

Chap. 802.

AN ACT to amend chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," as amended by chapter two hundred and fifty-two of the laws of eighteen hundred and ninety-five.

Accepted by the city.

BECAME a law May 27, 1895, 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:

Charter amended.

Section 1. Section nine of title four of chapter six hundred and seventy-one of the laws of eighteen hundred and ninety-two, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," as amended by chapter two hundred and fifty-two of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

Chamberlain, appointment of.

§ 9. The common council, at its annual meeting held in the year eighteen hundred and ninety-five, or as soon thereafter as practicable, shall appoint a chamberlain for said city, who shall hold his office until the annual meeting in the year eighteen hundred and ninety-six, and until his successor is appointed and qualified, and said common council shall, at the annual meeting held in the year eighteen hundred and ninety-six, and at the annual meeting held in every second year thereafter, appoint a chamberlain for said city; and at its first annual meeting after each annual election, shall appoint the following officers for said city, to-wit: A clerk, an attorney, an engineer and surveyor, a superintendent of streets and public grounds, an overseer of the poor, a scaler of weights and measures, and a poundmaster. Failure on the part of the common council to appoint any of the foregoing officers mentioned in this action, at the time or times specially prescribed therefor, shall not render invalid the appointment of any such officer or officers, but the term of office of such officer or officers shall, in such case, expire as if such appointment were made at the time or times so prescribed. Besides

Appointment of city officers.

Failure to appoint.

- one, two, three, four and five years, respectively. If the office of
- Vacancies.** any of said water commissioners shall, for any cause become vacant, the mayor of said city shall have the power to fill the vacancy for the residue of the unexpired term by appointment, subject to confirmation by the common council. As the term of
- Appoint-ment of successors.** each of said commissioners expires his successor, who shall hold office for the term of five years, shall be appointed by the mayor, subject to confirmation by the common council. The said com-
- Suspensions or removals.** missioners may be suspended or removed from office for cause, in like manner as other officers of the city of Kingston.
- Officers and employes of board.** § 2. The commissioners shall choose one of their number as president of said board, and shall appoint a secretary, a treasurer and such other officers, agents and employes as they deem necessary, removable at their pleasure; and shall fix their compensation, which may be altered or abolished in the discretion of
- Expenses of members.** the board. The members of said board shall serve without pay, but shall be allowed their reasonable expenses.
- Office when deemed vacant.** § 3. The office of water commissioner holding office under this act shall become vacant by his death, resignation, removal from said city, his refusal or neglect for six months to perform the duties of his office without being excused by a vote of the board, or by his becoming of unsound mind or ceasing to be a freeholder. Resignations may be made in writing to the mayor of said city.
- Resignations. General powers of board.** § 4. The said board of water commissioners is hereby authorized and empowered with the assent of the common council to construct and maintain water-works for amply supplying said city and the inhabitants thereof with pure and wholesome water, and to exercise such other powers as are necessary or appropriate to accomplish that purpose, and in exercising such authority and powers shall proceed in the manner hereinafter prescribed.
- Investigation of plans.** § 5. Said board of water commissioners before deciding upon or adopting any plan, system or source of water supply for said city, shall, at an expense of not exceeding one thousand dollars (which the said water commissioners may, with the assent of the common council, borrow for the purpose on the credit of the city of Kingston) cause all the various plans, systems and sources of water supply for said city which may, by any citizen or citizens, officer or officers thereof, be submitted to in writing for consideration to be investigated and such preliminary surveys and esti-

mates to be made as said board may deem expedient (and it shall be lawful to enter upon the lands or property of any person or corporation whether situated within the limits of the city of Kingston or county of Ulster for the purpose of such investigation and surveys) and as soon thereafter as may be, the said board of water commissioners shall adopt such part or parts of said plans, systems and sources of water supply for said city as in its judgment may be most feasible and best adapted to supply the requisite quantity and quality of water and shall make a report to the common council of said city, clearly specifying and describing each plan, system and source so investigated as aforesaid, the advantages and disadvantages of each, and the probable expense of each method and of supply from each source, including the cost of purchase and condemnation of lands for that purpose, and shall, in the same report, state the plan, system and source adopted and the reason therefor; which said report shall be filed with the city clerk of said city and be open to public inspection. The said board of water commissioners shall have power to include in any such report the lands, property, dam, water, supply, mains, laterals, and appurtenances of any water company now existing for the purpose of obtaining a water supply for said city and may acquire title to the same in the manner hereinafter provided. The said board of water commissioners with the assent of the common council of said city are authorized and empowered to select and determine upon any of the plans so reported or any modification thereof which may be deemed necessary and adequate.

Preliminary surveys and estimates.

Adoption of plans.

Report to council.

Selection of plans.

