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LAWS  
OF THE  
STATE OF NEW YORK,

PASSED AT THE  
ONE HUNDRED AND THIRTY-SEVENTH SESSION

OF THE  
LEGISLATURE,

BEGUN JANUARY SEVENTH, 1914, AND ENDED MARCH  
TWENTY-SEVENTH, 1914,

ALSO CHAPTERS 523-532 PASSED AT THE EXTRAORDI-  
NARY SESSION, BEGUN MAY FOURTH, 1914,  
AND ENDED MAY TWENTIETH, 1914,

AT THE CITY OF ALBANY,

AND ALSO OTHER MATTERS REQUIRED BY LAW TO  
BE PUBLISHED WITH THE SESSION LAWS.

Vol. III.



ALBANY  
J. B. LYON COMPANY, STATE PRINTERS  
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MAR 2 11 1914

tober twenty-fourth, nineteen hundred and thirteen, nine thousand dollars; November sixth, nineteen hundred and thirteen, three thousand five hundred dollars; December nineteenth, nineteen hundred and thirteen, three thousand five hundred dollars; August first, nineteen hundred and thirteen, thirteen thousand five hundred dollars; September thirtieth, nineteen hundred and thirteen, two thousand one hundred dollars; October fourteenth, nineteen hundred and thirteen, two thousand dollars; November third, nineteen hundred and thirteen, four thousand five hundred dollars; November twenty-fifth, nineteen hundred and thirteen, one thousand five hundred dollars; December ninth, nineteen hundred and thirteen, one thousand five hundred dollars; December thirteenth, nineteen hundred and thirteen, one thousand dollars.

Pending actions.

§ 3. This act shall not affect any action or proceeding now pending in any court.

§ 4. This act shall take effect immediately.

## Chap. 428.

AN ACT to establish and maintain a water department in and for the city of Watervliet.

Became a law April 18, 1914, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

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

Water commissioners; appointment, corporate name, terms.

Section 1. Within thirty days after this act takes effect the mayor of the city of Watervliet shall appoint and may at pleasure remove a board of water commissioners to be known as the "Watervliet Water Board," which shall consist of five members, taxpayers and electors of said city, who shall constitute and be a board of water commissioners of said city. The commissioners so appointed and their successors in office are hereby created a body corporate by the name of the "Watervliet Water Board," and in that name may prosecute and defend actions and proceedings in any court. One of the commissioners so appointed shall hold office until the first day of January, nineteen hundred and sixteen, one until the first day of January, nineteen hundred and seventeen, one until the first day of January, nineteen hundred

and eighteen, one until the first day of January, nineteen hundred and nineteen, and one until the first day of January, nineteen hundred and twenty, except that the mayor may at pleasure remove any of said commissioners and appoint his or their successors, The mayor shall between the first and fifteenth days of January, nineteen hundred and sixteen, and annually thereafter, appoint one commissioner for a term of five years from the first day of January of the year in which he shall have been appointed, who shall enter upon the term of his office on the sixteenth day of January succeeding his appointment. The terms of office of the water commissioners now in office shall cease and terminate upon the appointment of the water commissioners provided for in this act.

§ 2. All commissioners shall be electors and taxpayers of said city, and shall have resided in said city at least five years before their appointment. The office of a water commissioner shall become vacant by death, or neglect or failure to qualify within fifteen days after notice of his appointment, resignation, removal from city, or refusal or neglect for three months to perform the duties of the office without being excused by vote of the board, or by his becoming of unsound mind. Resignations must be made in writing to the mayor. In case of a vacancy in the office, the mayor shall fill such vacancy for the unexpired term. A majority of all the commissioners in office shall constitute a quorum for the transaction of business, provided a formal notice of the meeting shall have been given to each commissioner a reasonable time before the meeting, or notice mailed to his address at least twenty-four hours prior to said meeting. The acceptance by any city officer of the office of water commissioner or of any office or appointment under the Watervliet water board shall not be deemed to vacate the city office so held.

