter existing watercourses and rights to occupy and Use land for purposes of construction or maintenance of said public works; to order and construct and alter sidewalks, curbs, gutters and crosswalks in and upon all highways and streets, including turnpike roads, alleys and public grounds within said district, according to the grade and plan and of such materials as shall be designated by said district board. The procedure for laying out, taking and acquiring such rights of way and other rights and easements shall be the same as the procedure established by law for the laying out of sewers and public works of the type and nature for which such rights and easements may be laid out, taken or acquired. The phrases "public works", "improvement" and "sewer" as used throughout this act shall be interpreted, as the context may require, to include rights of way, easements and other rights which the district is authorized to lay out, take and acquire.

## **SEC. 8-2 HIGHWAY LAYOUTS FOR SEWERAGE RIGHTS OF WAY**

The Metropolitan District may lay out highways under the authority of the charter of said district for the primary purpose of creating necessary sewage facilities in such highways without actually opening such highways to travel. When, in the judgment of the district board, it shall be necessary or convenient to open any such highway to travel The Metropolitan District may complete the improvement of such highway and open the same or it may, with the approval of the town or towns in which such highway is situated, retransfer such highway for such improvement to such town or towns and such highway so transferred shall remain a highway of such town or towns. The approval of any such arrangement may be agreed upon at any time between The Metropolitan District and such town or towns by an instrument in writing executed in behalf of The Metropolitan District after the district board shall authorize such action and in behalf of such town or towns under authority of a vote of a town meeting or of the town council, if any, of such town.

### **SEC. 8-3 POWERS, SEWAGE DISPOSAL, ETC.**

The district board of The Metropolitan District may, whenever in its opinion the adequate sewerage or drainage of any portion of said district shall require such action, construct any sewage disposal plant or any structure, mechanical appliance or apparatus artificially or mechanically to sewer or drain the same, and may maintain and operate such means of drainage and, for said purposes, said district board may take any land which may be needed therefor.

The proceedings under any resolution to construct such means of sewerage or drainage shall be the same as those provided by the charter and ordinances of said metropolitan district for the layout and construction of sewers by said district, and the cost of constructing the same, including the damages by reason of any property taken therefor, may be assessed upon the persons or property specially benefited thereby in the same manner as is provided by said charter and ordinances for the assessment of benefits for other public improvements.

The cost of maintaining such means of sewerage or drainage may, at any time after the same is incurred, and whenever said district board shall judge proper, be assessed upon the persons or property specially benefited thereby upon a resolution directing such assessment, which shall be referred to the bureau of public works of said district for such assessment, which shall be made in the same manner as is provided by the charter and ordinances of said metropolitan district for the assessment of benefits by reason of public improvements.

Any assessment for the cost of constructing or maintaining such means of sewerage or drainage shall be collectible in the same manner, and shall be a lien upon the land on account of which it was assessed and may be continued and enforced as such a lien in the same manner as assessments for benefits by reason of other public works.

### **SEC. 8-4 REGULATION OF USE OF SEWERS**

The Metropolitan District may make rules, bylaws and ordinances with respect to connections with, the use of and discharge of substances into drains, sewers and their appurtenances which belong to or are under the jurisdiction or control of said district. The Metropolitan District may enter into agreements with property owners, which may be in the nature of a lien to be filed in the land records of the town in which the property is located, to secure payment of sanitary sewer connection charges which may be deferred for a period of up to fifteen years, with interest thereon at such rate as the district board of said district shall, by ordinance, prescribe. Such lien shall be a lien upon the land that is benefited by such sanitary sewer connection and shall attach to such land upon recordation of such agreement, signed by said property owner and the clerk of said district, describing the premises and the nature and amount of such connection charge, in the land records of the town in which the property is located.

### **SEC. 8-5 AGREEMENTS WITH TOWN OF WEST HARTFORD**

This section has been deleted.

## **SEC. 8-6     AGREEMENTS WITH OTHER TOWNS**

The Metropolitan District is authorized to enter into contracts with any city or town in Hartford County providing that either party thereto may connect with and make use of the sewer facilities of the other in such manner and on such terms as shall be mutually agreed upon.

## **SEC. 8-7     GARBAGE REMOVAL**

The district board of The Metropolitan District is authorized, but not required, to adopt such ordinances as it may deem expedient respecting the removal of garbage within said district and to cast the duty of causing and caring for such removal upon such board or officer as it may designate, any existing law or charter provision notwithstanding.

## CHAPTER 9

### LAYOUT AND ASSESSMENT OF SEWERS, ETC.

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
9	1	Layout and Assessment Procedure, General
9	2	Bureau of Public Works to Sit as Court for Assessments
9	3	Determination of Costs and Damages Ascertained
9	3a	Bureau of Public Works to Estimate Costs and Damages
9	3b	Bureau of Public Works to Assess Cost
9	3c	Appeals May Be Taken
9	4	Report of Bureau of Public Works to District Board
9	5	Layout and Construction May Be Directed Despite Appeal
9	6	Benefits from Determination of Appeal to be Lien on Land
9	7	Investigation by Bureau of Public Works
9	8	Notice that Benefits are Due
9	9	Deductions from Assessment When Cost is Less Than Estimate
9	10	Benefits to be Lien on Land; Filing of Caveats and Liens
9	11	Assessments, Non-Abutting Property
9	12	Deferral of Assessments
9	13	Flat-Rate Assessment Authorized
9	14	Appeals to Judge: Referral to Committee
9	15	Joint Appeals

## CHAPTER 9 (Continued)

### LAYOUT AND ASSESSMENT OF SEWERS, ETC.

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
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9	16	Time and Method of Taking and Serving Notice of Appeals
9	17	Procedure on Appeal and Citation of Additional Parties
9	18	Appeal Record to be Filed with District Clerk
9	19	Damages and Benefits to be Offset
9	20	Extension of Time for Payment
9	21	State and Municipal Property Assessable
9	22	Assessments to Bear Interest

## **SEC. 9-1 LAYOUT AND ASSESSMENT PROCEDURE, GENERAL**

Whenever any public work shall have been lawfully laid out or altered by the district board, said board may assess the whole or any part of the expense of laying out, altering and making such public work, including highways, streets, sidewalks, curbs, gutters, sewers and plants for sewage disposal, public walks, openings between buildings, the establishment of building lines, sidewalks and crosswalks, draining low grounds or filling up the same, upon persons whose property is, in the judgment of said board, specially benefited thereby, and estimate the proportion of such expense which such persons shall respectively defray, or enforce the collection of the same, or may, if it shall deem it advisable, assess the expense of any such public work directly upon land benefited thereby, describing such land in such assessments by metes and bounds, and specifying the amount assessed on each piece so described respectively, which land, on default of payment of such assessment within six months after public notice thereof shall have been given, shall be liable to be sold for the payment of the same; and said board shall prescribe by ordinance the manner of giving notice of such assessment and the time, manner and places of sale of such land; provided, before taking any land or private property for any of the public uses aforesaid, said board shall agree with the owner or owners thereof as to the damage done thereby, or shall cause to be made a fair appraisal of such damage, which shall be the actual damage done to the property of such owner or owners, by taking such land or private property, without deducting therefrom any benefits on account of such public work, and shall pay to or deposit the same, less benefits assessed, for the benefit of such owner or owners; and provided it shall be the duty of said board to enact ordinances containing suitable provision for giving notice to all persons interested in any property so taken of the proceedings of said board in that behalf and of the appraisal of damages.

## **SEC. 9-2 BUREAU OF PUBLIC WORKS TO SIT AS COURT FOR ASSESSMENTS**

The bureau of public works shall act as a court for the assessment of betterments and appraisals of damages, and all powers in reference to the appraisal of damages and assessment of betterments shall be exercised by said bureau of public works; provided the district board shall have power to prescribe, by ordinance, the manner of proceeding in such assessment and appraisal, and an appeal shall be allowed to any person aggrieved by any appraisal of damage or assessment of betterments to the tribunal, and in the time and manner, which may be by law provided.

