

**KITTERY WATER DISTRICT  
BY-LAWS  
(Amended and Restated April, 20 2022)**

**ARTICLE I. GENERAL**

Section 1. The Kittery Water District (“District”) and its principal office shall be located within the confines of the District.

**ARTICLE II. MEETINGS**

Section 1. Regular meetings of the Board of Trustees (“Board”) shall be held within the confines of the District, upon such notice and at such time and at such place as determined by the Board.

Section 2. Special meetings of the Board may be held at any time. They shall be called by the Secretary or Clerk at the request of the President, or on the petition of five percent of the number of residential customers as of December 31 of the prior year, or at the written request of three Trustees, by written notice and addressed to each Trustee and be posted with postage prepaid in the office at Kittery not less than twenty-four hours before the time appointed for the meeting. When all the Trustees are present at a meeting and take part in the proceedings thereof, no notice shall be necessary.

**ARTICLE III. QUORUM**

Section 1. At any meeting of the Board, three Trustees shall constitute a quorum for the transaction of business; and all matters requiring the action of the Board shall be determined by a minimum of three like votes.

**ARTICLE IV. ELECTIONS**

Section 1. The election of Trustees shall be conducted in accord with Section 4 of the Kittery Water District Charter of 2021.

Section 2. Any person running for the office of Trustee of said District shall so state their intentions to be a candidate in writing on forms supplied by the District. Said forms are to be presented to the Board no later than 30 days before said election.

Section 3. At the first Board meeting subsequent to the annual election of trustees, the following officers shall be elected for a one-year term: President, Treasurer, Secretary or Clerk.

Section 4. If for any reason all of the aforesaid officers should not be chosen at the first meeting of the Board, any of them may be elected at any subsequent regular meeting.

Section 5. The Board shall appoint a Superintendent and the Superintendent shall hire such other employees as may be necessary to carry on the business of the District and define their duties as well as the duties of the Superintendent.

#### **ARTICLE V. VACANCIES**

Section 1. If a vacancy should occur in any of the offices of President, Treasurer, or Secretary or Clerk, the same may be filled for the remainder of the unexpired term by the Trustees at any regular meeting of the Board held thereafter.

Section 2. If a vacancy should occur in the office of Trustee, it shall be filled in accord with Section 4 of the Kittery Water District Charter of 2021.

#### **ARTICLE VI. DUTIES OF OFFICERS**

Section 1. The President shall preside at all meetings of the Board. The President shall call meetings of the Board when necessary.

Section 2. The Treasurer shall be the custodian of the financial documents of the District. The Treasurer shall sign all tax returns and review and present all monthly and annual financial reports.

Section 3. The Secretary or Clerk shall make a record of the proceedings of meetings of the Board. The Secretary or Clerk shall be the custodian of all records and the seal of the District. The Trustees shall be sworn to the faithful discharge of their duty.

Section 4. In the absence of the President at any meeting of the Board, a Chairman pro tempore shall be chosen to preside.

#### **ARTICLE VII. EMINENT DOMAIN**

Section 1. Authority to acquire and hold property, eminent domain. The District is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this Act.

The District is authorized and empowered to exercise the right of eminent domain in the Towns of Kittery, York and Eliot to acquire and hold for such purposes either by purchase or exercise of its right of eminent domain any land, real estate, easements or interests therein or water rights or interests therein for all of the purposes herein stated.

In exercising any rights of eminent domain that are conferred upon it, the District shall provide for a hearing to determine the necessity of such taking and the damages sustained by the owner of the land or interest in land to be taken. Notice of the time and place of such hearing shall be given by personal service upon the record owner or owners of the land or interest in land to be taken.

If such owner or owners cannot be served personally by due diligence, then such service shall be made by certified mail to the last known address and by publication in a newspaper of general circulation in the municipality in which such land is located once a week for two weeks prior to the time appointed for said hearing. The clerk of the District shall keep an accurate record of the proceedings and the determination and decision. If the Trustees of the District decide to acquire such land or interest in land, the clerk of the District shall file a notice in the registry of deeds stating that the land or interest in land shall be taken, which notice shall contain an adequate description of the property, the owners thereof, if known, and the amount of damages awarded, therefore. Upon the filing of said notice, the title to the land or interest in land shall vest in the District.

If any person sustaining damages by any taking as aforesaid shall not agree with the Trustees of the District upon the sum to be paid therefore, either party, within 45 days of the filing of such notice in the registry of deeds, upon petition to the Land Damage Board, may have said damages assessed by them. The expenses of the board in connection with any such determination shall be paid for by the District. The procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

#### **ARTICLE VIII. COMPENSATION**

Section 1. All employees of the District shall receive such compensation for the services as may be determined by the Board of Trustees. The Board of Trustees shall have power to remove any or all said officers or employees when the best interests of the District demand the same.

Section 2. The employees of the District shall be bonded, the expense of said bond to be borne by the District.

Section 3. The District shall provide employees the opportunity to participate in a retirement system. Trustees not eligible to participate in the retirement system shall be considered to be in a retired status upon leaving the District at age 59 ½ and with 5 years of service.

#### **ARTICLE IX. SEAL**

Section 1. The seal of the District shall be circular in form with the name of the District around the inside of the circle and the word and figures “Incorporated 1907” in the center.

## ARTICLE X. PUBLIC USE OF WATER DISTRICT PROPERTY

Section 1. It is the Policy of the Kittery Water District that the use of Kittery Water District Property by the Public is a privilege granted to the Public by the District. Public use of District Property is subject to the rules and regulations established by the District. District rules and regulations apply to all District Property, including the Public water supplies of Boulter Pond, Folly Pond, Middle Pond, Bell Marsh and their associated watersheds.

Section 2. The District shall establish rules and regulations for Public use of District Property. These rules are designed to protect the Public water supply quality, District property, and defend Public safety. To this end, and at the sole discretion of the District, any activities which the District deems in violation of the established rules or activities which could degrade District property, jeopardize Public safety, or affect the quality of Public water supplies is justification for the District to deny Public access to the Property.

Section 3. The District shall post at conspicuous property entry points Kittery Water District Rules and Regulations for Public Use of the Property. Also available at these locations are informational brochures to show trail systems, provide watershed information, and Water District points of contact. Routine Watershed Patrols will be conducted by uniformed personnel to assure adherence to District Rules and provide Public assistance and education. The Watershed Patrols will generate reports to document violations and record the general condition of the watershed.

Section 4. The following activities are not allowed on District Property: water contact activities including; swimming, wading, boating of any kind, and fishing; also prohibited is ice fishing, ice skating, ice boating, or the use of motorized vehicles on pond ice. The consumption of alcoholic beverages on District Property is prohibited as well as, after dark activities, tree cutting, burning, camp fires, camping, or any activity that would degrade the land or water supply. The use of motorized vehicles is by permit. The use of motorized “dirt bikes” or motorcycles is prohibited.

Section 5. Group activities are subject to the prior approval of the District.

Section 6. The following low impact activities are allowed; walking, jogging, picnicking, cross-country skiing, snowshoeing, nature observation and study, mountain biking on established trails, and low impact recreation activities that, at District’s sole discretion, have minimal impact on reservoir water quality or the health of the property. The use of established trails is encouraged. “Carry in, carry out” policy applies. Littering is not allowed.

Section 7. The Kittery Water District claims all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A et seq. as the same may be amended at any time and from time to time (The Maine

Recreational Use Statute) and any successor provisions thereof and any other applicable provision of law and equity.

**ARTICLE XI. AMENDMENTS**

Section 1. These By-Laws may be added to, altered or amended by a vote of at least three trustees at a legal meeting of the Board called for the purpose.

**Revised as voted 2/13/06:**

- Article I, Section 1: added to state the place of business.
  - Article I, Section 1 and throughout the document: replaced Kittery Water District and Water District with District for consistency.
  - Article II, Section 1: was formerly Annual meeting in March.
  - Article VI, Section 1: removed “President’s casting vote” as redundant, see Article III.
  - Article VI, Section 4 and throughout the document: changed to be gender neutral.
  - Article VI, Section 2: inserted to define the duties of the Treasurer.
  - Article VI, Section 4: changed to include all Trustees.
  - Article VII, Section 1: references to elected officers removed, considered redundant.
  - Article VII, Section 2: changed to include all employees shall be bonded.
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**Revised as voted 2/11/08:**

- Article VII, Section 3: added the retirement eligibility requirements for a Trustee
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**Revised as voted 2/18/09:**

- ARTICLE IX AMENDMENTS replaced with ARTICLE IX PUBLIC USE OF WATER DISTRICT PROPERTY.
  - ARTICLE IX AMENDMENTS was moved to ARTICLE X AMENDMENTS.
  - Added Page 5
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**Revised as voted 3/17/17:**

- Article II, Section 1: was formerly Annual meeting in February
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**Revised as voted 4/20/2022:**

- Major rewrite