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OF THE

STATE OF NEW YORK,

PASSED AT THE

ONE HUNDRED AND EIGHTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SIXTH, AND ENDED MAY FIFTEENTH, 1885,
AT THE CITY OF ALBANY.



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ALBANY:

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1885.

Chap. 306.

AN ACT relating to the further supply of pure and wholesome water for the city of Albany and modifying and amending parts of chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four, entitled "An act in addition to and amendatory of the several acts relating to a supply of water in the city of Albany."

PASSED May 22, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Samuel Hand, Archibald McClure, Albert Vanderveer and Owen Golden are hereby constituted and appointed a special water commission of the city of Albany, and are directed to make due inquiry as to the available sources of supply of pure and wholesome water for the city of Albany, and if the present water supply of said city be in their judgment the best available supply for said city, then as to what, if any, method can be adopted for the improvement of the character of the water now used, or the purification thereof, and for such purposes they are authorized to employ competent engineers, experts and other assistants, and to incur such other expenses as may be proper in the premises, provided that the entire amount of money to be so expended shall not exceed the sum of ten thousand dollars. Any vacancy which may occur in said special water commission through death, resignation, or otherwise, shall be filled by the appointment of a successor by the remaining commissioners.

Special water commission, names, powers and duties of.

§ 2. Said special water commissioners shall, immediately after the taking effect of this act, meet and organize by the selection from their own number of a president and secretary, and shall, within six months from and after the time that this act shall take effect, make a report to the common council of the city of Albany of the results of their inquiries in the premises, which report shall be filed with the clerk of said common council. Said report shall explain as fully as practicable the plan proposed, and the estimated cost thereof, or shall state that said commissioners have no plan to propose. Said clerk shall, immediately upon the filing of such report with him, call a meeting of said common council for the consideration thereof; of which meeting at least five days' notice shall be given in the usual manner. If such report shall by resolution be approved by a majority of the members elected to said common council within one month after it shall be filed with the clerk of that body, then such resolution of the common council shall, before it takes effect and within five days after its passage be sent to and left at the office of the mayor of the city of Albany, duly certified by the clerk of the common council, of the time of which act on his part, said clerk shall make a record in a book kept by him for that purpose, and such clerk shall be guilty of a misdemeanor in case he willfully neglects for a period longer than during such five days to deliver such resolution at the mayor's office. If the mayor approves of such resolution he shall sign it and it shall take effect immediately, and it shall then be the duty of the special water commission to cause to be made full and exact plans and specifications of the work in and

Organizations and officers and report.

Meeting of common council to consider report; action to be taken thereon, etc.

by said report recommended, and to advertise in the official city newspapers and such other newspapers and in such other manner as to said special water commission shall seem proper for at least three weeks for proposals for the doing thereof, and in such advertisement to state a definite time and place at which bids will be received, at which time and place said special water commission shall meet and publicly receive and open such bids and state the contents thereof. If the mayor does not approve of such resolution he shall return it with his objections, and file it together with such objections, with the clerk of the common council within ten days after it was delivered at his office. The said clerk shall at the time fixed for the next regular meeting, and in the room where such meetings are authorized to be held, if there be a meeting of the common council at such time, read aloud said veto or objections and enter the same at length upon the journal of the board; and if there be no such meeting then the clerk shall at such time and place announce the fact of such veto and enter the same upon the journal of the board and within three days after said objections are so entered, or such announcement made, shall cause such objections or veto to be published one time in the corporation newspapers. Unless three-fourths of all the members elected to the common council shall at the time designated for the first regular meeting after its publication (at which a meeting shall be held) vote to pass said resolution notwithstanding the objections of the mayor, it shall not take effect; if said three-fourths shall so vote therefor, it shall take effect as if signed by the mayor. In every case the vote shall be taken by ayes and noes and be entered on the journal, and if such resolution shall not be returned by the mayor within ten days after it has been delivered at his office as hereinbefore provided for, it shall take effect in like manner as if he had signed it; provided however, that if the mayor or the clerk of the common council shall within such ten days certify in writing to that board that owing to the sickness or absence from the city of the mayor he has been unable duly to consider such resolution, then the time within which such resolution may be vetoed by the mayor shall be extended for ten days more.

Vote to be taken by ayes and noes, etc.

Commission may accept bids and enter into contract. Cost limited to \$1,200,000.

Contractors to give bonds. Superintendent and assistants.

Said special water commission may accept any bid or bids then made and enter into proper contract or contracts with such bidders for the doing of the work, or may again advertise for new bids and enter into contracts under such new bids; provided, however, that no contract shall be made for the whole or any part of any work the cost of the entire and complete performance and execution of which, including all incidental damages and liabilities connected therewith, shall exceed one million and two hundred thousand dollars. Such bonds shall be required of the contractors for such work as in the judgment of said special water commission shall be proper. Said special water commission is authorized to employ a proper person to superintend the said work and such assistants as may in its judgment be necessary, and to make any other expenditures necessary and proper in the supervision and prosecution thereof. And said works when fully completed shall be surrendered and possession thereof shall be given to the board of water commissioners of said city, who shall thereafter have the same jurisdiction and control over the same as over the present existing water-works of said city.

Expenses, how to be paid.

§ 3. All expenses incurred under the provisions of this act shall be paid by the chamberlain of the city of Albany upon the presentation of the bills therefor accompanied by the warrant of the special water commission stating the name of the claimant and the amount of the

claim, and directing the payment thereof, which warrant shall be signed by the secretary of the commission, and when it shall direct the payment of more than two hundred and fifty dollars, shall be also countersigned by the president thereof. The money required to meet and pay said warrants shall to the extent of the expenditure for the inquiry and investigation to be made as to a new available water supply, or the improvement or purification of the present supply of said city, be paid out of the moneys in the chamberlain's hands collected from city water-rates; the money to be paid for the erection or building of any new work or works intended to improve the character of or purify the present water supply shall be provided by the issuing of bonds of the city of Albany, in the manner and form hereinafter more particularly described and provided for, which bonds shall be issued under requisitions upon the common council of said city to be signed by the members of the said special water commission, or a majority thereof, and it shall be the duty of the said common council, whenever such requisition shall from time to time be made upon it under the provisions of this act, to cause the said bonds to be issued, provided that the total amount thereof shall not exceed the sum of one million and two hundred thousand dollars.

Bonds to issue to provide means for erection of new works.

§ 4. All questions and matters arising before such special water commission shall be decided by the majority of the members thereof, except that the report to the common council above mentioned shall not be made or acted upon in any manner by said common council, or be deemed or considered a report under the provisions or within the meaning and intent of this act, unless the same shall be signed and approved by at least three-fourths of the said special water commissioners. Written minutes shall be kept of the proceedings taken and action had at the meetings of said special water commission, and the votes upon all questions involving or directing an expenditure of money shall be taken by ayes and noes, which shall be entered, with the names of those voting, in said minutes, and shall not be valid unless so taken.

Majority to decide.

Three-fourths to sign report. Written minutes to be kept.

§ 5. Except as hereinafter provided the board of water commissioners of the city of Albany are forbidden to take any proceedings under, or to take any steps to carry into effect the provisions of an act entitled "An act in addition to and amendatory of the several acts relating to a supply of water in the city of Albany," passed May twelve, eighteen hundred and eighty-four, and known as chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four. The special water commission hereby created may at any time within the limitations of this act, make a partial report with recommendations. Upon such report and upon its approval by the common council, and by the mayor of the city of Albany, such action may be taken by the present water commissioners of the city of Albany, either as provided for and authorized by this act, or by chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four, the title of which chapter is mentioned in this section, in conformity with such partial report and recommendations of said special water commission, but not otherwise.

Board of water commissioners not to take action under law referred to.

Partial report and action thereon.

§ 6. If no report shall be made to said common council within said six months by said special water commission, or if the report made shall not recommend any new or different source of supply of water for the city of Albany, or shall recommend a method of improving the character of or purifying the present water supply of said city, or if any report shall not be approved by the common council and mayor as above stated, then

Within what time report to be made.

When board of water commissioners may proceed under act referred to, etc.

the said board of water commissioners of said city shall proceed to carry out the provisions of said chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four; provided, however, that the requisition for the issue of bonds heretofore made upon the common council by the board of water commissioners under said act, chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four, shall be of no validity or effect, but said board of water commissioners, subject to the stay and suspension of action on its part imposed by the preceding provisions of this act, is authorized and empowered to hereafter make from time to time requisitions upon the common council of the city of Albany for the issue of the bonds specified in said act of eighteen hundred and eighty-four, or of so many of them as may from time to time be required to raise money to make such payments as may be necessary and proper under said act of eighteen hundred and eighty-four, and the common council shall from time to time cause the bonds for which such requisitions shall be made to be issued.

Rate of interest, sale of lands, etc.

§ 7. All loans contracted or made by the issuing of bonds under the provisions of this act, or under the said act chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four, shall bear interest at the rate of four per cent per annum, payable semi-annually, and be sold, after ten days' public notice in the city newspapers of the time and place of sale thereof, for not less than par. They shall be so made payable that five per cent of the principal of the entire loan shall be and become due in continuous annual payments, the first of which payment shall become due on the first day of February after the issuing of the first requisition. The bonds issued under the first requisition shall be those first to fall due, and in like manner under each subsequent requisition.

Water rates.

It shall be the duty of the board of water commissioners of the city of Albany to so fix and regulate the charges for water therein as to collect sufficient money to meet and pay at maturity the bonds issued under the provisions of this act or the said act of eighteen hundred and eighty-four, in addition to the amount which it shall be necessary to raise to pay any bonds falling due of the existing water debt. The scale of water-rates established by said board of water commissioners shall be general and uniform, and shall be annually reported in detail in the report of said board to the common council, which said report shall also contain a full statement of all moneys collected by water-rates, whether general or special, and of the disposition thereof, and a balance sheet showing the receipts and disbursements of the funds, and the present condition thereof, the account of the sinking fund, the receipts and disbursements thereof, and in detail the investments or cash, if any, held therefor.

Title to lands to be acquired.

§ 8. If it shall, in the judgment of the special water commission, become necessary, for the purpose of carrying out the provisions of this act, to acquire the title to any land or to condemn or pay for any rights, easements or other property, and the special water commission shall not be able to agree with the owners thereof as to the compensation to be paid therefor, or such owners shall be unknown, the said special water commission shall have the right to acquire the title to, and the use of the same by proceedings conducted in the name of the city of Albany, under and pursuant to the provisions of the act entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof. All property acquired or taken

under the provisions of this act shall be taken and acquired in the name of the city of Albany and shall be owned by said city of Albany.

§ 9. Said board of water commissioners is hereby directed to purchase duplicate parts of such portions of the present pumping engines as are most liable to accident or injury.

Duplicate parts of pumping engines to be purchased.

§ 10. This act shall take effect immediately.

Chap. 307.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers."

PASSED May 22, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," is hereby amended by adding at the end thereof as an additional section the following:

§ 34. The common council of the city of Yonkers shall issue, as required by the board of water commissioners of the city of Yonkers, the bonds of said city, to be known as water bonds, for the sum of twenty-five thousand dollars, which shall bear interest not exceeding four per cent per annum, payable semi-annually on the first days of April and October in each year. Said bonds shall be in addition to all other bonds authorized to be issued and shall be payable on the first day of April, nineteen hundred and sixteen, and shall be signed by the mayor and city clerk of the city of Yonkers, and a record thereof shall be kept in the city clerk's office of said city. The bonds so issued shall be delivered to the said board of water commissioners, and sold at not less than their par or nominal value; and the proceeds thereof shall be used solely for the purpose of improving the works and the extending of the water mains, and distributing pipe. Said bonds shall not be negotiable until countersigned by the president of the water board. The said common council shall levy, assess and cause to be collected by tax, upon the taxable property within the city of Yonkers, the amount necessary to pay the principal of said bonds at time of maturity. The sum required for the payment of interest on said bonds shall, whenever necessary, be raised by the said common council by tax upon the taxable property within said city, in the manner provided in the seventy-eighth section of this act.

Common council to issue water bonds; amount of, rate of interest, etc.

Tax authorized.

§ 2. This act shall take effect immediately.