

Town of Franklin Water Department
Franklin, Vermont

Water Use Ordinance

Date of Adoption: 08 May, 2017

Water Department Franklin Water Department
Franklin, Vermont
Water Use Ordinance

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0.00 INTRODUCTION

This Water Ordinance reflects an update of the Water Ordinance previously administered by the Franklin Fire District No.1, subsequent to the conveyance in 2014 of the water system from the Franklin Fire District No. 1 to the Town, for the system to be operated as a Town Water Department.

The Franklin Water Department by and through the Town Board of Water Commissioners ordains that the Rules and Regulations herein set forth are established as necessary and desirable for the efficient operation of Franklin Water Department Water System, to provide quality water to the people of Franklin for consumption and to support fire protection.

1.00 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

- 1.01 Building Service Line shall mean the pipe or conduit, water meter and valves connected on one end to the curb stop, the other end terminating inside the User's building, to provide water service. In cases where there is no curb stop, the Building Service Line limit is edge of the road.
- 1.02 Curb Stop shall mean the valve which terminates the service line and to which the buildings service line is connected to provide water to the user.
- 1.03 Disconnection shall mean deliberate interruption by the Town of water service to the User, for reason of delinquent payment.
- 1.04 Distribution Main shall mean the primary supply pipe or conduit from which service connections are made to supply water to the User.
- 1.05 Engineer shall mean the Professional Engineer or Professional Engineering firm which is licensed in the State of Vermont for public drinking water system engineering, and who is authorized by the Water Department to perform engineering work on the Town water system; either through consulting contract or through Water Department hired staff personnel.
- 1.06 Fire Services shall mean water service provided at Town hydrants on the water distribution mains, which are to be operated by the Fire Department under controlled gravity-flow conditions without pumping directly from hydrants.
- 1.07 May is permissive. Shall is mandatory.
- 1.08 New Service Locations shall not be allowed beyond the existing service lines and boundaries as specified in drawing NO. 1.

- 1.09 Operator shall mean the agent or representative of the Water Department responsible for operation and maintenance of the water system, as a licensed Water Operator under State of Vermont regulations for public drinking water systems.
- 1.10 Property Owner (Owner) shall mean that person(s) or User, identified as owner of property by recorded deed.
- 1.11 Service Line or Service Pipe shall mean the pipe or conduit running from the distribution main shutoff valve on the property line of the user.
- 1.12 Service Area shall mean that portion of the Town recognized as the village area and served by the water distribution piping, as shown on Drawing No. 1.
- 1.12 Unconnected Properties shall mean those properties with boundary line(s) 200 feet or less from the distribution mains which do not receive water service.
- 1.13 User (Customer) shall mean any person, firm, corporation, association or group receiving or requesting water from the Town.

Water Department shall mean the Franklin Water Department incorporated under Vermont laws to provide water service in the Town of Franklin, its Board of Water Commissioners, agents or authorized representatives.

- 1.15 Water Department Treasurer shall mean that person authorized by the Town to perform administrative and billing functions for the Water Department.

2.00 RULES AND REGULATIONS

- 2.01 The Water Department may make such rules and regulations relating to the use of the water system as the Board of Water Commissioners shall deem necessary for proper operation of the water system.

3.00 GENERAL INFORMATION

- 3.01 The Board of Water Commissioners shall be responsible for the operation of the water system, and acting on behalf of the District, shall sell water to such Users within the District consistent with these Rules and Regulations. It may refuse to supply water to any such User and may terminate service to any User, as may be required for the Board of Water Commissioners to carry out their responsibilities imposed by law and these Rules and Regulations.
- 3.02 It may contract to sell water to such Users outside the Service Area as it may deem beneficial to the Town, providing that there is, at the time such contract is made, water in excess of that necessary for use within the limits of the Service Area.