Water commissioners; qualifications, vacancies, quorum, acceptance of office.

§ 3. Said board shall hold meetings in an office to be provided by the common council of said city. Every commissioner shall, before entering upon the duties of his office, take and file in the city clerk's office the constitutional oath of office, and shall also file in the city clerk's office a bond to the city of Watervliet, in a penalty to be fixed by the common council, with sureties to be approved by the mayor, conditioned for the faithful performance of his duties as such commissioner. The Watervliet water board shall appoint a secretary who shall be subject to removal at the discretion of the commissioners. The secretary shall receive a

Water commissioners; meetings, oaths, bonds.

Secretary: salary, duties.

salary to be fixed by said board and shall keep a record of the appointment and qualification of the commissioners and the organization of the board, and shall keep the records of said board and its proceedings, and perform such other duties as said board may direct. The Watervliet water board shall also appoint a treasurer who shall be subject to removal at the discretion of the commissioners, and who shall receive a salary to be fixed by said board. Said treasurer shall, before entering upon the duties of his office, file with the city clerk a bond to the city of Watervliet in a penalty to be fixed by the common council, and with sureties approved by the mayor, conditioned for the faithful performance of his duties as such treasurer. The premiums on all surety company bonds furnished by members of the Watervliet water board, and its officers and employees, shall be paid out of the treasury of said board.

Treasurer;  
salary,  
bond.

Premiums  
on surety  
bonds.

Duties and  
assistants  
of corpora-  
tion coun-  
sel.

The corporation counsel of the city of Watervliet shall be counsel for the said Watervliet water board and shall have charge of the legal business of the said board. He may employ a clerk and stenographer to assist in the duties imposed on him by this act, who shall receive such salary or compensation as may be fixed by the water board.

Construc-  
tion of  
water works  
system.

§ 4. The Watervliet board of water commissioners is hereby authorized, empowered and directed to cause to be constructed such a water works system for, in and through the city of Watervliet and the several streets, alleys and places in the said city, as may be approved by the state conservation commission.

Engineers.

The said Watervliet water board is hereby authorized and empowered to employ competent engineers to make maps therefor and to lay out and prepare specifications for said system.

Power of  
entry and  
appropria-  
tion of  
real estate.

§ 5. For the purpose of constructing said system, the said Watervliet water board is hereby authorized and empowered in the name of the city of Watervliet to enter upon, take, use and occupy any rights of the public in and to any of the streets, highways, roads, alleys, lanes, ponds, lakes, springs and streams in said city of Watervliet or in the said towns of Colonie or Guiderland, and may enter upon or take and appropriate for the said city, as hereinafter provided, any lands, real estate, ponds, lakes, springs and streams, easements or rights, which may be necessary for the purposes aforesaid, in the said city of Watervliet and the said towns of Colonie and Guiderland, which lands, real estate, ponds, lakes, springs, streams, easements or rights shall thence-

forth belong to the said city of Watervliet. When, in order to construct or maintain the said water works system herein provided for, it shall be necessary to enter upon, use, take, occupy or possess any lands, real estate, ponds, lakes, springs and streams, easements or rights belonging to or the property of any person, persons, companies or corporations, and said Watervliet water board are, for any reason, unable to agree with the owner or owners thereof, and persons having an interest therein, as to the value thereof, the said Watervliet water board is authorized and empowered to institute proceedings for the condemnation thereof, and in that manner vest the title of said property in the said city of Watervliet.

Condemnation proceedings authorized in case of disagreement with owners.

§ 6. The said Watervliet water board is hereby authorized and empowered to acquire by purchase, for and in the name of the city of Watervliet, any part or portion of the property of the Watervliet Hydraulic Company, which, in its opinion, can be used as a part of the said water works system, including necessary lands, rights, easements, buildings, reservoirs, water towers, machinery, pipes, mains, hydrants or other property, provided, however, that the price thereof shall be agreed upon between the owner of said property sought to be acquired and the said Watervliet water board.

