

**RULES AND REGULATIONS**  
**COGSWELL SPRING WATER WORKS**  
**HENNIKER, NEW HAMPSHIRE**

Approved  
Date: 1-23-90

## GENERAL INFORMATION

### I. Statement of Objectives

- A. To secure water, which is unpolluted and free at all times from objectionable tastes and odors, and in all respects suitable for drinking and other domestic purposes.
- B. To secure an ample supply for all reasonable requirements for a considerable time in the future, with an opportunity for additional development at a small expense.
- C. To furnish a large volume of water under a high pressure for fighting fires.

### II. Purpose of Rules and Regulations

- A. To establish water rents by which the cost of the construction and continued operation of the water system may be equitably borne.
- B. To regulate the construction, use, repair, alteration and discontinuance of the water system.
- C. To protect and control the existing sources of water and any future sources of water as they may become available.
- D. To protect the health and welfare of the people who may be users of the water supply.

### III. Definitions

- A. *Person*: shall mean any individual, firm, company, association, society, corporation or group.
- B. *Owner*: shall mean any person in title or having any interest in real property served directly or indirectly by the water system.
- C. *Water Commissioners*: shall mean any duly elected commissioners of the Cogswell Spring Water Works.
- D. *Representative*: shall mean the person or persons duly authorized by the water commissioners to perform any duties, such as but not limited to, inspections and approval of service connections, repair and maintenance of pumps, wells or other appurtenances of the water system, bill collecting, water shut-offs or turn-ons.
- E. *Main Pipe*: shall mean the supply pipe from which service connections are made to supply water to customers.
- F. *Service Pipe*: shall mean the pipe running from the main pipe to the premises of the owner.
- G. *Shall*: is mandatory.

- H. *May*: is permissive.
- I. *Internal Plumbing*: any pipe or fixture that may be installed or connected to the service pipe of the owner's premises.
- J. *Water Works*: Cogswell Spring Water Works of the Town of Henniker, and the water supply system and appurtenances.
- K. *Backflow Prevention Device*: means a device or means to prevent backflow.
- L. *Backflow*: means the flow of water other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources other than the intended source.

### **SERVICE PIPES**

- I. Service pipes shall be introduced into the premises of all persons who have, in the judgment of the water commissioners, completed all necessary applications, received all necessary approvals, and paid all fees or monies that the water commissioners may deem appropriate.
- II. The service pipe from the main to the curb stop at the property line of the premises shall be owned and maintained by the Water Works.
- III. The service pipe from the curb stop to the building shall be installed, owned and maintained by the owner according to the rules and regulations as set by the water commissioners.
- IV. No new service pipes shall be installed between November first (1st) and April first (1st) without the written approval of the water commissioners.
- V. All material used for the installation of any service pipe shall be only that which has been approved by the water commissioners.
- VI. All trenches shall be back-filled only with the type of material approved by the water commissioners.
- VII. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public water works or appurtenances thereof. Such person may be liable for prosecution to the full extent of the law and for any damages that may result.
- VIII. All service pipes shall be buried a minimum of five (5) feet deep.
- IX. All new service pipes shall have a properly installed, approved and inspected backflow prevention device, the cost of which shall be borne by the owner.
- X. All existing service pipes shall have a properly installed, approved and inspected backflow prevention device, the cost of which shall be borne by the owner.
- XI. The water commissioners may, if in their judgment deem appropriate, require the

installation of a water meter for any and all service pipes. The cost of the meter installation shall be borne by the owner. Upon installation of the meter or meters, they shall become the property of the Water Works.

- XII. All gates, valves, shut-offs, standpipes, meters and appurtenances are the property of the Water Works and shall not be tampered with by any person other than an authorized representative of the Water Works. Violators may be prosecuted to the full extent of the law.
- XIII. The Water Works may be indemnified for any loss or damage to the Water Works or appurtenances thereof, by the person or owner who, in the judgment of the water commissioners, are responsible for such loss or damage.
- XIV. A specification sheet for the installation of water service pipes (that will include as a minimum, the type of pipe and its corresponding specifications, the type of fittings and their corresponding specifications, and any detail drawings that may be useful in explaining the proper installation of service pipes) and any other information that the water commissioners may deem appropriate, shall be available to contractors, developers and/or any other interested parties.

#### **LIABILITY FOR INTERRUPTED OR UNSATISFACTORY SERVICE**

- I. If, by reason of shortage of supply or for the purpose of making repairs, extensions or connections, or for any other reason beyond the control of the Water Works, it becomes necessary to shut off water, the Water Works shall not be responsible for any damage that may be caused by such shut-off. Notice of shut-off will be given when practical, but nothing in this rule shall be construed as requiring the giving of such notice. The Water Works shall not be responsible for damage caused by dirty water which may be occasioned by the cleaning of pipes, reservoirs, or the opening and closing of any gates or hydrants.

