

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE

NINETY-FIFTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY SECOND, AND ENDED MAY FOURTEENTH, 1872,
IN THE CITY OF ALBANY.

VOL. I.



ALBANY:
V. W. M. BROWN, PUBLISHER.
1872.

traffic in such liquors within said town of Hornellsville; said moneys shall be so paid within thirty days after the same or any part thereof shall be so received by them or either of them.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 231.

AN ACT to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners.

Passed April 16, 1872; three-fifths being present.

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

SECTION 1. The following named five persons, to wit: Coffin S. Brown, Wm. S. Tompkins, D. W. Travis, Charles F. Southard and Gilbert T. Sutton, are hereby designated and entitled the board of water commissioners of the village of Peekskill. Said commissioners and their successors are hereby declared a body corporate by that name. Three of said commissioners shall hold their offices for three years, and two of them for two years, respectively, from the next annual election of village officers for said village, after the passage of this act, and until others shall be chosen to fill their places. The term of office of each of said commissioners shall be determined between them by casting lots as hereinafter provided. At the expiration of the terms so drawn, respectively, and at each annual election in said village thereafter, when the time of any commissioner or commissioners shall expire, commissioners shall be elected to fill the vacancies then existing, who shall hold their office for two years, and shall be residents and tax payers of the village of Peekskill. If any vacancy shall occur in the office of commissioner, by death, resignation, removal from said village or other cause (except expiration of term of office),

Water
commis-
sioners.

Terms of
office.

Commis-
sioners to
be elected.

Vacancies,
how
filled.

the same shall be filled by appointment by the trustees of said village, and the person or persons so appointed shall hold said office until the annual village election succeeding such appointment.

To organize and elect officers.

§ 2. Within thirty days after the passage of this act, the board of water commissioners hereby designated shall organize by the election of a president, secretary and treasurer from among their number, who shall hold their offices for one year, and until their successors shall be duly elected, and shall at such meeting to organize, determine by ballots, marked "two" and "three," to be drawn by them, their respective terms of service. The annual meeting of said board shall be held on the Tuesday preceding the annual election in said village for village officers. No member of said board, unless he be secretary thereof, shall have any compensation, neither shall any member of said board be interested directly or indirectly in any contract made by said board. A majority of said board shall constitute a quorum.

Powers and duties of water commissioners.

§ 3. Said board of water commissioners shall have the exclusive right and power to make all necessary arrangements, regulations and contracts for supplying said village with water, and to construct all works needful for that purpose, and to that end they are hereby empowered to purchase, take and hold in the corporate name of said board, any real estate required for such purpose, and by themselves, their servants and agents may, after agreement with such owner or owners, or just compensation ascertained and provided for, enter upon the lands of any person or persons, and may lay and construct any pipes, conduits, aqueducts, wells, dams, reservoirs, and all other works or machinery necessary or proper for the purposes aforesaid, upon any lands so entered upon, purchased, taken or held. Said commissioners may enter upon any lands, streets, highways, alleys or public squares, excavate for, lay, construct, alter, repair and replace any pipes, conduits, aqueducts or other works necessary to furnish an ample supply of water whenever the same may be required within the limits of said village; and may put in so many hydrants and in such places as they may deem proper.

§ 4. For the purpose of purchasing the necessary lands, paying damages to land owners for lands or water rights taken or used by said commissioners under the provisions of this act, and for the erecting of buildings, for purchasing and putting up the required machinery, buying and laying the pipes, putting in hydrants, and for the materials, labor and all things necessary and proper to fully complete said water-works, said commissioners are hereby authorized to issue bonds in the name of the village of Peekskill for an amount not to exceed one hundred and fifty thousand dollars, and payable in not to exceed thirty years from the date thereof, and which bonds shall bear interest not exceeding seven per cent. per annum, payable semi-annually at such place as said board shall determine, which said bonds shall not be negotiated by said commissioners for less than the par value thereof, and shall not be paid to any contractor or contractors for services, nor negotiated except for cash. Said bonds shall be signed by the president and secretary of said board of commissioners, in pursuance of a resolution of said board and shall bear the corporate seal of the said village, and be denominated "water bonds of the village of Peekskill, New York," and are hereby made a charge upon the real and personal property of said village.

May issue bonds for purposes of this act.

§ 5. The said board of water commissioners are hereby authorized and empowered to make such prudential rules, regulations and by-laws in relation to the use of said water as they may, from time to time, deem to be necessary, and shall have the full and exclusive control of said works under this act, and the management of the finances connected therewith, and shall have the power to establish the rates and charges for the use of the water, and to assess an amount which they shall deem proper to be paid by the owner of any building for the use of said water, or for the protection of such building from fire, or both, such use and protection upon such building and the lot upon which it stands; but in making such assessment for fire protection, it shall be made pro rata, taking the valuation of the property from the last assessment roll of the town of Courtland as a basis, and in case any such assessment shall not be paid

Rules in relation to use of water.