## **SEC. 9-3 DETERMINATION OF COSTS AND DAMAGES ASCERTAINED**

Before any public work or improvement, for the cost of which in whole or in part The Metropolitan District under its charter may assess benefits, shall be laid out or constructed, the cost of the same, including damages to be paid, shall be ascertained by the district board of said metropolitan district, and all benefits, to be paid by the persons benefited thereby, shall be ascertained as follows:

### **SEC. 9-3a BUREAU OF PUBLIC WORKS TO ESTIMATE COSTS AND DAMAGES**

The vote or resolution proposing the laying out or construction of such work or improvement shall be, by said district board, referred to the bureau of public works of said district, which shall first estimate the cost of the construction of such work or

improvement, and shall also appraise the damages to be paid to any person for land, or any interest therein, taken for such improvement,

### **SEC. 9-3b BUREAU OF PUBLIC WORKS TO ASSESS COST**

and shall also assess the cost of construction and the amount of such damages upon the persons benefited thereby and,

### **SEC. 9-3c APPEALS MAY BE TAKEN**

from the proceedings of said bureau of public works, any party claiming to be aggrieved by the award of damages or assessment of benefits may take an appeal to the judge of the court of common pleas for the county of Hartford, in the time and manner now by law provided, but such appeal shall not necessitate delay in the action of the bureau of public works in laying out, altering or making such public work or improvement, or in the actual execution thereof, and said judge, on appeal, may inquire into the validity of all the proceedings on which such assessment is based, and may review and set aside, modify or affirm the same and, to facilitate such inquiry, may permit or require amendments to the appeals or other pleadings;

### **SEC. 9-4 REPORT OF BUREAU OF PUBLIC WORKS TO DISTRICT BOARD**

Upon the completion of the proceedings of the bureau of public works on any vote or resolution proposing the laying out or construction of a public work or improvement as described in section 9-3 and upon the expiration of the time allowed by law within which appeals may be taken, said bureau of public works shall make its report concerning its proceedings on such proposed vote or resolution to the district board, with the recommendations of said bureau, and, if no appeal shall be pending, said district board may thereupon direct the layout or construction of such work or improvement at its discretion, and the proceedings thereon shall be the same as now by law provided.

### **SEC. 9-5 LAYOUT AND CONSTRUCTION MAY BE DIRECTED DESPITE APPEAL**

If an appeal from the doings of the bureau of public works shall be pending at the time of said bureau's report to the district board, said board may thereupon direct the layout or construction of such work or improvement at its discretion, and The Metropolitan District may enter upon and occupy the land or property needed for such work or improvement, notwithstanding the pendency of any such appeal, but The Metropolitan District shall be liable to pay or may recover, as the case may be, any additional sums found on the final decision of such appeal to be due to or from the owners of property taken, damaged or benefited by reason of the construction of such public work or improvement, but The Metropolitan District shall not damage, enter upon or take for the construction of such public work or improvement any land or private property when there is pending an appeal by the owner thereof from the award of damages of the bureau of public works in relation thereto, until The Metropolitan District shall have given to such owner such security for the payment of damages, which may be awarded on such appeal, as may be fixed, upon notice to The Metropolitan District and such owner, by the judge before whom such appeal is pending.

## **SEC. 9-6 BENEFITS FROM DETERMINATION OF APPEAL TO BE LIEN ON LAND**

When a public work or improvement shall be laid out pending an appeal from the assessment of benefits and on any such appeal the benefits assessed shall be increased or decreased, the amount of such benefits shall be a lien upon the land on account of which they were assessed, which lien shall attach to such land from the time of the determination of such appeal, as a substitute for the lien for benefits upon such land which attached at the time of the layout, provided the same shall not remain a lien thereon for a longer period than three months after the determination of such appeal, unless the bureau of public works shall, within that time, lodge with the town clerk of the town wherein the land lies, for record, a certificate signed by the clerk of said bureau, describing the premises, the amount assessed and the public work or improvement for which it was assessed, and such certificate of lien shall be a substitute for any previous certificate of lien lodged in connection with such layout and shall so state.

## **SEC. 9-7 INVESTIGATION BY BUREAU OF PUBLIC WORKS**

The district board shall pass no vote laying out, establishing or ordering to be constructed any new street, avenue, bridge, curbs and gutters, building and veranda lines, sidewalks or sewer, or any alteration or improvement, relating to streets and sewers, until such vote, or the petition asking for the passage of such vote, shall have been referred to said bureau of public works for investigation.

## **SEC. 9-8 NOTICE THAT BENEFITS ARE DUE**

Upon the final layout or completion of the construction of any public work or improvement, the bureau of public works shall give notice thereof and that such benefits are due and payable, by publication twice in a daily newspaper published in said metropolitan district, and all benefits assessed therefor shall be immediately due and payable.

## **SEC. 9-9 DEDUCTIONS FROM ASSESSMENT WHEN COST IS LESS THAN ESTIMATE**

If the actual cost of the construction of any public work or improvement shall be less than the sum estimated by the bureau of public works and assessed upon the parties benefited, each of the parties so assessed shall be entitled to a proportionate deduction from his assessments.

## **SEC. 9-10 BENEFITS TO BE LIEN ON LAND; FILING OF CAVEATS AND LIENS**

Such benefits shall be a lien upon the land on account of which they were assessed, which lien shall commence and attach to such land from the time of passage by the district board of the vote laying out or ordering the construction of such work or improvement; provided, within thirty days from such passage, a caveat or certificate briefly describing the public work or improvement for which the benefits were assessed and the property upon which such assessment is a lien, together with the names of the owners thereof and the amount of benefits assessed against it, shall have been delivered For record to the town clerk of the town in which the property subject to said lien is located, and further provided the same shall not remain a lien thereon for a longer period than three months from the date of the last publication of the notice of the

final layout or completion of such work or improvement and that the benefits assessed therefor shall be due and payable, unless the bureau of public works shall, within that time, deliver for record to the town clerk of the town wherein such property is located a certificate signed by the clerk of said bureau describing said premises, the amount assessed and the public work or improvement for which it was assessed.

### **SEC. 9-11 ASSESSMENTS, NON-ABUTTING PROPERTY**

The district board of The Metropolitan District, by the bureau of public works of said district, may assess a proportional sum of the expense of laying out, altering and making any highway, street or sewer lawfully laid out or altered, upon any person or persons in the judgement of said bureau specially benefited thereby, whether the land of such person or persons abuts upon such highway, street or sewer or not. The provisions of this section shall not affect the right of appeal from the action of said bureau.

### **SEC. 9-12 DEFERRAL OF ASSESSMENTS**

Said district may assess any part of the cost of construction of any sewer proposed or completed, situated within its corporate limits, in accordance with the provisions of its charter. In making assessments upon the property benefited, the district board may divide the total territory to be drained by said system into districts and may assess the property benefited in each district separately, those receiving the more immediate benefits being assessed first, and the less congested districts at such time or times as in the opinion of the district board the growth and development of such districts warrant. In making the assessments upon the property in the several districts as aforesaid, if such plan of assessment be adopted by the district board, it shall in each case add to the cost of the sewers located in the district being assessed the proportionate share of the cost of the trunk or main sewer which the property in such district should bear, including the cost of rights of way, outlets and privileges therefor, the proportionate share of the interest which the district shall be required to pay for the use of the money spent in constructing the main or trunk sewer, and such expenses as are necessary and incidental thereto. The Metropolitan District may make by-laws or ordinances not inconsistent with any of the foregoing, for the purpose of carrying the same into effect.

### **SEC. 9-13 FLAT-RATE ASSESSMENT AUTHORIZED**

The bureau of public works of The Metropolitan District, in lieu of assessing the actual cost of any sewer upon the persons or property found by said bureau to be specially benefited thereby may proceed as follows: Said bureau may determine and adopt flat rates per lineal foot and per acre for the construction of all sewers, and a flat rate for construction of laterals, with power to change and alter such rates, from time to time. In assessing the cost of such sewers upon persons and property to be specially benefited by reason of the construction thereof, said bureau shall assess the cost of the same on the basis of such flat rates multiplied, where applicable, by the frontage of, the acreage of, and the number of laterals serving, land which any person so assessed owns or is interested in and which property abuts or fronts on the length of sewer or to which it has access for sewerage facilities. Such assessment may include a proportionate share of the cost of any part of the sewerage system, including the cost of preliminary studies and surveys, detailed working plans and specifications, acquiring necessary land or property or any interest therein, damage awards, interest charges during construction,

legal and other fees, or any other expense incidental to the completion of the work. The bureau of public works may divide the total territory to be benefited by a sewerage system into districts and may levy assessments against the property benefited in each district separately. In assessing benefits against property in any district the bureau of public works may add to the cost of the part of the sewerage system located in the district a proportionate share of the cost of any part of the sewerage system located outside the district but deemed by the bureau of public works to be necessary or desirable for the operation of the part of the system within the district. In assessing benefits and apportioning the amount to be raised thereby among the properties benefited, the bureau of public works may give consideration to the area, frontage, grand list valuation and to present or permitted use or classification of benefited properties and to any other relevant factors and may combine provisions for such relevant factors with the said flat rates. The bureau of public works may make reasonable allowances in the case of properties having a frontage on more than one street and whenever for any reason the particular situation of any property requires an allowance.