- 3.03 These Rules and Regulations shall constitute a part of the contract between each User and the Water Department. Each user of the Town Water system shall be bound by these Rules and Regulations and all subsequent changes and amendments thereto. The User's application for water service shall be considered the User's consent to be bound by these Rules and Regulations.
- a. A copy of the Rules and Regulations shall be furnished to each User by the Water Department upon request.
 - b. Failure to know these Rules and Regulations will not excuse the User from the consequences of neglect of these Rules and Regulations.
- 3.04 Inspectors of the Water Department or persons so authorized by the Board of Water Commissioners must have free access at all reasonable hours to buildings for the purpose of inspecting, removing, or replacing meters, examining fixtures and observing the manner in which water is used. Inspectors and meter readers will carry appropriate identification and will show same upon request to the property owner or authorized agent. Imposters should be reported at once by calling a member of the Board of Water Commissioners.
- 3.05 Water supply Emergencies: The Board of Water Commissioners may prescribe emergency rules governing the supply and use of water as it may deem appropriate to accommodate such emergency. Such rules shall be adopted at any duly held meeting of the Board of Water Commissioners. Any required notice of such meeting shall state that the Board of Water Commissioners will consider adopting emergency rules governing the supply and use of water. Such rules shall be adopted by the majority vote of the Board of Water Commissioners and shall be thereafter recorded in the minutes and posted within the Town Service Area and shall become effective immediately upon adoption. Such rules may remain in effect for a period not to exceed ninety (90) days, unless again adopted in the manner set forth within.

4.00 REQUIREMENTS AND RESTRICTIONS

- 4.01 The Water Department shall be empowered to enforce the Rules and Regulations of, but limited to, this Ordinance in a manner which they deem in the best interest of the water system.
- 4.02 All water shall be metered except as otherwise provided by this ordinance or as approved by the Board of Water Commissioners.
- a. All meters shall be furnished and owned by the Water Department, and shall be located in satisfactory locations to protect against frost and other damage. In no case shall the Water Department deliver water through any meter over which it does not have exclusive control.
 - b. Should a meter be damaged by frost or be damaged in any other manner for which the User is responsible, then the Owner shall be charged the cost of removing, repairing, and replacing any such damaged meter.

- c. Meters which malfunction without fault of the User shall be removed and replaced at the Water Department's expense, at the discretion of the Board of Water Commissioners.
 - d. If from any cause a meter fails to register properly the amount of water passing through it, the charge will be based upon A flat rate established by the Board of Water Commissioners.
 - e. Meters, if read, shall be read by the Water Department's authorized agents on a frequency established by the Board of Water Commissioners.
 - f. No person shall damage, remove or tamper with any meter through water which water service is being provided. No person shall break the seal of any such meter.
 - g. No person shall deny access to any inspector of the Water Department or any person authorized by the Board of Water Commissioners to conduct an inspection or perform other duties as set forth in the Ordinance.
- 4.03 No person shall suffer or permit water from the Town's water system to run to waste through any faucets or fixtures to prevent freezing, or for any other purpose, to be kept running for any longer than necessary for non-wasteful consumption, without prior approval of the Water Department. The Water Department shall restrain and prevent any and all waste of water and to that end may, when necessary, turn off water or take such other action as, in its judgement, appears proper.
- 4.04. Public fire hydrants are installed for the sole purpose of fire protection and, with the exception of the members of the Fire Department operating the same for the legitimate purpose of extinguishing fires or conducting a bona fide fire drill or practice, no other use of hydrants shall be made without the written consent of the District.
- a. No person or persons shall obstruct the access to any fire hydrant by placing or permitting snow, debris, or building materials or other obstruction to remain on or about the hydrant.
 - b. No person shall make any connection to any hydrant on the Town's water system, and no person may cause any such hydrant to be opened, except as authorized by these Rules and Regulations, or otherwise by the Board of Water Commissioners.
 - c. The District may install public fire hydrants wherever and whenever it deems necessary.
 - d. All public fire hydrants and their connections are to be the property of the Town whether installed by the Town or others.
 - e. The Fire Department will operate hydrants under gravity-flow conditions, and will not pump directly from hydrants, to prevent the possibility of creating vacuum conditions within water mains.
- 4.05. A water service application shall be submitted to and approved by the Water Department before any connections, alteration or construction to any portion of the water system occurs.
- a. The application will be completed and submitted as provided by section 7.00.
 - b. No person shall make any material misstatements of fact in any application for water service.