§ 6. In order to carry into effect the purposes of this act and to pay the expense of such preliminary surveys and investigation and of constructing and maintaining the water-works for said city, and for acquiring lands and easements anywhere within the county of Ulster, for the purpose of such water-works by purchase or condemnation, the city of Kingston shall have power, upon making and filing by the said board of water commissioners of the report aforesaid, but not before, to issue bonds to such an amount as may be necessary, not exceeding the sum of five hundred thousand dollars. Said bonds shall be issued in the name of, and under the seal of said city, and signed by the mayor and treasurer thereof, with interest coupons, in such denominations or amounts as the board and common council

Issue and sale of bonds.

may deem expedient, but not less than fifty dollars each, with interest at the rate of three and a half per centum, payable semi-annually at the office of the treasurer of said city on the first days of February and August of each year and shall be so classified and issued that at least two per centum of the principal thereof shall become due and payable in each year; said bonds shall not be sold at less than par and none of them shall be sold until wanted for the expense of acquiring said lands and easements or of work done, or services rendered or materials furnished. The proceeds of said bonds shall be paid over to the city treasurer of said city and credited to a fund which shall be known as "water fund account," and shall only be paid out on warrants numbered consecutively as issued and signed by the president and treasurer of said board of water commissioners; which warrants shall be issued only as fast as necessary for the purposes aforesaid. The amount derived from receipts from all sources as hereinafter provided shall be applied to the payment of the cost of maintaining, operating and extending the said system of water-works and to the payment of the principal and interest falling due on said bonds, and in each year in which said amount shall be insufficient for that purpose, the common council of said city shall make due provision by tax for the payment of the deficiency, and such deficiency shall be assessed, levied and raised in the same manner as any other general tax of said city and in addition to and in connection with the general taxes of said city.

Disposition of proceeds. § 7. The plan, system and source of water supply for said city having been adopted as aforesaid, the said board of water commissioners shall proceed to acquire the necessary lands and easements to procure such water supply from the source chosen, to construct and maintain water-works for said city, according to the system or plan adopted, and to put and keep the same in operation. The said board shall also fix upon and determine the streets through which the distributing pipes of said water-works shall be laid, and may extend the same from time to time as they shall determine or the common council shall require, and it shall have full power and authority to use any street, road or highway in carrying out the objects and purposes of this act.

Cost of maintaining works, etc.

Tax for deficiency.

Acquisition of lands and easements.

Construction of work.

Distributing pipes.

Use of highways.

Rules and regulations. § 8. The said board of water commissioners shall make, publish and enforce all needful rules and regulations in relation to

the said water-works and all the property and appliances pertaining thereto and in relation to the management thereof and the supply of water thereby, whether to individuals or corporations, and may alter and modify the same from time to time, and may fix a penalty not exceeding fifty dollars for the violation of any of said rules or regulations. The said common council may aid such enforcement by ordinance. The said board may prosecute in its own or in the name of said city for all violations of said rules, regulations or ordinances.

§ 9. The said board of water commissioners shall fix and collect the annual, quarterly or monthly prices of water supply by means of said water-works to the dwellings, establishments or uses of individuals, companies or corporations.

§ 10. The moneys derived from the penalties and the prices of water supply mentioned in sections eight and nine of this act shall be paid over to the city treasurer to the credit of the "water fund account," and shall be applied, first, to the payment of the expenses of the ordinary maintenance and management of said water-works, and shall be paid out upon such warrants as are prescribed in and by section six of this act. If the receipts from all of said sources shall be more than sufficient for said purposes, the balance thereof shall be applied by the said treasurer to the payment of the principal and interest on the bonds issued by said city pursuant to and for the purposes mentioned in section six of this act, and to no other purpose or purposes whatever. Whenever said receipts shall be more than sufficient for both of said purposes, the balance thereof may be used for any lawful municipal purpose.

§ 11. The said board of water commissioners shall keep books showing the cost of construction and maintenance of said water-works, and of extending the same, and all its collections, receipts, expenditures, proceedings and doings, and shall make a report thereof to the said common council on the first day of November in each year, and as much oftener as the common council may require.

§ 12. Any willful act whereby the said water-works or any property, apparatus or appliances pertaining thereto shall be injured, or the supply of water obstructed, impaired or made less pure, shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished accordingly.

Title to
lands and
easements.

§ 13. The title to all lands, easements and property of whatever kind acquired for the purposes of this act shall vest in the city of Kingston. The said board of water commissioners may take deeds of said lands and easements in the name of said city, as grantee, and the said deeds shall state the purposes for which said lands or easements are conveyed.

Power to
acquire
lands and
easements.

§ 14. The said board of water commissioners are hereby authorized and empowered to acquire by purchase or proceedings the condemnation of real property, pursuant to the provisions of title one, chapter twenty-three, of the code of civil procedure, any lands, easements, water rights, dam, water plant, water mains, laterals and appurtenances within the limits of the county of Ulster, whether owned or possessed by individuals or water companies, organized pursuant to the laws of this State.

§ 15. This act shall take effect immediately.

Chap. 804.

AN ACT in relation to school district number three of the city of Kingston, to provide for the rebuilding and repairing of the school building therein, the costs and expenses thereof and to validate certain acts of the trustees thereof.

Accepted by the city.

BECAME a law May 27, 1895, 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:

Issue of
bonds.

Section 1. The trustees of school district number three, in the city of Kingston, New York, are hereby authorized, subject to the restrictions hereinafter contained, to prepare and issue bonds of said district in the sum of fifteen thousand dollars for the purposes hereinafter set forth.

How
executed,
etc.

§ 2. Said bonds shall be signed by the president of the board of trustees of said district and countersigned by the treasurer thereof, and sealed with the seal of said district. They shall be issued in denominations of not less than five hundred dollars and bear interest at the rate of four per centum per annum, and have attached thereto annual interest coupons, and shall be so classified that twenty-five hundred dollars thereof shall become