To establish water rates.

Appeal
may be
taken to
board of
trustees.

within three months after the time designated by the rules and regulations established by the board of water commissioners, interest shall be chargeable upon the amount of said assessment at the rate of twelve per cent. per annum; and in case any person or persons shall feel aggrieved by any such assessment made by the said board of water commissioners, he, she or they may appeal therefrom to the board of trustees of the village of Peekskill, by serving upon the president of said board of water commissioners, within ten days after the publication of notice of the completion of such assessment; notice of which completion shall be published in one or more of the public newspapers published in said village, a written notice of such appeal, specifying the objections to said assessment, which appeal shall be determined by said board of trustees within thirty days from such appeal, and said commissioners shall have the right to be heard upon such appeal, and shall have at least five days' notice in writing, to be given by said trustees of the time and place for the hearing of such appeal, and said board of trustees shall have the power to affirm or modify such assessment, the decision of which board of trustees shall be final.

Moneys,
how ap-
propriated.

§ 6. It shall be the duty of said board of water commissioners to appropriate all money received for the use of the water furnished by said commissioners:

1. To pay all necessary expenses connected with the running and repair of said works, machinery, pipes or other things connected therewith, and the actual expenses of the board of commissioners.

2. To pay the interest on the bonds issued under the provisions of this act, and apply the balance of such money then remaining toward the payment of the principal of said bonds when due; or to extending the necessary pipe throughout said village, or both, as said board may determine.

3. To meet any deficiency in the payment of the semi-annual interest on the bonds issued under the provisions of this act, said board are hereby authorized, after first applying all the money in its treasury, applicable to that purpose, to borrow, in the name of the village of Peekskill, an amount sufficient to meet such

deficiency, and to pay such interest. At each annual meeting of said board, a detailed statement of all moneys received and expended by it during the preceding year, for what purpose expended and of all amounts due for unpaid assessments or otherwise to said board, with a description of the property against which said assessments stand, and the name of the owner or owners thereof, and the name of any others; debtors to said board of commissioners, shall be prepared, and a copy thereof, within ten days after such meeting, delivered to the trustees of the village of Peekskill, who shall cause such an amount, as may appear from said statement to have been borrowed by said commissioners for the payment of interest, as heretofore provided, to be added to the other next general tax of said village, and collected therewith, and shall cause the amounts of such unpaid assessment, with the interest thereon as furnished, to be levied and collected, of the property of the persons against whom or whose property such unpaid assessments shall have been made by said commissioners, in like manner as is provided in the charter of said village for the collection of other taxes, and when collected shall be paid over to the board of commissioners.

Statement of moneys received, etc., to be made.

§ 7. The trustees of the village of Peekskill are hereby required and empowered to include in the amount of taxes to be raised annually in said village, a sum not exceeding in any one year two thousand dollars, and cause the same to be collected, which, when so collected, shall be paid over by the treasurer of said village to said board of water commissioners, and applied by them to the payment of the principal of said bonds, as the same may become due.

Amount to be included in tax.

§ 8. Should the said commissioners be unable, for any reason, to agree with the owner or owners of any land or water rights, which it may be necessary for them to take or use, in order to carry out the objects of this act, the title to the same may be acquired in the same manner and by the like special proceedings, as are authorized and provided for obtaining title to real estate required for the purpose of a railroad corporation under and in pursuance of the provisions of the act, entitled "An act to authorize the formation of railroad corporations, and

Title to lands, how acquired.

to regulate the same," passed April twentieth, eighteen hundred and fifty, and any act or acts amendatory thereof or supplementary thereto.

Penalty
for injury
to water-
works.

§ 9. Any person who shall maliciously or willfully destroy or injure any of the buildings, pipe machinery or other property or thing belonging to said water-works, or who shall maliciously or willfully commit any act which shall injuriously affect or tend thus to affect the water, or the streams or fountains, from which said water shall be supplied to said village, shall be guilty of a misdemeanor, and may be punished by a fine not exceeding fifty dollars, or imprisonment, or both, in the discretion of the court, and shall also forfeit and pay to said water commissioners treble the damages sustained thereby, to be recovered in the corporate name of said commissioners, in any court having cognizance thereof, with costs. And if any of the commissioners appointed by this act, or any who may be elected to fill their places, shall willfully violate any of the provisions of this act, he or they shall be deemed guilty of a misdemeanor, and may be punished by fine or imprisonment, or both, in the discretion of the court.

Commis-
sioners to
give
bonds.

§ 10. Before any of the commissioners appointed or elected under or in pursuance of this act, shall qualify or enter upon his duties as such commissioner, he shall execute to the trustees of the village of Peekskill, a bond, in the penalty of twenty-five thousand dollars, conditioned for the faithful performance of his duty as such commissioner, with sufficient sureties to be approved by said trustees, which sureties shall together justify in double the penalty of said bond, which bond shall be filed with the clerk of said village.

§ 11. This act shall take effect immediately.