- c. No person shall complete construction of any service connection with the District's water system in any manner other than that set forth in any plans and specifications submitted to and approved by the Board of Water Commissioners. No person shall fail to disclose any deviations or variations from such plans to the Board of Water Commissioners at the first date such variations or deviations become known to such person.
 - d. No person shall obtain use of water without authorization in any way or by any device, including the operation of curb valves by repairman and plumbers for any purpose.
 - e. No person shall tap or make any connection with any distribution main or service line, without authorization by the Board of Water Commissioners.
 - f. No person shall knowingly cause water to be taken at any service location or elsewhere, in any manner inconsistent with the application for service governing such location, any contract for the supply of water applicable to such location, any terms and conditions based upon service at such location by the Board of Water Commissioners or this ordinance.
- 4.06 No person shall violate, and no User shall suffer or permit any person to violate at the User's service location, any provision of the Rules and Regulations, or shall violate any order, direction, or emergency rule adopted by the Board of Water Commissioners.
- 4.07 No person shall adjust, open, close, alter or perform any operations to valves, hydrants, or to any other parts of the water system without approval by the Water Department.
- 4.08 Users are responsible for maintaining the Building Service Line on their property, and for any and all costs associated with that maintenance. Users shall not modify the depth of cover over the Building Service Line such that the possibility of line freezing will increase. Users shall not modify driveway areas or other areas which are plowed of snow which overlie Building Service Lines without obtaining approval of the Water Department.

5.00 ASSESSMENT AND COLLECTION

- 5.01 The Board of Water Commissioners shall be empowered to establish rates and collect fees as set forth in this Ordinance and the "SCHEDULE OF RATES AND CHARGES" as deemed necessary for the operation and maintenance of the water system.
- 5.02 The costs of the Water system shall be borne solely by the water Users. However, nothing contained herein shall limit the authority of the Town to seek and obtain approval of the Town voters for approval of bonds or loans undertaken by the Water Department.
- 5.03 The Town may institute legal action to collect any past due bill. Under the Water Department's Rules and Regulations, the Owner agrees to pay the costs of such collection, including the Town's attorney fees, by applying for water service.

5.04 Bills and Billing

- a. Bills for water service are prepared by the Water Department Treasurer at the Town Office, and are payable there.
- b. Water bills are rendered in the name of the Owner.
- c. The Owner is responsible for the payment of the water bills and is also responsible for notifying the Water Department Treasurer of any changes in mailing addresses. Failure to receive a bill does not relieve the owner of the obligation for payment or for the payment of penalties for late payment.

5.05 For each service, the person whose name the bills are rendered shall be responsible for payment, without regard to whether that person is the ultimate User. By applying for water service, the Owner agrees to pay all bills that become due, failing to do so, agree to pay all costs of collection, including attorney's fees.

6.00 DISCONNECTION

6.01 In addition to any other remedies, the Water Department shall be empowered to disconnect water service to a User, after notice, when payment of a valid bill or charge is delinquent as provided by 24 V.S.A. Chapter 129, The District shall administer the Articles of 24 V.S.A. Chapter 129 as it deems in the best interest of the water system and its operation. In accordance with the provisions of 24 V.S.A. Chapter 129, the Water Department may do the following:

- a. Assign Late Fees \$15.00 for unpaid amounts 30 days after payment is due;
- b. Issue a disconnect notice in accordance with the Uniform Notice Form section of 24 V.S.A. Chapter 129, 45 days after payment is due;
- c. Disconnect water service 60 days after payment is due; unless a payment agreement is reached, or an appeal based on mitigating circumstances is granted.

In accordance with 24 V.S.A. Chapter 129, the Water Department will restore service within 24 hours after payment has been made.

7.00 APPLICATIONS

7.01 No connection will be made to the water system without first submitting a completed application and receiving approval from the Water Department.

- a. The Water Department's service connection fee, which shall be paid in full, in addition to any other amounts payable, at the time written application is made for service. This fee shall be such amount as is designated in the "SCHEDULE OF RATES AND CHARGES".
- b. Application for water service shall be made to the Water Department Treasurer at the Town Office.
- c. The Water Department may accept applications from persons who are not the property owner for water service.
 1. The Owner shall not be relieved of his obligation for payment of bills and charges as provided in Section 5.04 and 5.05.