Property of Watervliet Hydraulic Company.

§ 7. Title one of chapter twenty-three of the code of civil procedure, known as the condemnation law, shall govern and will be applicable to all proceedings taken under this act for the condemnation of property, where the same is not inconsistent with the provisions of this act. The commissioners appointed by the court in any condemnation proceedings commenced under this act shall receive such compensation, in addition to necessary expenses, as may be fixed by the court appointing such commissioners, at the time of their appointment.

Application of condemnation law.

Compensation of commissioners.

§ 8. To provide funds for the payment of the costs and expenses for the construction of such water works system, the common council of the city of Watervliet shall issue bonds for the amount so needed, not exceeding, however, the sum of four hundred and ninety-seven thousand dollars, which bonds shall be issued in the name and upon the credit of the city of Watervliet, and shall be executed by the mayor under the corporate seal of said city and countersigned by the city clerk. The faith and credit of the city of Watervliet is hereby pledged for the payment of both principal and interest of any bonds

Bond issue.

Limitation.

Execution. Pledge of city's faith and credit.

issued under and pursuant to the provisions of this act. Said bonds shall be issued in such form and in such denominations or amounts as the common council may deem expedient, but not less than one hundred dollars each, with interest not exceeding four and one-half per centum per annum, payable semi-annually; both principal and interest to be made payable at the office of the city chamberlain, or at any bank or trust company to be designated by the common council, and to be specified in each bond and coupon. Said bonds shall be so classified and issued in accordance with the constitution of the state of New York, that the sum of two hundred thousand dollars in bonds shall mature within forty years of the date of issue, and the remainder of said bonds shall mature in not to exceed twenty years of the date of issue thereof; and for the redemption of said bonds a sinking fund shall be created 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 maturity. No bonds under this act shall be sold at less than par, and must be sold to the highest bidder or in such a way or manner, and under such conditions, as said common council may deem best to obtain the highest price therefor. The proceeds of said bonds, or any of them, as soon as received, shall be paid over to the treasurer of the said Watervliet water board and credited to a fund which shall be known as the "water bond account," and said treasurer shall immediately, upon the receipt of the same, deposit such proceeds in such bank, banks or trust company as shall be designated by a resolution of the Watervliet water board, and be paid out only on warrants numbered consecutively, signed by the president and secretary of the Watervliet water board, and countersigned by the treasurer. No order or warrant for the payment of such moneys shall be issued except upon the resolution of the board, entered upon its minutes, and certified copies of said resolution shall be filed with said treasurer. The voucher or other paper on account of which such order or warrant is issued shall be filed with the Watervliet water board and shall bear a number corresponding with the number of the order or warrant issued thereon. The Watervliet water board may, however, at any time, by resolution and order issued in the manner aforesaid, transfer any funds from any bank, banks or trust company to any other bank, banks or trust company. The funds so transferred and all interest accruing thereon shall be held and paid out by such bank, banks or trust company only in

Form,  
amounts  
and interest  
of bonds.

Where  
payable.

Maturity.

Sinking  
fund.

Sale.

Proceeds;  
deposit and  
payment.

Resolution  
for pay-  
ment.

Filing of  
vouchers,  
etc.

Transfer  
of funds.

the manner above provided. The moneys on deposit at any time, with any bank, banks or trust company, realized from the sale of bonds, shall not exceed forty per centum of the full paid capital stock, surplus and undivided profits of any such bank, banks or trust companies. If, after the issue of the bonds heretofore provided for, it shall appear to the said Watervliet water board that a larger amount than the amount heretofore provided for is needed for the construction of said water works system, or an extension thereof, the said Watervliet water board shall, from time to time, certify to the common council of the said city the estimated additional amount so needed. In such case it shall be the duty of the common council to issue a second and further issue of bonds provided such subsequent issue has been ratified and approved at a taxpayers' election called and held in accordance with the provisions of the charter of the city of Watervliet. And such subsequent issue of bonds and the proceeds thereof shall be subject to all the provisions of this act relating to the first issue of bonds therein authorized.