#### **SEC. 9-14 APPEALS TO JUDGE: REFERRAL TO COMMITTEE**

An appeal shall be allowed to any person aggrieved by any appraisal of damage or assessment of benefits to the judge of the court of common pleas for the county of Hartford. Such appeals may be heard by said judge, but shall, upon the motion of any party thereto or persons interested therein, be referred to a committee for hearing.

#### **SEC. 9-15 JOINT APPEALS**

As many of the parties interested as may choose to do so may join in such appeal; and, when the separate appeals are taken by different parties from one assessment and appraisal, all such appeals shall be heard and tried as one cause.

#### **SEC. 9-16 TIME AND METHOD OF TAKING AND SERVING NOTICE OF APPEALS**

Appeals may be taken from the assessment of benefits only, but, if taken from the appraisal of damages shall be from such appraisal and also from the assessment of benefits made at the same time and for the same public work. Such appeals shall be taken within ten days after public notice shall have been given of such appraisal or assessment and shall be by a suitable petition in writing, setting forth the whole of such assessment or appraisal and assessment appealed from, and asking for a reappraisal and reassessment, or for a reassessment only, with a citation attached thereto, signed by any authority authorized to sign writs, and returnable before said judge at two o'clock in the afternoon on the day three weeks subsequent to the day on which public notice of such appraisal shall have been given; and such citation shall be served upon the clerk of said district at least six days before the return day thereof.

#### **SEC. 9-17 PROCEDURE ON APPEAL AND CITATION OF ADDITIONAL PARTIES**

If, upon the hearing of any appeal, the judge or committee shall find cause to alter such appraisal and assessment, or assessment of benefits only, said judge or such committee shall proceed to reapportion the whole amount of the damages and benefits, or benefits only, upon the persons or land specially benefited. If the judge or committee hearing such appeal shall be of the opinion that persons other than those who appear

upon the record are interested in the subject-matter of such appeal, said judge or such committee shall cause the appellants to give notice of the pendency of the proceedings to such other persons, which notice shall be by publication in one or more newspapers published in said metropolitan district for such time and in such form as said judge or such committee shall direct. Said judge shall have, for the purpose of disposing of such appeal, all the power of the superior court, and may render judgment thereon and may tax costs in favor of either party and issue execution for such costs, to be taxed as upon civil process in the superior court.

#### **SEC. 9-18 APPEAL RECORD TO BE FILED WITH DISTRICT CLERK**

Said judge shall, when the proceedings in any case arising under this and the preceding three sections shall have been closed, return all the papers connected with the case to the clerk of said district to be kept by him on file.

#### **SEC. 9-19 DAMAGES AND BENEFITS TO BE OFFSET**

In all cases in which the district board of The Metropolitan District shall have agreed upon with, or appraised to, any person or persons, damages for taking any land or private property for any public work in said district, and shall also have assessed betterments on account of the same public work upon the owner or owners of such land or private property or upon such land or private property, the amount of such assessment shall be an offset against such damages; and the district treasurer may credit such owner or owners with the amount of such assessment so assessed upon or payable by him or them, and the entry of such credit upon the books of said treasurer shall have the same effect as the payment to such owner or owners so credited in whole or part payment, as the case may be, of the sum appraised for such damages; but the district board may, in any individual case, pay the whole of such damages and collect the assessments of betterments as heretofore.

#### **SEC. 9-20 EXTENSION OF TIME FOR PAYMENT**

The district board of said metropolitan district is authorized and directed to provide by ordinance for the extension of time for and the manner of payment of all assessments made for any public improvement, not including taxes, and may issue and dispose of assessment certificates covering the amounts of any extended assessments, under such rules and regulations and in such forms as the district board may by ordinance prescribe.

#### **SEC. 9-21 STATE AND MUNICIPAL PROPERTY ASSESSABLE**

In making assessments of benefits and appraisals of damages for any public improvement, The Metropolitan District is authorized to assess such benefits or appraise such damages as it may deem just upon or in favor of the real estate belonging to the state of Connecticut, or to any city, town, district or school district situated within the limits of The Metropolitan District and specially benefited or damaged by such public improvement, subject to appeal by either party as provided by law in such cases, and, in the case of assessments of benefits against or appraisals of damages in favor of the state, it shall be the duty of the comptroller to draw his order on the treasurer for the payment of any and all assessments of benefits upon the certificate of the clerk of said district that the same are due and payable, and he shall

receive any damages assessed in favor of the state and give a receipt for the same upon a like certificate.

#### **SEC. 9-22 ASSESSMENTS TO BEAR INTEREST**

All assessments made for public improvements within The Metropolitan District shall bear interest from the date when the same become due and payable, at such rate as the district board of said district shall, by ordinance, prescribe, not greater than six per centum.

## CHAPTER 10

### SEWER SERVICE CHARGE

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
10	1	District May Impose Service Charge
10	2	Payment of Sewer Charge
10	3	Use of Avails from Sewer Charge
10	4	Ordinances re Sewer Charge
10	5	Outside Sources of Water to be Metered

## **SEC. 10-1 DISTRICT MAY IMPOSE SERVICE CHARGE**

In any town or city in which The Metropolitan District shall furnish water directly to the inhabitants for domestic and other purposes and shall maintain a sewer system, it may impose for purposes connected with said sewer system as hereinafter stated, a sewer rate upon the users of such water who also use said sewer system, which rate shall be proportional to the quantity of water used as determined by water meters installed and serviced by said district, and shall so far as practicable be uniform throughout the territory served.

## **SEC. 10-2 PAYMENT OF SEWER CHARGE**

Such sewer rate shall appear on the water bills of said district as a separate item and shall be due and payable at the same time as the water bills are due and payable. Delinquency in the payment of either water or sewer rates, either non-payment or delay in payment, shall render the user liable to penalty and to the discontinuance of the water service and to a lien upon the premises of the user similar to that now provided in case of non-payment of water rates.

## **SEC. 10-3 USE OF AVAILS FROM SEWER CHARGE**

The avails of such sewer rate shall be used only for the construction, maintenance, including the maintenance and operation of sewer protection gates and works, repair or reconstruction of said sewer system, any one or more of such purposes, and the payment of the principal and interest of bonds issued for any of such purposes to the extent and in the manner which the district board may, by ordinance, prescribe as hereinafter provided.

## **SEC. 10-4 ORDINANCES RE SEWER CHARGE**

In accordance with and subject to the limits imposed by this section, the district board may from time to time adopt, alter or repeal ordinances determining the nature and amount of such sewer rates, adjusting special cases, by measurement or estimation of sewer flow, where quantity of water used does not properly reflect use of the sewer. Such ordinances may prescribe the methods of collection and may provide for penalty and discontinuance of water service and lien, and may prescribe and limit the purposes for which the avails of the sewer rates shall be used. Nothing herein contained shall preclude use of other methods of meeting the expense of such sewer system as are now or may hereafter be provided by law.

## **SEC. 10-5 OUTSIDE SOURCES OF WATER TO BE METERED**

If in The Metropolitan District a substantial part of the water supply of any user shall be obtained from sources other than the metropolitan supply and shall be discharged into the sewer system of said district, the district may require such additional supply of water to be metered for the purpose of fixing the sewer rate to be paid under the provisions hereof.