7.02 Installation of Service

- a. The User will be responsible for all costs of installing new water services. These costs include, but are not limited to:
 1. digging and paving
 2. obtaining permits and easements if digging across roadways or the property of others.
 3. returning all Town owned property to its original condition.

- b. The Owner or User will be responsible for the entire cost of installing the service pipe from the distribution main, regardless of whether the Water Department performs the installation upon the Owners request, or whether the Owner makes the installation in accordance with the Water Department's Construction Specifications.
 1. From the distribution main to his property line (or street line), the installation must:
 - a. must comply with the Water Department's Specifications (Section 9.00 Construction Specifications)
 - b. must be inspected and approved by the Water Department before the installation may be covered; and
 - c. upon completion and acceptance will become the property of the Town and will be maintained by the Water Department.

 2. From the Owner's property line or street line to the User's premises, the installation (with the exception of the meter):
 - a. shall be installed, owned, and maintained by the property owner; and
 - b. must comply with the Water Department's Specifications (Section 9.00 Construction Specifications) and requirements of applicable State and Federal agencies.

- c. Any and all construction work for installation of service lines must be coordinated with the Water Department and planned before work starts, to confirm the schedule of work and to minimize the duration of temporary disruption to water service, vehicle traffic and pedestrian traffic.

7.03 Temporary Service

- a. Contractors, builders, or other persons desiring temporary water service for construction purposes shall make application in writing to the Water Department Treasurer and secure approval for this service.

- b. The cost of installation of temporary service and the cost of its removal shall be borne by the applicant. The estimated cost of installation, consumption, and removal of temporary water service shall be paid in advance of installation, by a deposit to the Water Department. Upon completion of the use of the temporary service, an accounting shall be made. If the amount of the deposit does not cover

the actual cost, the applicant shall pay the additional amount. If the deposit exceeds the actual cost, the applicant shall be refunded the difference. The charges for temporary service are set forth in the "SCHEDULE OF RATES AND CHARGES".

7.04 New Service Locations

- a. Applicants for water service at a new service location, for the purpose of supplying water to more than one (1) residential unit, or for commercial or industrial purposes shall make a written service application to the Water Department, and shall pay the service connection fee set forth in the "SCHEDULE OF RATES AND CHARGES". The applicant shall include drawings of the proposed service which show in detail all service locations, piping appliances, manufacturing processes and/or machines that are to be connected to the water service, including boilers, (both high and low pressure). No pumps shall be directly connected to the water service.
- b. All construction piping shall be built to the specifications of the District, and if applicable, the Vermont Department of Environmental Conservation – Drinking Water and Groundwater Protection Division, Vermont Health Department, Vermont Department of Water Resources, Environmental Protection Agency and any other State or Federal agencies having jurisdiction of same. Written approval of the plans by all applicable agencies shall accompany the application for service. The Water Department's Engineer may review such designs as directed by the Board of Water Commissioners.
- c. Water distribution, service piping, hydrants, and other appurtenances constructed as part of a development or subdivision project must meet the specifications in Section 7.04, paragraph., and will, after installation and testing and approval by the Water Department, become part of the Town's system from the date of acceptance and thereafter.
- d. Applicants for new service connections shall pay the entire cost of design and construction of water main and appurtenant extensions of the water system, regardless of whether such construction or extension is ultimately accepted by the Water Department after installation.

8.00 SPRINKLER SYSTEMS

8.01 Application for new sprinkler systems be subject to all provisions and specifications that the Water Department may require.

- a. The applicant must furnish the Water Department with a complete set of drawings which show the location of the premises to be sprinkled and the proposed location of valves, pipes, hydrants, tanks, sprinkler heads, and other appurtenances. These plans will remain as the property of the Town. The applicant must also furnish drawings of any later revisions to piping or appurtenances when they are made. The applicant must also furnish estimated flow requirements.

