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OF THE

STATE OF NEW YORK.

VOL. I,

PASSED AT THE

ONE HUNDRED AND FIFTEENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FIFTH, 1892, AND ENDED APRIL TWENTY-FIRST, 1892,
IN THE CITY OF ALBANY; AND AT AN EXTRAORDINARY SES-
SION, BEGUN ON APRIL TWENTY-FIFTH, 1892 AND
ENDED ON APRIL TWENTY-SIXTH, 1892.



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CHAP. 304.

AN ACT to provide for the appointment of a board of water commissioners for the city of Albany.

APPROVED by the Governor April 14, 1893. Passed, three-fifths being present.

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

Appoint-
ment of
board of
water
commis-
sioners.

SECTION 1. The mayor of the city of Albany shall by a designation in writing, to be filed with the clerk of the common council of said city, appoint within thirty days from and after the passage of this act, seven citizens, residents of Albany, who shall constitute the "board of water commissioners of the city of Albany," who shall serve without compensation and shall have and exercise all the powers which are now or heretofore have been possessed or exercised by the board heretofore known as the "water commissioners of the city of Albany."

Organiza-
tion.

Said board of water commissioners of the city of Albany shall meet when notified of their appointment, at a time and place to be designated by the mayor and shall elect from their own number a president of said board. They shall also elect a superintendent who shall not be

Superin-
tendent.

a commissioner, and who shall also act as secretary of said board, who shall hold his office during the pleasure of such board and shall receive a salary to be fixed by said board not to exceed however, the sum of three thousand dollars per annum, and who shall under the supervision and direction of said board devote his whole time and services to the care, construction and management of the water-works of said city, and perform the executive duties involved in the furnishing, maintenance and care of the water supply thereof. Said superintendent is hereby authorized and empowered to employ such clerical assistance as he may require in the discharge of the duties of his said office at an expenditure not to exceed twenty-five hundred dollars, to be paid by the chamberlain of said city out of moneys in his custody accruing from the water rates imposed by said board. Said board is also hereby authorized to employ such additional assistance as shall be necessary in its judgment to maintain the water-works under its charge for the purpose of furnishing such water supply.

Clerical
assistance.

Additional
assistance.

Terms of
office of
members
of board.

§ 2. The respective terms of office of the members of the board of water commissioners so appointed as aforesaid, shall be as follows: One commissioner to hold office until the first day of May, eighteen hundred and ninety-three; one commissioner to hold office until the first day of May, eighteen hundred and ninety-four; one commissioner to hold office until the first day of May, eighteen hundred and ninety-five; one commissioner to hold office until the first day of May, eighteen hundred and ninety-six; one commissioner to hold office until the first day of May, eighteen hundred and ninety-seven; one commissioner to hold office until the first day of May, eighteen hundred and ninety-eight, and one commissioner to hold office until the first day of May, eighteen hundred and ninety-nine. On the first day of May, eighteen hundred and ninety-three, or within ten days thereafter, and on the first day of May or within ten days thereafter in each succeeding year, the mayor shall appoint one citizen of the city of Albany to be a member of said board of water commissioners of the city of Albany, to take the place of the commissioner whose term shall expire as hereinbefore provided, and such appointee shall hold office for a period of

Annual ap-
pointment
of com-
missioner.

seven years and until his successor shall be appointed. Any vacancy which may occur in said board of water commissioners through death, resignation, removal from the city or otherwise, shall be filled by the appointment of a successor for the unexpired term of such member, by the mayor, in the same manner as the original appointment heretofore provided. The term of office of the present water commissioners of the city of Albany and the special water commission of the city of Albany shall end, and their official functions cease, and such board and commission shall be abolished immediately after the appointment of the said board of water commissioners of the city of Albany as aforesaid

Vacancies.

Term of present board and special commission.

§ 3. Immediately upon the organization of the board of water commissioners appointed under the first section of this act, the powers now or heretofore possessed by the said water commissioners of the city of Albany and the special water commission of the city of Albany, shall vest in and shall thereafter be exercised by the board of water commissioners of the city of Albany created by the first section of this act; and all maps, records and other property, both real and personal, belonging to the city of Albany that may be now in the possession or custody or under the control or management of either the said water commissioners of the city of Albany or said special water commission of the city of Albany, or any of the officers or employes thereof, shall be immediately after said organization as aforesaid has been affected,* transferred to and be regarded as in the possession, control and management of the board of water commissioners of the city of Albany, hereby and hereinbefore created.

Powers vested in board.

Transfer of records and property to board.

§ 4. It shall be the duty of the said board of water commissioners of the city of Albany to examine and consider all matters relating to the improvement of the quality and quantity of the present water supply, and also if it deems it necessary so to do to the procuring of an additional supply of pure and wholesome water for said city. Said board shall from time to time adopt such plans as in its opinion may be most feasible for improving the supply of water now in use and procuring such additional supply of water, and shall ascertain the probable amount of money necessary to carry the same into effect and after so doing it shall make from time to time reports to the common council of said city which shall contain as fully as practicable the results of the investigations and inquiries of said board in the premises, a description in detail of any plan adopted or proposed by said board, and an estimate of the expense thereof, with the reasons for its adoption and detailed statements as far as practicable of said estimates of cost.

Improvement of water supply

Reports to council.