# CHAPTER 11

## HIGHWAYS

NOTE: See Sec. 1-2A re limitation of highway powers to inter-town highways or those voluntarily turned over to and accepted by District; see also Sec. 8-2 re layout of highways to acquire sewer rights of way.

<b><u>Chap.</u></b>	<b><u>Sec.</u></b>	<b><u>Section Title</u></b>
11	1	Paving of District Highways
11	2	Assessment for Cost of Paving
11	3	Hearings and Procedure, Paving Assessments
11	4	Paving Assessments to be Liens on Land
11	5	Curb and Walk Reconstruction: Inclusion in Assessment
11	6	Curb and Walk Construction: Powers and Assessment
11	7	Sprinkling, Oiling, and Assessments Therefor
11	8	Limitation on Width of Highways
11	9	Trees, etc. in Highways
11	10	Snow Removal: Claims and Liens Therefor
11	11	Regulation of Pipes and Conduits
11	12	Regulation of Electric Wires
11	13	Regulation of Gas Pipes
11	14	Regulation of Excavation in Highways
11	15	Establishment of Veranda Lines, etc.
11	16	Street Widening: Projections May Remain
11	17	State Aid for Highways
11	18	State Bridges and Highways

## **SEC. 11-1 PAVING OF DISTRICT HIGHWAYS**

The Metropolitan District, in the performance of its duties to maintain and repair the highways within its limits, over which authority is herein given to said district, may cause to be paved and repaved with granite, asphalt, brick, wood-block, concrete or other substantial pavement, including the macadam in general use, such streets or parts of streets as the district board shall, upon recommendation of the bureau of public works, determine;

## **SEC. 11-2 ASSESSMENT FOR COST OF PAVING**

and the district board shall have power to assess the whole cost of such paving or repaving, including that portion contiguous to lateral and intersecting streets, and excluding that portion of the street which by law or contract a street railway is under obligation to pave, one-half or more upon said metropolitan district, which shall be paid out of the treasury of said district upon the order of the district board, and not exceeding one-fourth of such cost upon the owners of the property abutting on each side of the line of such paving or repaving, in such proportion as such property may be specially benefited thereby, and may enforce the collection of such assessments in the manner provided by the charter and ordinances of said district for the collection of assessments.

## **SEC. 11-3 HEARINGS AND PROCEDURE, PAVING ASSESSMENTS**

The bureau of public works shall recommend the streets or parts of streets to be paved or repaved and shall determine the kind of pavement to be laid thereon, and shall estimate the cost of such paving. Before submitting its recommendations regarding such paving or repaving to the district board, the bureau of public works shall hold a public hearing thereon, after notice to the property owners interested, by publication, at least once in a daily newspaper of the district, and, so far as practicable, by a written or printed notice addressed to the property owners interested, at their last-known places of abode, and deposited in the post office, postage paid, at least ten days before the date set for such hearing. The estimated cost of such paving shall be presented to, or available for use at, such public hearing and after such hearing the bureau of public works may pass votes to be submitted to and acted upon by the district board ordering such pavement and assessing the cost thereof in the manner above provided.

## **SEC. 11-4 PAVING ASSESSMENTS TO BE LIENS ON LAND**

On the completion of the work and assessment for the cost of the same, such assessment shall be final and conclusive on all parties in interest; and such assessment shall be a lien upon the land on account of which it was assessed in the same manner and to the same extent as is provided in the charter and ordinances of said district in the case of assessments for benefits arising from public works or improvements;

## **SEC. 11-5 CURB AND WALK RECONSTRUCTION: INCLUSION IN ASSESSMENT**

The district board in connection with the paving or repaving of any street may include in the cost of such paving or repaving the cost of resetting, replacing or rebuilding the curbs and sidewalks in such street or part of a street to be paved and improved, and

may contract for the rebuilding of the curbs and sidewalks as part of the paving work of such street, which cost is to be included in the cost of the paving or repaving and assessed as above provided.

#### **SEC. 11-6 CURB AND WALK CONSTRUCTION: POWERS AND ASSESSMENT**

The district board of The Metropolitan District shall have power to lay, set, construct and place, or order the same done, in the streets and highways in said district, sidewalks, curbs and gutters of stone or other materials and of such dimensions, styles, kinds and forms as the public convenience and necessity in the use of such streets and highways may require; to replace, or order to be replaced, existing sidewalks, curbs and gutters with new ones and to relay, reset and repair, or order to be relaid, reset or repaired, sidewalks, curbs and gutters whenever public convenience and necessity require, and, when the work shall be done by the district, to assess the cost of such work upon the owners of the lands abutting upon such streets and highways in proportion to the number of feet of land of each of such owners fronting upon such streets and highways, and to enforce the collection of such assessments in the manner provided by the charter and ordinances of said metropolitan district for making and collecting assessments of benefits for public works and improvements. On the completion of the work and the assessment of the cost of the same, such assessment shall be final and conclusive on all parties in interest. Such assessment shall be a lien upon the land on account of which it was assessed in the same manner and to the same extent as is provided in the charter of the district in the case of assessments for benefits arising from other public works and improvements.

#### **SEC. 11-7 SPRINKLING, OILING, AND ASSESSMENTS THEREFOR**

The district board of The Metropolitan District shall have power to cause any or all of the streets of said district, in the control of said board, to be sprinkled or treated with water, oil or other substances as it may deem advisable under the circumstances of each case, and may assess the expense thereof upon the persons, and upon the land of persons, whose property is, in the judgment of the district board, specially benefited thereby. Said district board shall, by ordinance, prescribe the mode in which the expense of such sprinkling or treatment of the streets of said district shall be assessed upon the persons or the land specially benefited thereby, and the mode in which such expense shall be collected or secured by lien upon the land specially benefited; provided such ordinance shall require due notice to the persons whose property may be assessed and shall also require a public hearing thereon before any assessment is made.

#### **SEC. 11-8 LIMITATION ON WIDTH OF HIGHWAYS**

No street, highway or alley in The Metropolitan District within the jurisdiction of the district board shall hereafter be opened to the public by dedication or otherwise by any person or private corporation unless such street, highway or alley be at least fifty feet in width and so laid out as to connect two existing highways.

#### **SEC. 11-9 TREES, ETC. IN HIGHWAYS**

The district board of The Metropolitan District is authorized, by ordinance, to delegate to and impose upon a bureau, board or department of the district any and all powers,

duties and authority of the district in reference to the care, control, preservation and removal of trees standing in the highways within said district, within the control of said board, and the setting out of additional trees, shrubs and vines within such highways to the end that the care and control of trees, shrubs and vines in highways and the planting and maintenance thereof shall be placed in a public commission for the purpose of beautifying the district in accordance with a well-defined plan or system.

#### **SEC. 11-10 SNOW REMOVAL: CLAIMS AND LIENS THEREFOR**

Any expense incurred by The Metropolitan District in pursuance of the ordinances of the district in removing snow, ice or sleet from any sidewalk upon any street or highway within said district, or in keeping any such sidewalk safe and convenient for public travel, together with the interest thereon, shall be and remain a claim against the owner or proprietor of the land adjacent to such sidewalk, which may be collected and enforced at law, and a lien and real encumbrance in favor of said district upon such land. Such lien shall not continue to be valid against such land for a longer period than six months after such expense has been incurred, unless a certificate thereof, signed by the collector of said district and particularly describing the amount of such lien and the land upon which it is claimed, shall, before the expiration of said six months, be lodged for record in the office of the town clerk of the town wherein the land lies.

#### **SEC. 11-11 REGULATION OF PIPES AND CONDUITS**

The bureau of public works may make reasonable regulations relative to pipes and conduits of all kinds which are in the streets to be paved or repaved, and as a preliminary to such paving or repaving may order all such pipes and conduits to be relaid, renewed, repaired, placed and located in such manner and to such extent as, in its judgment will best protect such pavement, when laid, from being disturbed in the future, and will best secure the uninterrupted use of such streets as public highways. All persons, commissions and corporations shall obey and comply strictly with all such orders of the bureau within such time as the orders shall specify. Such orders shall be in writing, signed by the bureau of public works or by the clerk of such bureau under its authority, and attested copies of such orders shall be served upon such person or persons, commissions or corporations at least forty-eight hours before the work specified therein shall be required to be begun. Should any person, commission or corporation fail to obey and comply with any such order of said bureau, the bureau may apply in the name of The Metropolitan District to the superior court of Hartford county, or to any judge of the superior court in vacation, for a mandamus to enforce compliance with any such order or regulation provided for in this section.

#### **SEC. 11-12 REGULATION OF ELECTRIC WIRES**

The district board of The Metropolitan District within its jurisdiction may provide, by ordinance, for the placing of all electric wires underground when, in the judgment of said district board or the bureau of public works of said district, public interest requires the same to be done, under such restrictions as said district board may prescribe. Said district board may also provide penalties for failure of any person or persons to carry out all reasonable orders under this section regarding such wires.

### **SEC. 11-13 REGULATION OF GAS PIPES**

Whenever The Metropolitan District shall have in contemplation the paving of any street, alley or highway within said district, the bureau of public works of said district, in addition to the powers conferred and duties imposed upon it by law, is authorized to give notice to the residents, occupants and owners of property abutting upon such street, alley or highway that all private gas supply pipes shall be laid, repaired, replaced or removed within a reasonable time to be stated in such notice, and that thereafter, for a period to be stated in such notice but not exceeding ten years, no permits will be granted, except by special vote of the bureau of public works of The Metropolitan District, for the opening of such street or highway for any purpose connected with the laying, repairing, replacing or removal of any such private gas supply pipes. In case any resident, occupant or owner of property shall fail to cause to be repaired or replaced, within the time specified in such notice, any gas supply pipe which is stated in such notice to be in a dangerous or defective condition or liable to become dangerous or defective, said bureau of public works shall notify The Hartford Gas Company to cut off said supply pipe from its main without further or other notice to such resident, occupant or owner of such property, and said The Hartford Gas Company shall have the right so to do.

### **SEC. 11-14 REGULATION OF EXCAVATION IN HIGHWAYS**

No person or corporation shall disturb the surface of any street or highway subject to the jurisdiction of the Metropolitan District by digging or making excavation, or cause the same to be so disturbed, without first giving notice to the bureau of public works of said district, and said bureau of public works shall have the power to supervise and direct any such digging or excavating and may prescribe the manner in which the same shall be done and the conditions to which such street or highway shall be restored, and may collect and recover the cost of such supervision and direction from the person or corporation disturbing the surface of any such street or highway, provided no such person or corporation shall be compelled to do more than to restore such street or highway to its usual condition. If any person or corporation, so disturbing or causing to be disturbed the surface of any street or highway as aforesaid, shall fail to comply with the direction of said bureau of public works in restoring the same to its usual condition said bureau may, after reasonable notice to such person or corporation if known, otherwise, without notice, restore the same and collect and recover from such person or corporation double the cost of such restoration. Any person or corporation who shall fail to comply with the provisions of the section as to notice shall forfeit and pay to The Metropolitan District for the use of the district treasury a penalty of not less than five and not more than twenty-five dollars, the same to be recovered in an action brought in the name of said metropolitan district in the manner provided in the charter of said district for the recovery of fines and penalties.

The water bureau of The Metropolitan District shall be exempt from such of the provisions of the foregoing section as pertain to the notice required to be given to the bureau of public works and the penalty prescribed therein.

### **SEC. 11-15 ESTABLISHMENT OF VERANDA LINES, ETC.**

In connection with the powers regarding highways and streams herein granted to the district board, said board is empowered to establish veranda, porch and bay window lines and to change the same after such have been established in the same manner as now provided for building lines.

### **SEC. 11-16 STREET WIDENINGS: PROJECTIONS MAY REMAIN**

Whenever in the widening of a street in said metropolitan district, ornamental projections from the front of buildings erected prior to such widening shall extend beyond the street lines established pursuant to such widening, the district board of said district may, if, in its judgment, such projections are not an interference with the use of such street, grant a license permitting such projection to remain permanently, which license shall not be revocable except upon change in such street line.

### **SEC. 11-17 STATE AID FOR HIGHWAYS**

Said district shall have all the benefits enjoyed by any of the towns comprising said district of state aid in the construction or maintenance of highways.

### **SEC. 11-18 STATE BRIDGES AND HIGHWAYS**

Bridges and highways controlled by the state within said district shall remain in such control. The bridge and highway and other real estate now controlled by the Connecticut River Bridge and Highway District shall remain in such control.

## CHAPTER 12

### STREAMS

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
12	1	Streams, General Powers
12	2	Building Lines and Floodway Reservations
12	3	Policing of Streams
12	4	Assessment Procedure, Streams
12	5	West Branch of Farmington River Excepted
12	6	Collection of Benefits; Liens, Caveats
12	7	Time of Payment of Benefits

## **SEC. 12-1      STREAMS, GENERAL POWERS**

The district board of The Metropolitan District is authorized, when, in its opinion, the public health or convenience or the adequate sewage and drainage of said district shall require such action or when it shall be necessary for the construction of any bridge, sewer, culvert, highway embankment or other public works in said district, or for the protection and security of and such public work already constructed, or when the protection of public or private property within the confines of said metropolitan district from the encroachment of flood waters shall require such action, (a) to establish along and adjacent to any watercourse or stream, natural or artificial, or any part thereof, running in or through or bordering on The Metropolitan District, building lines or floodway reservation lines, as hereinafter provided; (b) to control, as hereinafter provided, the use of private lands within such lines; (c) to expend public moneys on the planting of trees or shrubs on or otherwise landscaping or beautifying private property within such lines or adjacent thereto by and with the consent of the owners thereof; (d) to establish along and adjacent to any watercourse or stream, natural or artificial, or any part thereof, running in or through or bordering on The Metropolitan District, bank lines or normal flow lines, grades, slopes and cross sections as hereinafter provided and to take, occupy and appropriate, in such manner as is hereinafter provided, the bed of any such stream or part of a stream and any or all of the banks adjacent to such stream, and to straighten, deepen, move, lower or otherwise alter such stream or part of a stream or the banks thereof; (e) to remove any or all walls, dams or flumes or other obstructions to the free and healthy flow of water at any time of year, either under normal conditions or during times of flood; (f) to raise, lower or otherwise alter any such existing structures, (g) to build and maintain other walls, dams, flumes, canals, artificial channels, revetments, slope or channel paving or protection works, or other stream control works; (h) to cover any such stream or cause it to flow through a sewer or other aqueduct built in and upon the bed of such stream or adjacent thereto, or at some other location; (i) to divert any stream or part of a stream from its natural or present channel into a new or different channel and to fill in, if it deems advisable, the old channel or any part thereof.

## **SEC. 12-2      BUILDING LINES AND FLOODWAY RESERVATIONS**

The district board may, at its discretion, and in the manner provided by law for procedure in other public works, lay out and establish building lines along any stream or part of a stream as hereinbefore provided. Such building lines, when established, shall become the limits of floodway reservations and no building or part of a building or appurtenance thereof or any structure shall be set up or erected within the reservation so established and, except by permission of the district board, no fill shall be made which may diminish the area of flow or otherwise obstruct in any way the free flow of flood waters in such stream nor without such permission shall any dams, walls or other watertight or practically watertight structures be constructed or placed within such lines, and the district board shall fix by ordinance the method and manner of granting such permission.

## **SEC. 12-3      POLICING OF STREAMS**

Upon the completion of the layout establishing such building lines along any stream, the authorized agents of the district board shall have the right to enter upon the land enclosed thereby and to clean, police and otherwise maintain the channel and banks of

the stream or watercourse, so that the natural and healthful flow of the stream through its present channel may be maintained, and the district board may by ordinance prohibit the depositing, dumping or otherwise disposing within such building lines of any garbage, rubbish, industrial wastes, loose material, oils or other soluble or insoluble solid or liquid matter, which may pollute the stream or subsequently be washed away or carried downstream or which may leave unhealthful or unsightly traces either in the bed of the stream or on the banks thereof, and may require any person or persons who shall have violated any of the provisions of such ordinance to remove any or all material they may have deposited or otherwise disposed of within such lines, and, in case of the failure of the owner of any land within such lines to remove any such material, the district board may order such material removed at the expense of such owner and, when the owner shall fail to pay the cost of such work, the district may file a lien for the amount thereof against the property, and the district board may, by ordinance, establish penalties to be imposed when any of the provisions of any ordinances authorized under this section shall have been violated.

#### **SEC. 12-4 ASSESSMENT PROCEDURE, STREAMS**

When any lines along any stream shall have been laid out or any work undertaken or structures built under the two preceding sections, the district board may assess the whole or any part of the expense of laying out, undertaking such work or erecting such structures against the property benefited thereby as provided for other public works, and, when said district board shall take action under the two preceding sections, the vote or resolution proposing such improvement shall first be referred to the commission on regional planning for its consideration and report, which report or recommendations, together with the original vote or resolution, shall thereupon be referred to the bureau of public works, which shall ascertain the cost of the work, including damages to be paid, and the procedure thereafter shall be as provided for other public works, and all of the provisions therefor shall apply to streams as well as to sewers and other public works.

#### **SEC. 12-5 WEST BRANCH OF FARMINGTON RIVER EXCEPTED**

The provisions of sections 12-1 through 12-4 inclusive shall apply only to towns which, at the time of the passage hereof, are incorporated as a part of The Metropolitan District or which may hereafter be incorporated therein, and shall not grant any right to exercise said provisions over, in and upon the west branch of the Farmington River.

#### **SEC. 12-6 COLLECTION OF BENEFITS; LIENS, CAVEATS**

All amounts due to said Metropolitan District as special benefits under section 12-4, whether reached by agreement or assessment, may be collected by warrant under the hand of the chairman or vice chairman of said district board directed to the treasurer thereof who shall enforce the same in the same manner as tax warrants are served and enforced. Each such amount shall also be and remain a lien upon the land or other property on account of which it was assessed, which lien shall commence and attach to such land from the time the district board shall take action laying out or ordering such improvement; provided the same shall not remain a lien thereon for a longer period than three months after the final completion of such work or improvement unless the bureau of public works shall, within that time, deliver to the town clerk of the town wherein the land lies, for record, a certificate signed by the clerk of said bureau describing the premises, the amount assessed and the improvement for which it was

assessed, and provided, in all cases of such liens, within thirty days from the time when such liens shall commence and attach to the land, a caveat shall be delivered for record to such town clerk, briefly describing the lands upon which such liens shall attach, together with the names of the owners thereof.

#### **SEC. 12-7 TIME OF PAYMENT OF BENEFITS**

Upon the completion of such work or improvement, said bureau of public works shall give notice thereof, and that such benefits are due and payable by publication twice in a daily newspaper published in said Metropolitan District, and all benefits assessed thereon shall be immediately due and payable. If the actual cost of the construction of such improvement or public work shall be less than the sum assessed upon the parties benefited, each of the parties so assessed shall be entitled to a proportionate deduction from his assessment.

## CHAPTER 13

### REGIONAL PLANNING

NOTE: See Sec. 1-2d Re limitation of Planning to Functions within Other Powers of The District.

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
13	1	Commission on Regional Planning: Members
13	2	Powers
13	3	Maps of the District
13	4	Powers with Respect to Land
13	5	Approval of Maps by Commission

## **SEC. 13-1 COMMISSION ON REGIONAL PLANNING: MEMBERS**

There shall be in said district a commission on regional planning consisting of members who shall be appointed by the district board.

## **SEC. 13-2 POWERS**

All questions concerning the location of any public building, bridge, esplanade, boulevard, concourse, street, highway or square shall be referred to said commission by the district board for its consideration and report before final action is taken on such location. The district board may refer to said commission the construction or carrying out of any public work not expressly within the province of other boards, bureaus or commissions of said metropolitan district and may delegate to said commission all powers which the said district board deems necessary to complete such work in all details.

## **SEC. 13-3 MAPS OF DISTRICT**

Said commission may make or cause to be made a map or maps of said district, or any portion thereof, showing locations proposed by it for any new public buildings, bridge, esplanade, boulevard, concourse or street and grades thereof, and street, building and veranda lines thereon, or for any new square or any changes by it deemed advisable in the present location of any public building, street and grades thereof, building and veranda lines or square, and may employ expert advice in the making of such map or maps.

## **SEC. 13-4 POWERS WITH RESPECT TO LAND**

Said metropolitan district, acting through said commission or otherwise, shall have power to appropriate, enter upon and hold in fee real estate within its corporate limits for establishing esplanades, bridges, boulevards, concourses, streets, highways, squares, sites for public buildings and reservations in and about and along and leading to any or all of the same; and, after the establishment, layout and completion of such improvements, may convey any real estate thus acquired and not necessary for such improvements, with or without reservations concerning the future use and occupation of such real estate so as to protect such public works and improvements and their environs, and to preserve the view, appearance, light, air and usefulness of such public works.

## **SEC. 13-5 APPROVAL OF MAPS BY COMMISSION**

No map or plan of any land within the limits of The Metropolitan District showing any proposed or projected streets or highways or any proposed or projected extensions of or changes in the established layout of any existing streets or highways shall be received, filed or recorded in the office of any clerk of any town of The Metropolitan District unless such map shall bear the endorsement of the commission on regional planning to the effect that every proposed or projected street or highway and every proposed or projected extension of or change in the established layout of existing streets or high ways set forth upon such map or plan has been approved by said commission on regional planning and the district board of The Metropolitan District is

empowered to regulate, by ordinance or otherwise, the action of its officers in regard to such maps or plans.

## CHAPTER 14

### TRANSFER OF FUNCTIONS

#### TO THE DISTRICT

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
14	1	Transfer of Sewerage, etc., to District
14	2	Organization of Bureau of Public Works
14	3	Interim Powers of District Board
14	4	Personnel, Bureau of Public Works
14	5	Appointment of Members, Bureau of Public Works
14	6	Powers of District Board After Transfer of Sewers, etc.
14	7	Transfer of Hartford Water System
14	8	Transfer of Powers and Personnel
14	9	Appointment of Water Bureau
14	10	Water Bonds Assumed
14	11	Ordinances, Pensions, etc., Assumed by District
14	12	Sinking Fund Transferred
14	13	Transfer of Town Water Supplies
14	14	Financial Obligations of Towns Assumed
14	15	Details, Transfer of Functions
14	16	Pending Public Works at Time of Transfer
14	17	Only Water Debt Assumed

## **SEC. 14-1 TRANSFER OF SEWERAGE, ETC. TO DISTRICT**

As soon as may be after the organization of said district board as hereinbefore provided, the chairman shall signify to the mayor of the city of Hartford that the district is ready to take over from the city of Hartford the functions now within the control of the street department and the department known as the department of engineering with regional planning which by this act are transferred to The Metropolitan District and that said district is ready to organize a bureau of public works from the personnel and facilities of said departments of said city. The district board shall also signify to the selectmen or other suitable officials of the other towns comprising said district and of the sewer, highway and other districts contained therein of its readiness to take over the functions hereby transferred. Committees of said city and town governments and of said metropolitan district board shall thereupon meet and arrange for the organization of said bureau of public works from the personnel and facilities of said existing departments and for the permanent use by said metropolitan district of said departments in connection with the functions hereby transferred.

## **SEC. 14-2 ORGANIZATION OF BUREAU OF PUBLIC WORKS**

The district board shall thereupon organize a bureau of public works to be constituted as hereinafter provided. The bureau of public works shall carry on the work within said district in as nearly as practicable the same manner as said work is then being carried on by the local authorities within the cities, towns and districts comprising the district.

## **SEC. 14-3 INTERIM POWERS OF DISTRICT BOARD**

To such end until the district board has compiled and put in force suitable ordinances and by-laws fully covering the matters in its charge, said district board shall, in addition to the powers conferred by this act, have all the powers exercised at the time of the passage of this act, by the board of street commissioners of the city of Hartford, the court of common council of the city of Hartford, the selectmen or other public officers and district commissions of the several towns comprising the district and shall have and exercise all the powers given by the general statutes, or by any special act or local charter to the towns, municipal corporations and districts of said metropolitan district in respect to the functions entrusted to said district board by this act. All ordinances, by-laws and rules of the towns, cities and districts comprising said district relating to said specific functions shall, unless and until otherwise ordered by said district board, be the rules, by-laws and ordinances of said district and shall apply within said district to the respective territories, towns, districts and cities composing said district in the same manner that they applied before the creation of said metropolitan district.

## **SEC. 14-4 PERSONNEL, BUREAU OF PUBLIC WORKS**

The first manager of said bureau of public works shall be the city engineer of the city of Hartford in office when this act shall take effect. The personnel of the organizations carrying on in the city of Hartford and in the other towns and districts within towns comprising said metropolitan district the functions by this act transferred to the district board for operation under the bureau of public works of The Metropolitan District shall, until further order of the district board, continue in a dual capacity both under local authority in respect to functions retained and under the bureau of public works of The Metropolitan District in respect to the functions by this act transferred. The details of

such dual organization shall be arranged at the time of transfer. The superintendent of streets of the city of Hartford and the secretary of the street board shall continue in similar capacities in respect to both governments and the secretary shall be the clerk of the bureau of public works until further order of the district board. The officers, engineers and employees in charge of the several departments of public works within the other towns of said district shall be continued in the bureau of public works in capacities similar to those which they are now occupying in their local organizations and so far as possible within their present localities. Salaries of officers and employees whose services are shared shall be fixed by arrangement between the local authorities and the district board and may be paid partly by both.

#### **SEC. 14-5 APPOINTMENT OF MEMBERS, BUREAU OF PUBLIC WORKS**

The district board shall appoint and fix the number of a committee from its own body which shall sit as a bureau of public works and shall perform the duties, as far as may be possible and until the district board has by ordinance or by-law, or otherwise, provided, of the board of street commissioners of the city of Hartford and the boards of sewer commissioners, of street commissioners and other public officers previously exercising any public functions within the scope of this section and section 14-4.

#### **SEC. 14-6 POWERS OF DISTRICT BOARD AFTER TRANSFER OF SEWERS, ETC.**

After the transfer of the functions provided for in this act, the district board, until it shall otherwise order, shall exercise within the city of Hartford in respect to said function all the powers of the court of common council of said city and within the other towns and districts all the powers of said other towns and districts in respect to said functions. Said district board shall have exclusive control of regional planning and shall not be controlled by any pre-existing provisions of law regarding city or town planning within the scope of the functions transferred.

#### **SEC. 14-7 TRANSFER OF HARTFORD WATER SYSTEM**

At the time fixed for transfer as hereinafter provided, all the lands, property, funds and sinking funds, easements, reservoirs, water sheds, dams, pipe lines, filters, filter beds, machinery, causes of action, claims, rights and choses in action and in possession owned and controlled by the city of Hartford and operated by the board of water commissioners of said city, comprising the entire water system of said city, except that the reservoir known as No. 4 is excepted and reserved and shall remain the sole property of the city of Hartford, shall become the absolute and sole property of said metropolitan district to be maintained and extended by said district in the manner herein provided and to be carried on in the same manner as then being carried on under the same rules and regulations and under the same personnel until the district board shall otherwise order.

#### **SEC. 14-8 TRANSFER OF POWERS AND PERSONNEL**

The powers therefore exercised by the board of water commissioners of the city of Hartford and the court of common council of the city of Hartford in respect to the water supply are from the time of the taking effect of this act transferred to said district board and the personnel of the organizations, other than the water commissioners and the mayor and court of common council of the city of Hartford, then specially entrusted with

the work of providing water in connection with the water department of said city shall be combined with similar organizations of other towns and districts of said district as part of the water bureau of The Metropolitan District. The chief engineer and manager of the water department of the city of Hartford is appointed manager of the water bureau of The Metropolitan District and all the powers and duties then exercised by the city of Hartford, its court of common council and any of its boards and officers in respect to the water supply are transferred to the district board to be carried on in the same manner and under the same ordinances, rules and laws that they are then being carried on by said city of Hartford until said district board shall otherwise provide by ordinance or by-law or otherwise.

#### **SEC. 14-9 APPOINTMENT OF WATER BUREAU**

As soon as possible after organization, the district board shall appoint from its number and fix the number of a committee which shall constitute the water bureau of said district and shall be in charge of the water supply of said district.

#### **SEC. 14-10 WATER BONDS ASSUMED**

Said metropolitan district shall assume and pay at maturity the bonds of the city of Hartford known as the water bonds, and said district shall save said city harmless in any and every way from any liability upon said water bonds. All other obligations of said city of Hartford on account of said water system shall be assumed by said district and said district shall save said city harmless from any loss, cost or damage by reason of any such obligations.

#### **SEC. 14-11 ORDINANCES, PENSIONS, ETC. ASSUMED BY DISTRICT**

All ordinances and by-laws of said city of Hartford and all pensions, seniority positions and other arrangements with the employees of said water board of said city of Hartford are hereby taken over, assumed and maintained by said district subject to all the powers of change and rearrangement and abolition now held by said City in relation thereto.

#### **SEC. 14-12 SINKING FUND TRANSFERRED**

For the purpose of meeting the water indebtedness and water bonds, the water sinking fund now maintained by the city of Hartford shall be transferred to and shall be maintained and increased by said district board under the same rules and provisions of law that it is being maintained by the board of water commissioners of the city of Hartford until otherwise provided by law.

#### **SEC. 14-13 TRANSFER OF TOWN WATER SUPPLIES**

At the time fixed for the actual transfer as hereinafter provided, all the lands, property, funds and sinking funds, easements, reservoirs, water sheds, dams, pipe lines, filters, filter beds, machinery, causes of action, claims, rights and choses in action and in possession now owned and controlled by any of the towns other than the town of Hartford within said district or any district in any of said towns comprising the water system of said town or district shall become the absolute and sole property of said metropolitan district to be maintained and extended by said district in the manner herein

provided and shall be carried on in the same manner as then being carried on under the same rules and regulations and under the same personnel until the district board shall otherwise order. All the powers of any of the towns comprising said district or any district in any such town in respect to the supply of water are transferred to said metropolitan district and the rules and regulations of said town or any district within said town relating to the supply of water shall be and become the rules and regulations of said metropolitan district in respect to the same until said district board shall otherwise provide.

#### **SEC. 14-14 FINANCIAL OBLIGATIONS OF TOWNS ASSUMED**

All the obligations, whether funded or not, of any town of said metropolitan district, or any district within any such town, for and on account of the supply of water within such town or district are hereby assumed by said metropolitan district and said district shall save such town or any district therein harmless in any and every way from any liability upon any of such obligations, funded or otherwise, but any such indebtedness shall have been incurred solely for the purpose of the supply of water or of a water system and shall not include the cost of any other public work.

#### **SEC. 14-15 DETAILS, TRANSFER OF FUNCTIONS**

From the time of taking effect of this act until the district board has been appointed and has held its first meeting, the cities and towns within said district shall continue to carry on their several functions. After the first meeting of said district board when the same has organized and has signified to the several towns or to a district within any town the intention and desire of said district board to take over and succeed to one or more of the functions entrusted to said district board by this act and shall have so fixed a time or times for the actual transfer and succession, said metropolitan district shall at such time or times so fixed succeed to said function or functions and shall receive the property, real and personal, connected therewith as hereinbefore more particularly described and shall commence to exercise control as in this act provided, and the towns, cities and districts of said district as and when each of such functions shall have been so taken over by said metropolitan district shall cease to have any control of such function or functions or of the property or other facilities transferred. In case of any disagreement as to the scope of matters transferred hereby to said district board, or as to the organizations and personnel, property, books, papers, instruments and/or facilities to be included, the governor is authorized to appoint a committee of three nonresidents of said district, whose decision upon any such matters shall be final.

#### **SEC. 14-16 PENDING PUBLIC WORKS AT TIME OF TRANSFER**

At the time fixed for the incorporation into The Metropolitan District of any town not a member of said district, all proceedings for the layout of public works coming within the functions transferred to said district, theretofore commenced, shall be completed by such town, including the payment by such town of all damages awarded and the collection of all benefits assessed on account of such layout.

## **SEC. 14-17 ONLY WATER DEBT ASSUMED**

Upon the incorporation of any such town into said district, the district shall not assume or be liable for any indebtedness of such town, bonded or otherwise, incurred for any public work other than to furnish a water supply; but nothing herein contained shall alter the obligation of said district to assume indebtedness incurred solely for a water supply.