- b. The district may decline to supply service, in whole or in part, to any sprinkler system if, in the determination of the Board of Water Commissioners the system would place undue demands upon any portion of the Town's water system.
- 8.02 All fire services shall be subject to periodic inspections by the Water Department. The Owners of such systems will give the Water Department inspectors all reasonable assistance in making the inspection and will give all required information about the system. Inspections will be made with a little inconvenience to the Owner as possible.
- 8.03 When water supplied for fire protection purposes is found to be used for other than fire protection purposes, the water will be shut off by the Water Department until the offenders give reasonable assurance to the Water Department that the offense will not be repeated.

9.00 CONSTRUCTION SPECIFICATIONS

- 9.01 The Water Department shall utilize construction specifications and standards as they deem to be in the best interest of the water system.
- 9.02 The construction specifications and standards applicable to the Water Department will include rules, regulations and requirements as specified by:
- a. Vermont Department of Environmental Conservation, Drinking Water and Groundwater Protection Division
 - b. Vermont Department of Water Resources
 - c. Environmental Protection Agency
 - d. American Water Works Association (AWWA) (most recent specifications and standards)
 - e. The Water Department's Engineer
 - f. Applicable standards of the American Society for Testing and Materials (ASTM)
 - g. Applicable standards of the National Sanitation Foundation (NSF)
 - f. Any other State or Federal agencies having jurisdiction.
- 9.03 Any materials and equipment used will meet the most recent AWWA specifications and will be compatible with materials and equipment presently utilized in the water system.

10.00 RESPONSIBILITIES AND LIABILITIES

- 10.01 The Town shall not be liable for any damage caused by, but not limited to, interruption of service for repairs, necessary operations, and/or additions or improvements to the water system.
- 10.02 The Water Department shall not be required to provide notice of interruption. Notice of interruption may be provided as a courtesy only except as noted in Paragraph 10.03 below.
- 10.03 Users shall be notified in writing of interruption of service by "Disconnections" as provided by the provisions of this Ordinance. (APPENDIX NO. 1)

- 10.04 No person shall be entitled to damages, nor to have any portion of a payment refunded for any stoppage occasioned by accident to any portion of the water works, or for non-use occasioned by absence or any other reason.
- 10.05 The Town shall assume no responsibility for any damage to any apparatus in any house or building to due interruption of service. Property owners should install range boilers, hot water tanks, and all other equipment connected with the water supply system in such manner that damage will not occur in the event of interruption of service.
- 10.06 The Water Department will endeavor to provide water to the User(s) of high quality and of adequate pressure and quantity. The Town does not express or imply any guarantees of, but not limited to, pressure, continuous supply, purity or potability of the water.
- 10.07 The Water Department will comply with State regulations with regard to testing, monitoring, and reporting of the water system.
- 10.08 The Water Department shall, at no time, jeopardize its current customers by authorizing more new water services than it can supply, nor may existing agricultural or commercial users increase their water use through the expansion of their business. The Board of Water Commissioners may terminate the service on 30 days' notice of any agricultural or commercial user who increases their water usage without the prior approval of the committee. The Town shall be under no obligation to commit to any development any portion of its capacity, but may allocate its capacity amongst various areas of the district as the Board of Water Commissioners deems most appropriate.
- 10.09 Boundaries of areas served by the Water Department shall be defined by the Board of Water Commissioners and the furnishing of water outside of the boundaries of Franklin Water Service Area shall be at the discretion of the Board of Water Commissioners.
- 10.10 Users are responsible for any cost incurred to address problems resulting from any changes in conditions caused by the User. If the User removes earth or other insulating cover material by the User from over a water service line, resulting in freeze-up, the User shall bear any and all cost of making any subsequent necessary modifications to the service line to address the freeze-up and any associated leak.

11.00 VALIDITY

- 11.01 All Ordinance or parts of ordinances in conflict herewith are hereby repealed.
- 11.02 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not effect the validity of any other part(s) of the Ordinance which can be given effect without such invalid part, or parts.

12.00 CONFLICT

- 12.01 If any provision(s) of this Ordinance is (are) found to be in conflict with any provisions of any zoning, Building, Safety or Health, or other Ordinance or code of the Water Department, Town or State of Vermont existing on or subsequent to the effective date of this Ordinance, that provision which, in the judgement of the Town, establishes the higher standard of safety and health shall prevail; and that provision or ordinance which sets the lower standard is hereby declared to be invalid to the extent that it is found to be in conflict with the provision or ordinance which sets the higher standard and is being repealed.