Limitation  
on deposits.

Additional  
estimate for  
construc-  
tion.

Further  
bond issue.

§ 9. The Watervliet water board and all persons acting under its authority and direction shall have the right to enter, appropriate, occupy and use any public street, highway, square, avenue, road, park or other public ground for the purpose of constructing, maintaining and operating the water works system herein provided for, and for all other purposes of this act; but the said board shall in all cases restore such public street, highway, square, avenue, road, park and other public ground to its former condition, under the direction and supervision of the superintendent of public works.

Right of  
entry upon  
public  
ways and  
grounds.

Restoration  
to former  
condition.

§ 10. No member of the Watervliet water board or any of its officers shall be directly or indirectly interested in any contract relating to property acquired or work done, or materials furnished under the authority or provisions of this act. Any violation of this provision shall be a misdemeanor and all contracts made in violation of this section shall be void. No member of the Watervliet water board shall receive compensation for his services as such.

Members  
and officers  
of board  
not to be  
interested  
in con-  
tracts.

No com-  
pensation.

§ 11. The Watervliet water board, except as herein otherwise provided, shall have power to make all contracts, necessary or incidental to the execution of the powers conferred by this act, but no contract or agreement for labor or materials, or either of them, requiring an expenditure of more than five hundred dollars shall

Power of  
board as to  
contracts.

Advertise-  
ment.

Letting. be entered into except in case of absolute necessity, or except for the employment of officers, agents, engineers, counsel and other employees of the board, and except as herein otherwise directed, without first advertising, at least once a week for two successive weeks, in the official newspaper published in the city of Watervliet, and such other papers and periodicals as said board may direct for proposals to enter into contract for the work or materials required. All such contracts shall be let to the lowest responsible bidder who shall furnish such security for the faithful performance of the contract as shall be approved by the board; but the board may, as many times as it shall determine, reject any or all of such bids in its discretion and readvertise for proposals. Each proposal received shall be publicly opened in the presence of the board, and each proposal received and each contract entered into by the board, or the copies thereof, shall be filed with the secretary of said board, and each bid must be accompanied with such security as said board shall prescribe.

Rejection of bids. § 12. The amount derived from receipt from all sources, except bond issues, shall be applied:

Opening and filing of proposals. 1. To the payment of the necessary costs of maintaining, managing and operating the said system of water works.

Security. 2. To provide a sinking fund for the payment of the principal and interest on the bonds issued under the provisions of section eight of this act, by setting apart annually an amount sufficient to produce at maturity of said bonds a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. Said sinking fund shall be managed by the board of water commissioners, and shall be invested in the same kind of securities as those in which savings banks of this state are by law authorized to invest the money deposited therein.

Application of amounts derived from sources except bonds. In any year in which said income shall be insufficient for the purposes of maintaining and operating the said system of water works, and for the payment of the interest falling due on said bonds and providing a sinking fund, the common council of the city of Watervliet shall make due provision by tax for the payment of the deficiency, which shall be raised in any year. Such deficiency shall be assessed, levied and raised in the same manner as other general taxes of said city, and the Watervliet water board shall annually certify to the common council of said city, on or before the first regular meeting of the common council, held in November in each year, the amount to be so raised.

Management of sinking fund.

Tax for payment of deficiency.



§ 13. After the city of Watervliet shall have constructed said water works system, and any extensions thereof are deemed necessary by the Watervliet water board, and no funds are available for such necessary extensions, from the income, receipts or earnings of said water works, or from any other source herein provided, the Watervliet water board may thereupon certify such facts to the common council of said city, together with a description of such proposed extension, and a statement of the amount needed therefor, and if the common council concur therein, the said common council shall raise the same by taxation in the next succeeding annual tax levy in addition to the amount otherwise to be raised, in said tax budget, or by issuing bonds for the amount so certified, which bonds shall be issued in the name and on the credit of the city of Watervliet. The provision of section eight of this act, in so far as consistent, shall be applicable to and govern the issue and sale of said bonds and the deposit and method of disbursing the proceeds thereof, and said bonds shall mature in not to exceed twenty years from the date of issue thereof, and a sinking fund shall be created for their redemption as provided in section twelve.