## CHAPTER 15

### APPROVAL OF ACT AND INCLUSION OF TOWNS IN DISTRICT

<u>Chap.</u>	<u>Sec.</u>	<u>Section Title</u>
15	1	Time Act Becomes Operative
15	2	Submission to Hartford Electors
15	3	Submission to Electors of Other Towns
15	4	Resubmission of Approval upon Petition
15	5	Ratification of City of Hartford Required for Admission of Town
15	6	Admission of Contiguous Towns

## **SEC. 15-1 TIME ACT BECOMES OPERATIVE**

This act shall become operative only upon its approval by the city of Hartford and by one or more of the following towns: West Hartford, Bloomfield, Windsor, Wethersfield and Newington, and then only as to the city of Hartford and such town or towns as shall have approved it, and whose approval shall have been ratified by the city of Hartford. The approval of this act by the city of Hartford, subsequent to its approval by any one or more of the towns named in this section, shall be deemed ratification of the approval of this act by such town or towns as shall have previously approved it, and shall effect the incorporation of such town or towns with the city of Hartford in The Metropolitan District.

## **SEC. 15-2 SUBMISSION TO HARTFORD ELECTORS**

The approval of this act shall be submitted to the electors of the City of Hartford at a special election to be held at the same time and places as the regular town or city election if such regular town or city election is required by law to be held in the city of Hartford in the month of November, 1929. If no regular town or city election is required by law to be held in the city of Hartford in the month of November, 1929, a special election shall be held in the city of Hartford on the Tuesday after the first Monday in November, 1929, for the sole purpose of submitting this act to the electors for approval. At such election the polls shall be open from six o'clock a.m. to six o'clock p.m., and the voting shall be by precincts as at the regular election last preceding; The call for the election shall state the purpose for which it is held and the question to be voted upon, the form of which shall read "Shall the Metropolitan District Charter be approved?" Except as necessary properly to state the purpose for which said election is held and the question to be voted upon, the election shall be warned and held as other elections are warned and held and the officials charged with the duty of warning and holding elections in the city of Hartford shall be charged with the duty of warning and holding such election at the time and in the manner herein stated. The question shall be placed upon voting machines and such machines shall be so arranged as to permit the casting of a "yes" or "no" vote on the question as stated. If a majority of those voting on the question at such election shall vote "yes", this act shall be in full force and effect as regards Hartford and such town or towns of those named in this section as shall previously have approved it. Should the special election in the city of Hartford be held in connection with a regular city or town election, all of the foregoing requirements as to warning and holding said special election shall apply except that the voting places and the hours for voting shall be the same as at such regular town or city election;

## **SEC. 15-3 SUBMISSION TO ELECTORS OF OTHER TOWNS**

The approval of this act shall be submitted to the electors of the towns of West Hartford, Bloomfield, Windsor, Wethersfield and Newington, respectively, at a special election to be held in each of said towns on the first Monday in October, 1929. In any of said towns having a regular town election on said first Monday in October, 1929, the time and place for holding such special election, including the hours for voting, shall be the same as at such regular election and the officials charged with the duty of warning and holding such regular election shall be charged with like duties with respect to such special election. Voting shall be by ballot or by voting machine, according as ballots or voting machines shall be used at such regular election, and the form of the question shall be as hereinbefore prescribed for submission in the City of Hartford. If voting shall be by voting machine, the machine shall be so arranged to permit the casting of a "yes"

or "no" vote. If voting shall be by ballot, paper ballots upon which shall be printed the question followed by the word "yes" and other ballots upon which shall be printed the question followed by the word "no" shall be supplied at each voting place in a sufficient number of each kind of ballot, at least equal to the registered number of electors entitled to vote thereat. A separate ballot box shall be supplied, with such officials as are necessary for a fair and impartial vote. Whether the election be by voting machine or ballot, if a majority of those voting in the question shall vote "yes", this act shall be deemed approved by such town, and such town, upon the subsequent ratification of the city of Hartford, shall become incorporated in The Metropolitan District. In towns having no regular election on the first Monday in October, 1929, a special election shall be held for the sole purpose of submitting this act to the electors for approval. At such election, the polls shall be open from six o'clock a.m. until six o'clock p.m. and the voting shall be by districts, as at the regular election last preceding. The officials charged with warning and holding the regular election last preceding, or their successors in office, shall be charged with the duty of warning and holding such special election and in all other respects such elections shall be subject to the provisions for elections in those towns having regular elections on said first Monday in October, 1929, as hereinbefore set forth, and, if a majority of those voting on the question shall vote "yes", this act shall be deemed approved by such town, and such town, upon the subsequent ratification of the city of Hartford, shall become incorporated in The Metropolitan District;

#### **SEC. 15-4 RESUBMISSION OF APPROVAL UPON PETITION**

Should the city of Hartford or any town fail to hold an election at the time and in the manner hereinbefore prescribed, or upon holding such election should the result thereof be other than an affirmative vote on the question as submitted, the question shall thereafter be submitted or resubmitted to the electors of such city or town, upon petition of the required number of electors praying that such question be submitted or again submitted, as the case may be, as follows: Such petition, if in and for the city of Hartford, shall be signed by at least one thousand registered voters of said city and addressed to the mayor and court of common council of said city and, if such petition be so made and lodged with the mayor or the clerk of the court of common council, such question shall be submitted to the electors at a special election held at the same time as the regular election next ensuing, but not within sixty days following the receipt of such petition, the time, places and hours during which the polls shall be open being the same as for such regular election and the provisions governing such special election being otherwise as hereinbefore set forth for special elections held in connection with a regular election in such city. Such petition, if in and for any of the other towns named in this section, shall be signed either by at least ten per centum of the registered voters of said town or by at least five hundred registered voters of said town and addressed to the selectmen and town clerk of such town, and, if such petition be so made and lodged with the town clerk, such question shall be submitted to the electors at a special election held at the same time as the regular election next ensuing, but not within sixty days following the receipt of such petition, the time, places and hours during which the polls shall be open being the same as for such regular election and the provisions governing such special election being as otherwise hereinbefore set forth for special elections held in connection with a regular election in such town;

**SEC. 15-5 RATIFICATION OF CITY OF HARTFORD REQUIRED FOR ADMISSION OF TOWN**

Should any town other than the city of Hartford vote to approve this act, subsequent to the time when the city of Hartford has so voted, such town shall, nevertheless, not become incorporated in The Metropolitan District until the city of Hartford and every other town then comprising The Metropolitan District shall have ratified the approval of this act by such town. The ratification of the approval of this act by such town shall be submitted to the electors of the city of Hartford at the same time, places and hours of voting as the next ensuing regular election in the city of Hartford and likewise to the electors of each of the other towns then comprising The Metropolitan District at the same time, places and hours of voting as the next ensuing regular election in each of such towns. the manner of procedure being in all respects the same as prescribed herein for an election for submission of the approval of this act, except that the question submitted shall read -"Shall the Town of .....(here insert the name of the town the approval of which is submitted for ratification) be incorporated in The Metropolitan District?" If a majority of the electors voting on the question, in the city of Hartford and in each of the other towns then comprising The Metropolitan District, vote 'yes', the incorporation of such town in The Metropolitan District shall be thereupon consummated, and the governor shall thereupon appoint from the electors of such town one commissioner to hold office for a term expiring simultaneously with the terms of the other commissioners of the first form then in office and until his successor shall be elected and shall have qualified.

**SEC. 15-6 ADMISSION OF CONTIGUOUS TOWNS**

Any town which is contiguous to The Metropolitan District may, after receiving the formal approval of the district board, become incorporated in said district substantially in the same manner as provided in section 15-5. Each such town, upon its incorporation into said district, shall be entitled to be represented upon said district board by one member of the first form, to be appointed by the governor in accordance with the provisions of said section 15-5 and to hold office until his successor shall be appointed and shall have qualified. The district board of The Metropolitan District is authorized, before approving the incorporation into said district of any town contiguous thereto, to agree with such town as to the terms of such incorporation, which terms may include the fixing of a temporary service charge to be collected with and in addition to the uniform water rates for a stated period. After the expiration of such period, the water rates current in such town shall be uniform with the rates in the rest of said district. Nothing herein contained shall affect the admission into said district of the town of West Hartford as heretofore provided by law.

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**TO**

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