13.00 PENALTIES

- 13.01 Any violation of the foregoing shall, pursuant to 24 V.S.A., Section 1974 (a), constitute a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment not-to-exceed one (1) year. Each week the violation continues shall constitute a separate offense. In addition, the Water Department, pursuant 24 V.S.A., section 1974 (b), may seek injunctive relief, without affecting criminal prosecution brought pursuant to the foregoing sentence. This Town reserves the right to institute any action for damages and declaratory relief, whenever it deems such action to be appropriate. In any action for damages or injunctive relief against a User in which the Town obtains judgement, the User shall pay the Town's court costs and attorney's fees, and such amount shall be added to any such judgment.

14.00 AMENDMENTS

- 14.01 The Franklin Water Department, acting by and through its Board of Water Commissioners or, in appropriate cases, acting by and through its authorized peers, in their judgement, to be necessary, appropriate, and/or in the best interest of the water system and/or the Town.
- 14.02 Amendments will be added to the rear of this Ordinance on separate attached pages , as they are enacted.


15.00 ORDINANCE IN EFFECT


15.01 This ordinance shall be in force and effect sixty (60) days from the date of enactment by the Board of Water Commissioners for the Franklin Water Department.

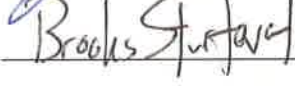
Duly and enacted and ordained this 8th day of May, 2017, by the Board of Water Commissioners of the Franklin Water Department, Town of Franklin, County of Franklin, State of Vermont at a duly called and duly held meeting of said Board of Water Commissioners.

FRANKLIN WATER DEPARTMENT
BOARD OF WATER COMMISSIONERS

BY:








WITNESS TO SIGNATURES:

FRANKLIN WATER DEPARTMENT
UNIT SYSTEM

Single Family Residence	1 unit
Apartment with (1) bedroom	.5 units
Apartment with (2) or more bedrooms	.8 units
Farm with less than 25 head	1 unit plus residence
Farm with more than 25 head	2 units plus residence
Farm with more than 75 head	3 units plus residence
Commercial	.5 to 1 unit
School	3 units

(There will be a minimum charge of (1) unit per hookup.)

FRANKLIN WATER DEPARTMENT
SCHEDULE OF RATES AND CHARGES

I. CONNECTION FEES: Connection means each connection and sub connection to the Franklin Fire District #1 water service.

1.	Water Connection Fees- Residential	
a.	Single unit- not part of a subdivision	\$500.00 + meter cost
b.	Single unit- part of a subdivision	\$250.00 + meter cost
c.	Subdivision connection to existing line	\$800.00
2.	Water Connection Fees- Commercial and Industrial	
a.	Single Unit- not part of a subdivision	\$800.00 + meter cost
b.	Single unit- part of a subdivision	\$400.00 + meter cost
c.	Subdivision connection to existing line	\$800.00

II. OTHER CHARGES:

1.	Fire Hydrant Damage, minimum fee	\$150.00
2.	Meter reinstallation	\$25.00
3.	Initial Charge- new customers, name change	\$25.00
4.	Service reconnection- regular time	\$25.00/hour
	Overtime	\$37.50/hour
		(Minimum of \$50.00)
5.	Delinquency collection trip-regardless of number	\$25.00
6.	Bad check fee	\$15.00
7.	Engineering Services	variable
8.	Water Shutoff charge	\$50.00
9.	Late Payment Fee	\$15.00

III. WATER CONSUMPTION RATES:

The rate for one unit per year is \$300.00, effective July 1, 2016; billed semi-annually as \$150.00 per 6-month billing period.

AMENDMENT NO. 1

This Ordinance as amended shall be in force and effect ten (10) days from date of enactment, amend this _____ day of _____, 19____ by the Board of Water Commissioners of the Franklin Water Department, Town of Franklin, County of Franklin, State of Vermont at a duly called and duly held meeting of said Board of Water Commissioners.

FRANKLIN WATER DEPARTMENT
BOARD OF WATER COMMISSIONERS

BY: _____

WITNESS TO SIGNATURES:

