

**LAWS**  
**OF THE**  
**STATE OF NEW YORK,**

**PASSED AT THE**

**ONE HUNDRED AND TWENTY-SEVENTH SESSION**

**OF THE**

**LEGISLATURE,**

**BEGUN JANUARY SIXTH, 1904, AND ENDED APRIL  
FIFTEENTH, 1904, IN THE CITY OF ALBANY.**

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**VOL. I.**

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**ALBANY:**  
**J. B. LYON COMPANY, PRINTERS.**  
**1904.**

dollars to be fixed by the board of police commissioners; the sergeant of police shall receive an annual salary of not less than nine hundred dollars and not exceeding one thousand dollars to be fixed by the board of police commissioners; each patrolman shall receive an annual salary of not less than eight hundred dollars and not exceeding nine hundred dollars to be fixed by the board of police commissioners. Each special policeman may receive compensation from the person, society or corporation requesting his appointment, but not from the city. The chief engineer, first assistant engineer and second assistant engineer of the fire department shall receive such compensation as shall be fixed by the board of fire commissioners, not exceeding a total compensation for all of such officers in any one year of nine hundred dollars; the supervisors, justices of the peace and constables, respectively, shall be entitled to the same compensation for their services as the corresponding officers of a town are entitled to receive for like services. The inspectors of election and such other officers as are authorized to be appointed by general laws, shall receive such compensation as is provided by general law, unless otherwise herein provided. No other appointive officer of the city shall be entitled to receive from said city any compensation for his services, unless otherwise provided by a general law.

§ 2. This act shall take effect immediately.

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## Chap. 187.

**AN ACT** to provide the city of Hudson with pure and wholesome water.

Accepted by the city.

Became a law April 4, 1904, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. A special commission of public works in and for the city of Hudson is hereby created. It shall consist of five members, each of whom shall be an elector and taxpayer within the city. They shall be appointed by the mayor as soon as this act shall take effect, by an appointment in writing which he shall

Special  
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file forthwith in the office of the city clerk; they shall qualify for the office in the manner now provided by law for commissioners of public works in said city; the mayor from time to time thereafter shall appoint the successor or successors of any who shall die, resign or remove from the city. If he shall appoint to such office of special commissioner of public works all or any of the persons who are commissioners of public works of the city of Hudson such appointment shall not be construed as a violation of section twenty-eight of chapter seven hundred and fifty-one of the laws of eighteen hundred and ninety-five, nor as affecting the tenure of either office.

§ 2. The special commission of public works shall have, possess and exercise the sole and exclusive power and duty of providing the city with an adequate supply of pure and wholesome water. For that purpose it may either remodel, extend and improve the existing water supply plant of the city, or establish a new system of water supply with all needful watersheds, dams, reservoirs, aqueducts, mains, pipes, conduits, hydrants, devices and appliances necessary and appropriate therefor. It shall not perform any other duty whatsoever.

Powers and duties of commission.

§ 3. It may contract for, purchase and acquire by deed or otherwise, for and in the name of the city of Hudson, all lands, waters, easements, property, tenements, hereditaments, rights, privileges and franchises, and all other real property, where-soever situated within the county of Columbia, necessary for the acquisition, construction, maintenance, control and operation of such water supply system, including the waters of streams, lakes, ponds, springs or fountains, the lands thereunder and the watersheds thereof, all lands necessary for storage or other reservoirs and the dams, masonry or embankments necessary therefor, the lands necessary for the transmission and flow of water to the city, and any and all riparian rights, together with all necessary personal property. It shall have the right to lay mains, pipes, and conduits under and through any lands, property or easements so acquired; to maintain hydrants and other appliances or structures thereon; to enter and reenter upon all or any of said lands, property or easements for the purpose of maintaining, repairing and replacing said mains, pipes, conduits, hydrants and other appliances; and to do in and upon said lands, property and easements so acquired all other acts and things necessary to

Water system, acquisition, construction and maintenance of, authority for.

carry out the objects and purposes of this act. It shall have the power to contract for the execution of said work or any part thereof, and for supplying any and all necessary materials therefor. The title to any and all property acquired or created pursuant to this act shall vest and be in the city of Hudson. The special commission of public works, its officers, agents and employees are authorized to enter upon any lands or waters for the purpose of making such surveys, examinations and investigations as shall be necessary for the faithful and efficient performance of the duties imposed by this act.