#### **POWERS AND AUTHORITY OF INSPECTORS AND EMPLOYEES**

- I. Duly authorized employees of the Water Works bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing, and any other necessary purposes that are appropriate. The employees shall be permitted to enter all properties through which the Water Works holds a duly negotiated easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### **WATER RENTS**

- I. The water rents shall be billed a minimum of bi-annually, and a maximum of monthly, as deemed appropriate by the water commissioners. All rents shall be due within thirty (30) days and finance charges and late fees shall be set annually by the water commissioners.

- II. The Water Works reserves the right to disconnect the water service within fifteen (15) days after mailing, or verbally giving a disconnect notice to the owner. Reconnection shall not be made until all previous charges and interest for water, plus any reconnection fee that the water commissioners deem appropriate, are paid.
- III. The owner may be liable for the entire amount of the water rent of each billing period if the water service has been on for any day or days of that billing period.
- IV. A turn-on and turn-off fee shall be set annually by the water commissioners.
- V. Owners of tenements or other water takers shall, in every instance, promptly notify the water commissioners when tenements are unoccupied or re-occupied, and also if water is in disuse, or if the use of fixtures has been resumed.
- VI. Water rents may be charged by the unit. A unit shall be three and one-half (3.5) people, a one-family home, each apartment or tenement, or it shall be set by the water commissioners, as they deem appropriate.

### **USE OF WATER**

- I. Owners shall promptly notify the water commissioners whenever there is a change in the use to which the water is to be applied.
- II. Each unit, unless metered, shall be allowed the use of only one (1) hose on outside sill cocks, and the watering of lawns, shrubs and gardens should be in the evening hours only.
- III. The water commissioners reserve the right to place any and all restrictions that they may deem appropriate or necessary.
- IV. Owners shall keep their water pipes and fixtures in good repair and protect them from frost to the curb stop. They shall be held liable for all damage resulting from their failure to do so.
- V. Owners shall prevent all unnecessary waste, and water shall not be left running to prevent freezing without the approval of the water commissioners.
- VI. The use of inside faucets for outside purposes, such as watering lawns, shall be prohibited.
- VII. No person shall, in any case, be allowed to open a fire hydrant except for the authorized representatives of the Water Works or the engineers of the fire department in cases of fire.
- VIII. The use of fire hydrants to fill swimming pools, or similar activities, may be allowed by the water commissioners, provided there is an adequate supply and compensation is provided for the use of the hydrant. This rule is subject to any other rules and regulations, written or verbal, that the water commissioners may impose.
- IX. Any person and/or persons causing damage to a fire hydrant shall be held liable for any

and all costs incurred for the repair or replacement of said hydrant. If damage is malicious the person and/or persons responsible may be prosecuted to the full extent of the law.

- X. No person shall place, or cause to be placed, any building, material, earth, snow, or other obstruction in the way of the free use of the hydrant by the fire department.
- XI. No person shall allow another person not a patron of the Water Works, to obtain a supply of water without a written permit from the water commissioners; the person so permitted shall be charged double the full rate, or at a rate set by the water commissioners, for a full term and longer if said person continues to furnish water contrary to this rule.
- XII. Backflow prevention devices shall be kept properly installed and repaired, the cost of which shall be borne by the owner.

### **INTERNAL PLUMBING**

- I. Owners shall use, or caused to be used, only materials and fixtures that are approved by the water commissioners.
- II. Upon notice by the water commissioners, whether written or verbal, the owner shall promptly repair, replace, remove, or add any materials and fixtures to the satisfaction of the water commissioners. Failure to do so may be cause for disconnection and/or any other penalties or action the water commissioners may deem appropriate.
- III. Owners shall install materials and fixtures according to the rules and regulations as set by the water commissioners.

### **MAIN PIPES**

- I. Main pipes shall be laid or extended only in highways, streets, roads, and right of ways which are laid out and in which grades have been established, and which are dedicated to the public use.
- II. Service mains from the main pipe to the shut-off at the property line of the premises shall be owned and maintained by the Water Works.
- III. Service mains from the shut-off at the property line to all areas of the owners property shall be installed, owned and maintained by the owner according to the rules and regulations, whether written or verbal, as set by the water commissioners.
- IV. The size and type of pipe shall be determined by the water commissioners in accordance with conditions surrounding the extension, including but not limited to, the possibility of future expansion for fire protection service.
- V. Main extensions shall be made only upon the condition that in the judgment of the water commissioners, all necessary applications and approvals have been completed, and any fees or monies have been paid, and any other requirements that the water

commissioners may deem appropriate have been completed.