§ 5. If any report described in the last section shall be ratified by the said common council by a resolution duly adopted by a vote of two-thirds of all the members elected thereto, which resolution shall take effect only in the same manner as other resolutions of said common council and not otherwise, then it shall be lawful for said common council to raise by loan from time to time as the same may be required by the said board of water commissioners a sum not to exceed in the aggregate five hundred thousand dollars by the issuing of bonds under the provisions of this act; provided, however, that the requisition for the issue of bonds heretofore or that may hereafter be made upon the common council by the water commissioners of the city of Albany, under and by virtue of chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four shall be of no validity

Issue of bonds upon ratification of reports.

Requisitions for issue.

* So in the original.

Interest. or effect. All bonds hereafter issued under the provisions of this act as aforesaid shall bear interest at a rate to be fixed by the board of finance of the city of Albany, not exceeding, however, five per centum per annum, payable semi-annually and which said bonds shall be sold after ten days' public notice in the official newspapers of said city, stating the time and place of such sale, for not less than par. They shall be so made payable that five per centum of the principal of the entire loan shall be and become due in continuous annual payments, the first of which payments 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. It shall be the duty of the said 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, 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 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 the disposition thereof, and a balance sheet showing the receipts and disbursements of the funds and the present condition thereof; an account of the sinking fund and receipts and disbursements thereof, and in detail the investments or cash, if any held therefor, but no report, which shall be submitted as hereinbefore provided to the common council, shall be acted upon by that body until after it shall have been referred to the committee of the board and a hearing shall be had before such committee of any person or persons desiring to be heard and no such report shall be finally acted upon by the common council, except in case of accident or emergency until at least two weeks shall have elapsed after said report shall have been submitted to that body. It shall be the duty of said board to take such action as may be practicable to prevent the waste of the city water by the consumers thereof and it or its duly authorized agents or servants shall have the power and authority to inspect the plumbing and manner of use of the city water in any building or place to which it shall be supplied from the city mains.

Bonds, when payable.

Regulation of rates to meet bonds.

Scale of water rates.

Annual report to council.

Prevention of waste of water.

Application of moneys raised.

Contracts for work and materials.

§ 6. All moneys authorized to be raised by virtue of this act as aforesaid shall be applied by the said board of water commissioners in the manner now provided by law for the purpose of improving the character of and purifying the present water supply, and procuring an additional supply of pure wholesome water for said city, in accordance with the recommendations of said board of water commissioners as contained in its said report and as approved and ratified by the common council by resolution as aforesaid, and if deemed necessary by said board of water commissioners for the extension and improvement of the water-works of said city, whenever such extension or improvement is ratified by the said common council, and approved of by the said mayor, and for no other purpose or purposes whatever.

§ 7. All work, labor and services necessary to be performed and all materials necessary to be furnished under the provisions of this act, including all ordinary extensions of the works and maintenance of the same as they now exist, involving an expenditure of more than two hundred and fifty dollars shall be performed and furnished under the direction of said board of water commissioners by contract, and in the

same manner as contracts are now let and awarded by the board of contract and apportionment of said city, according to law. All other expenses incurred under the provisions of this act, and including the expenses of maintenance of said water-works during the current year, shall be paid by the chamberlain of the city of Albany upon the presentation of the bills therefor, stating the name of the claimant and the amount and character of the claim, verified by the claimant in the same manner as is now required by law of persons who may present claims against any other board, commission or department of said city, and certified by the president and secretary of said board of water commissioners, as is now required by other city officers, boards, commissions and departments, which said bill shall be accompanied by the warrant of the board of water commissioners directing such payment. All payments to be made for the discharge and satisfaction of any and all such claims shall be made directly by the chamberlain of said city who shall also receive and disburse all moneys raised by loan or otherwise for the support and maintenance of the water-works and water supply of said city hereinbefore provided for. And for such purpose, in addition to the assistance now furnished by law to said chamberlain, in the discharge of the duties of his office he is hereby authorized to employ such additional clerical assistants as to him may seem necessary at an expense not to exceed the sum of fifteen hundred dollars per annum, to be paid out of any moneys in his custody credited to said board of water commissioners.

Expenses,
how paid.

Payments
by cham-
berlain.

Clerical
assistants
for cham-
berlain.

§ 8. Section four of chapter forty-three of the laws of eighteen hundred and sixty-eight, entitled "An act to provide for an additional supply of water in the city of Albany," as amended by chapter three hundred and twenty-eight of the laws of eighteen hundred and seventy-three, and as further amended by chapter one hundred and six of the laws of eighteen hundred and seventy-six; chapter two hundred and seventy-six of the laws of eighteen hundred and eighty-four, entitled "An act in addition and amendatory of the several acts relating to the supply of water in the city of Albany," and chapter twenty-one of the laws of eighteen hundred and eighty-seven, entitled "An act to amend chapter two hundred and thirty-five of the laws of eighteen hundred and fifty, entitled 'An act to provide for a supply of water in the city of Albany,'" are hereby repealed.

Acts re-
pealed.

§ 9. All acts or parts of acts inconsistant with any of the provisions of this act are hereby repealed.

§ 10. This act shall take effect immediately.

CHAP. 305.

AN ACT to provide for the repaving of Third avenue from the Harlem river to East One Hundred and Seventieth street, in the city of New York.

APPROVED by the Governor April 14, 1892. Passed, three-fifths being present.

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

SECTION 1. The board of estimate and apportionment in the city of New York is hereby authorized in their discretion to direct the repaving of Third avenue, from the Harlem river to East One Hundred and

Board of
estimate
may au-
thorize