City authorized to acquire property under the condemnation law.

§ 4. If it shall be unable to acquire by purchase any property necessary for the acquisition, construction, maintenance, control and operation of the water supply system contemplated by this act it may acquire the same, for and in the name of the city of Hudson, under the provisions of the condemnation law of the state, by proceedings instituted and maintained in the name of city of Hudson.

Agreements with owners of property to be acquired.

§ 5. It may, if practicable, enter into agreements with the owner or owners of any property necessary to be acquired for the purposes of this act concerning the value of the same, its transfer and the extent of any damage legally recoverable by the owner or owners resulting from the taking of the same, to the end that the probable cost of the system may be accurately ascertained; but no such agreement shall be enforceable against any party thereto unless such property shall be actually taken and acquired by the city of Hudson for the purposes of this act. It shall, as soon as practicable, make a map and profile showing the proposed location of the conduit or pipe line or lines, and all lands, waters, inlets, reservoirs, stations and other structures to be used for or in connection with the system of water supply. Copies of this map and profile, duly certified under the hands of at least three of the members of the special commission of public works shall be filed in the office of the city clerk and in the office of the clerk of the county of Columbia. If at any time it shall change the plan shown upon such map and profile, an amended map and profile shall be made, duly certified and filed as aforesaid. It shall have power to employ and pay all necessary counsel, engineers, superintendents and laborers. It shall cause a plan with specifications of the proposed work to be prepared in duplicate, one of which duplicates it shall file forthwith in the

Change of plans.

office of the city clerk. It shall cause to be published in the official newspapers of the city, and in such other newspapers or publications as it may determine, a notice that the plan and specifications are filed in the office of the city clerk; that on a date which shall be named in said notice it will act in relation to the construction of said work, and that in the meantime sealed proposals for constructing the work will be received by the city clerk. It shall open the sealed proposals for the construction of the work. No proposal shall be considered which shall not be accompanied by a certified check, payable to the order of the special commission of public works, for at least five per centum of the amount bid, to belong to it by way of liquidated damages, in case said proposal shall be accepted and said bidder or bidders shall fail to enter into the contract for the construction of such work as hereinafter provided. It shall then determine which proposal is most favorable to the city, accept the same, or reject any or all proposals and readvertise for new proposals until proposals satisfactory to it are made and received, when it may determine which is the most favorable to the city and accept the same. The contract for the construction of said work shall be accompanied by a bond for its faithful performance on the part of said bidder or bidders, to be approved as to amount, form and sufficiency, by the special commission of public works, in such penalty and with such surety or sureties as it may require, except that such surety or sureties shall be a surety company or companies. No member of the special commission of public works shall be directly or indirectly interested in any contract authorized by this act.

Filing plans, publication of notice of.

Proposals for construction of work.

May reject bids and advertise for new proposals.

Members of commission not to be interested in contract.

§ 6. The cost of the work contemplated by this act shall in no event exceed the sum of two hundred and seventy thousand dollars.

§ 7. If, upon examination, it shall be ascertained that riparian rights necessary for the purposes of this act can be acquired or paid for by the erection of a dam or dams, and the establishment of a reservoir or reservoirs, in order to supply the owner or owners of the riparian rights so taken with water, at a less cost than such riparian rights can be otherwise acquired or paid for, then the special commission of public works may, in the name of and for the city of Hudson, construct such dam or dams, reservoir or reservoirs and acquire the lands and property necessary

Acquisition of riparian rights by erection of dams for owners of rights.

therefor and for flowage and storage in the manner hereinbefore provided. Such acquisition of property for the purposes mentioned in this section is a public purpose and part of the purposes of this act.

Control of system.

§ 8. The water supply system herein provided for shall, upon its completion, be properly and sufficiently connected with the existing distribution system in the city, and shall be under the custody, control and management of the commission of public works of the city.

City authorized to borrow money and issue bonds.