- VI. The cost of any and all main extensions, including but not limited to, engineering costs and bonds, shall be borne by the owner who has properly applied for and received approval for such extension.
- VII. The water commissioners may make such changes and extensions, as they deem necessary for the best interest of the public, for fire protection, health, or improvement of the distribution system.
- VIII. No unauthorized person shall uncover, make any connection with or opening into, use alter, or disturb any public water works or appurtenances thereof.
- IX. The Water Works shall be indemnified for any loss or damage to the water works or appurtenances thereof by the responsible person or persons who, in the judgment of the water commissioners, are responsible for such loss or damage.
- X. A specification sheet for the installation of main pipes (that will include as a minimum, the type of pipe and its corresponding specifications, the type of fittings and their corresponding specifications, any detail drawings that may be useful in explaining the proper installation of main pipes) and any other information that the water commissioners may deem appropriate, shall be available to contractors, developers, and/or any other interested parties.

#### **APPLICATION FOR WATER**

- I. The owner and/or his agent shall make application on a special form furnished by the Cogswell Spring Water Works. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the water commissioners. An application fee shall be set by the water commissioners.
- II. Any plans, specifications, or other information that is submitted by the owner and/or his agent with the application, may be submitted to an engineering firm, or engineer of the water commissioners' choosing, to be reviewed and commented upon, the cost of which shall be borne by the owner.
- III. Upon initial approval by the water commissioners, the plans, specifications, and other information submitted by the owner and/or his agent shall be submitted to the State of New Hampshire, Department of Environmental Services, Water Supply and Pollution Control Division for review and approval.
- IV. Construction shall not begin until receipt of State of New Hampshire, Department of Environmental Services, Water Supply and Pollution Control Division approval; final approval of the water commissioners; receipt of any fees or monies; and any other requirements that the water commissioners may deem appropriate.
- V. Any final approval is subject to changes in the rules and regulations as set by the water

commissioners, or any other pertinent information that becomes known that would, in the opinion of the water commissioners, cause any adverse affect on the water system, or that may be in violation of any law or regulation. Any added expense that may occur from these changes shall be borne by the owner.

## **INTERPRETATION OF RULES AND REGULATIONS**

- I. In case of differing opinions concerning these rules and regulations the final interpretation shall be at the discretion of the Board of Water Commissioners, who shall take into account all aspects of the issue, but who will at all times render decisions that shall be in the best interest of the Town of Henniker and/or the Water Works.
- II. A verbal rule or regulation may be construed as having the same validity as a written rule or regulation provided it is consistent with the purpose of these regulations.

## **APPENDIX A**

### **HISTORY**

- I. At Town Meeting on March 10, 1914, it was voted to appoint a Water Supply Committee of five (5) members consisting of the Board of Selectmen and two other members to be elected at that time by ballot. This committee was to investigate the water conditions and facilities of the town with the view to providing for an adequate supply of water for domestic, fire, and other public purposes; said committee to have authority to employ engineers and other assistance, and to secure propositions for the sale of properties and rights to the town for such purposes, and to make a report with recommendations. The five-member committee consisted of E.N. Cogswell, Albert E. Choate, Edward Connolly, Harry L. Holmes and Harry W. Balch.
- II. The committee engaged William S. Johnson, of 101 Tremont Street, Boston, Massachusetts, as consulting expert engineer. The committee unanimously recommended and endorsed the plan outlined by Mr. Johnson.
- III. An agreement was made on April 29, 1914 with the stockholders of the Henniker Spring Water Company, whereby they would sell, transfer and convey to the Town of Henniker all shares of stock.
- IV.
  - A. At Adjourned Town Meeting held June 27, 1914, it was voted to accept the reports of the committee.
  - B. It was voted that the Town of Henniker, in pursuance of the provisions of Chapter 126 of the New Hampshire Laws of 1907, proceed to construct, manage, maintain and own suitable water works.
  - C. It was voted to accept the recommendations of the Water Supply Committee, for them to continue in office, to be authorized and directed to proceed to acquire property and rights needed for constructing and establishing a system of Water Works at an aggregate cost not exceeding \$50,000.

- D. Voted to accept the terms of the agreement of the stockholders of the Henniker Spring Water Company.
  - E. Was voted that the town borrow and hire on credit of the town a sum not exceeding \$50,000 to pay for the cost of constructing a system of public Water Works. These bonds to be called "Water Bonds".
- V.
- A. August 1, 1914, Town of Henniker bought out the stock of the Henniker Spring Water Company at a total cost of \$8,440.
  - B. August 6, 1914, bid for laying pipe, constructing reservoir, well and pumping station, was awarded to Suzi and Williams of #3 North Square, Boston, Massachusetts. The bid being for \$17,008.50.
  - C. December 19, 1914, demonstration of hydrant service was performed in front of the Henniker Inn (now the college administration building). As Morris Dowling was unable to accept invitation to turn on first stream, Henry A. Emerson performed the ceremony.
- VI. March 9, 1915, it was voted:

That upon completion of the water works in this town, that the management, control, and direction thereof be placed in a board of three water commissioners, to be chosen by ballot at this meeting, one for one year, one for two years, and one for three years, and their successors to be chosen one each year at annual town meeting, to serve for three years, and until their successors are elected and qualified; that said water commissioners be authorized to exercise all powers authorized by law which are necessary or convenient in their judgment in the discharge of their duties, and in particular to make contracts for supplying water; to establish and amend or modify rules, regulations and tolls for the use of water; to collect or cause to be collected all sums due for water service, and deposit same with the town treasurer, who is hereby authorized to pay out said funds on the order or warrant of said commissioners or a majority thereof, and without special appropriation to apply the funds so collected in paying the expenses of operation, including repairs and improvements to the water works, and the interest on bonded or other indebtedness incurred for such water works, and if deemed expedient in paying any surplus earnings on the principal of such indebtedness; to draw orders and warrants upon the town treasurer for said purposes; to expend any other funds which may be provided by authority of the town; to employ and discharge a superintendent, a clerk, and other agents and employees, and fix their compensation; and to organize, to carry on their business, and to report as required by law.

- VII. March 8, 1921, at annual town meeting it was voted to accept the gift of Leander A. Cogswell as follows:

To the Town of Henniker, in the County of Merrimack and State of New Hampshire:

I, Leander A. Cogswell, of said Henniker, as a tribute to the loving memory of my deceased parents, D. Warren Cogswell and Eliza L. Cogswell, and as a genuine regard for my native town, do hereby make and deliver to said Henniker this deed of gift upon the terms and conditions as hereinafter set forth. It would be a

pleasure to me if the town would erect a suitably inscribed tablet to perpetuate this memorial.

1. I hereby give to said Henniker the sum of Fifty Thousand Dollars (\$50,000), as evidenced by my accompanying check for that amount and payable to its order, but in trust, however, to be forever held, invested and reinvested by it through its legally constituted trustees and to be known as the D. Warren and Eliza L. Cogswell Memorial Fund.

2. I direct, and this direction shall be a continuing and an express condition of this gift, that the net annual income arising from the foregoing trust fund shall each year be expended by said trustees, through such proper agents, trustees or officers of said town as may be established by it to carry out the objects herein designated, for the purpose and in the proportions following: Seventy per cent (70%) thereof for the support, maintenance and benefit of the Henniker High School and all other grades of the public schools which are now or may hereafter be located in the Henniker High School building, so-called, in said Henniker, or which may be similarly located in any other building, in said Henniker, devoted to like purposes; provided, however, that the school board of the school district in which said schools are or may be located shall apply during the current year such amount of the school money, received by them from any source, for the support, maintenance and benefit of the public schools of said Henniker herein particularly described and alluded to, as they would by law be required to expend if the trust fund hereby created were not in existence; ten per cent (10%) thereof for shade and ornamental trees to be placed along highways or other public places, and for parks or commons, all to be located in said town and within a radius of one-half ( $\frac{1}{2}$ ) mile from what is now known as Procter Square.

3. I further direct, and this direction shall also be a continuing and express condition of this gift, that the expenditure by said trustees of the net annual income arising from said trust fund as hereinafter set forth shall not at any time be controlled, regulated, supervised, changed or modified by the State of New Hampshire, or by the State Board of Education, or by any other local or State Board, or by any other public officer or agent, or by any officer, agent or other representative of said State or said boards.

4. From time to time I direct said trustees, having the custody of said trust fund, to advance to said town so much of the principal of said Town of Henniker Water Bonds, heretofore issued by and now outstanding against it, to the extent of Fifty Thousand Dollars (\$50,000) as and when said bonds shall become due and payable. For the amount and at the time of each and every advancement, made by said trustees to said town for the purposes aforesaid, the Town of Henniker shall execute and deliver to said trustees its promissory note payable to the order of said trustees at such time as said town may decide; the interest to be paid on each of said notes shall from time to time be adjusted by said selectmen and trustees, so that the income therein shall at all times be reasonable as compared with the income which said trust fund might earn if invested in any other legal investments, but in no case shall the interest on any such note be less than four per cent (4%) per annum; said notes shall be signed by the selectmen of Henniker and countersigned by its treasurer. It is my wish that eventually the entire principal of the trust fund hereby created shall be thus permanently invested in the note of said Henniker and that its entire income shall be derived therefrom; it is also my

wish that said notes may run an indefinite period time, but the statute of limitations shall not apply to any of the same.

5. As a condition to the foregoing gift, the present water works system, as now or hereafter maintained in said Henniker, shall be henceforth and forever known as the "Cogswell Spring Water Works".

I hope that the foregoing offer may be accepted by the Town of Henniker.

Respectfully Submitted

Leander A. Cogswell

Dated January 10, 1920