§ 9. The city of Hudson may borrow and expend the sum of two hundred and seventy thousand dollars, or so much thereof as may be necessary, for the purposes of this act. The special commission of public works shall from time to time make and present to the common council a statement in writing of the sums needed to carry out the provisions of this act and complete the contracts made pursuant thereto. It shall state the amount of such contracts, the persons with whom they have been made, and the amount of the compensation or damages agreed upon or awarded thereunder. Thereupon the city shall borrow the money called for, and the common council shall pass the necessary ordinance or resolution to that effect. To secure repayment to the lenders of the money the city shall issue its bonds, under the provisions of this act, which shall be signed by the mayor and countersigned by the city clerk. The corporate seal shall be attached thereto. These bonds shall be known as "water improvement bonds, act of nineteen hundred and four." They shall be of the denomination of one thousand dollars each, and payable at such times, not exceeding twenty years from the date of the issue thereof as the common council shall determine. They may be either registered or coupon bonds as the common council shall determine. They shall bear a rate of interest not exceeding four per centum per annum, payable annually. If it shall be necessary to issue a bond in the denomination of less than one thousand dollars, it may be so issued. The bonds shall be sold at public auction or by sealed bids, as the common council may direct, to the highest bidder, after ten days' public notice in the official newspapers of said city stating the time and place

Water improvement bonds, manner of issue of.

Moneys received from sale of bonds, disposition of.

of sale, at not less than par. All monies realized on the sale, including any premiums thereon, shall be paid to the city treasurer, and by him disbursed in payment of the expenses incurred

for the purposes of this act, including the expenses necessarily incurred and hereafter to be incurred by the commission of public works of the city of Hudson in preliminary investigation, surveys and work, and the award imposed in any proceeding taken for condemnation. These payments shall be made on the order or draft of the special commission of public works as ordered by a majority of its members, signed by the president thereof and at least one other member, and countersigned by the secretary. On the issuing of the said bonds, the common council shall, by appropriate resolution duly entered upon its minutes, provide for the creation of a sinking fund for their redemption by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity; and the sum or sums necessary for the creation and maintenance of said sinking fund shall be annually collected by tax upon the assessed real and personal property of the city of Hudson subject to taxation, and shall be caused by the common council to be included in the amount of taxes to be raised for city purposes in each and every year until the redemption of said bonds.

Sinking fund for redemption of bonds.

§ 10. The proceeds of the sale of said bonds when received by the city treasurer shall be credited by him to a special fund to be known as the water supply account, and kept separate and apart from all other funds or accounts. The city treasurer before the sale of any of the bonds, and upon their being advertised for sale, shall enter into a bond to the city of Hudson in a penal sum equal to the par value of the bonds advertised for sale, to be made and executed by him, with two or more sureties who shall, in the aggregate, justify in the amount of the bond, and conditioned for the safekeeping and due and full accounting for by him of the proceeds of the sale. The bond shall be approved as to form, amount, sufficiency of the sureties and manner of execution by a justice of the supreme court or by the county judge or surrogate of the county of Columbia. It shall thereupon be delivered to the president of the special commission of public works who shall file it with the city clerk. A like bond shall be so executed, approved, delivered and filed upon each occasion of the sale of any of the bonds.

Water supply account to be kept separate.

City treasurer to give bond.

President  
of special  
commission

§ 11. The special commission of public works shall upon its appointment organize, by the election of one of its members as president thereof, and the city clerk shall be its secretary. Its office shall be in the office of the city clerk.

Commission will  
cease to exist if  
work cannot be  
done for the amount  
prescribed  
in this act.

§ 12. In case it shall ascertain and determine that it will be unable to carry out the purposes of this act, within the limit of the sum of two hundred and seventy thousand dollars as hereinabove provided, it shall forthwith so notify the common council in writing, and the term of office of each and every special commissioner of public works shall thereupon expire, and the special commission of public works shall thereupon cease to exist; otherwise, the term of office of each special commissioner of public works then in office and of the duration of said special commission of public works shall expire and determine upon its filing with the city clerk a certificate, showing the completion of the work provided for in this act, and its acceptance by said special commission of public works, which shall file said certificate with the city clerk immediately upon the completion and acceptance of such work.

Special  
commissioners  
shall  
serve  
without  
compensation.

§ 13. The special commissioners of public works shall serve without compensation, but their personal expenses necessarily incurred in the performance of their duties as herein prescribed shall be repaid to them by the city of Hudson after having been presented, audited and allowed in the manner prescribed by law for the audit and allowance of claims and demands against the city.

§ 14. This act shall take effect immediately.