Extensions when no funds available.

Tax.

Bond issue.

Provisions governing bond issue.

§ 14. Whenever the Watervliet water board shall determine to purchase, condemn or construct said water works system, and whenever the common council of said city has, pursuant to the provisions of this act, authority to issue any bonds, said council may, instead of issuing bonds in the first instance, borrow temporarily, from time to time, such sum or sums as may be necessary, and authorize the mayor of said city to borrow the same temporarily and issue certificates of indebtedness therefor, which shall be a valid indebtedness against said city until bonds shall be issued by the common council of said city, under and pursuant to the provisions of this act, to replace and take up such certificates of indebtedness and such sums so borrowed and interest thereon, provided, however, that no such temporary loan shall be made or perfected for a longer period than two years.

Temporary loans on certificates of indebtedness.

§ 15. The Watervliet water board shall have full control of the said water works system, and everything pertaining thereto, and shall exercise the powers and fulfill the duties connected with and incident to the management of the same, including the making of regulations as to the use of the water and enforcing the observance thereof by cutting off the use and supply of water. Said Watervliet water board, and their employees, shall be

Powers and duties of water board.

authorized at all times to enter into any building or place where water is used from supply pipes, to examine as to the water, quantity of water used and the manner of using it. The Water-vliet water board shall establish a scale of annual rent to be charged and paid semi-annually, quarterly or monthly for the supply of water or for the benefits resulting therefrom, to be called water rents, which shall be apportioned to the different classes of buildings in reference to their dimensions, and the use of water for the same, and to different lots, as may be practicable, and from time to time, to modify and amend, increase and diminish such rates, and to extend them to other descriptions of buildings, lots, establishments and uses. Said board may sell to any corporation or individuals outside of the city the right to make connections with the mains for the purpose of drawing and using water therefrom, and may fix the prices and conditions therefor, but the board shall not sell or permit the use of water to or by corporations or persons outside the city, if by such use the supply of water for the city or its inhabitants shall be insufficient. All moneys and income which shall be received by the board for water, or on account of said system of water works, shall be deposited to the credit of a fund to be known as the "water fund account," in the bank, banks or trust company designated as city depositories by the common council, and shall be paid out in the same manner as provided in section eight of this act for paying out the proceeds of the water bond account.

Water rents.

Use by corporations or individuals outside city.

Income, how administered.

By-laws, etc.

Penalty.

Rents and penalties to be liens.

Prosecutions.

Money from rents and penalties.

§ 16. The said Water-vliet water board shall make, publish and enforce all needful by-laws, rules and regulations in relation to their own government and to the said water works, and all the property and appliances 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 and regulations. All water rents and penalties shall be a lien on the real property against which the same is assessed. The said Water-vliet water board may prosecute in its own name, for all violations of said rules, regulations and ordinances.

§ 17. The money derived from the penalties and water rents provided by this act shall be paid to the treasurer of the said water board and shall be by him immediately deposited to the

credit of the water fund account in the bank, banks or trust company designated by the common council, and shall be applied as provided in section twelve of this act.

§ 18. No obligation shall be incurred or money expended or issue of bonds certified under this act by the Watervliet water board, except by resolution duly passed by the concurring vote of at least three members of the board. The ayes and nays shall be taken on every such resolution and the vote thereon be recorded in full in the minutes of the board.

Resolutions  
of board.

§ 19. All judgments against said commissioners in their name of office and judgments against them, where the transactions upon which the action was brought, shall have been in the performance of their duties as commissioners, shall be deemed judgments against said city, and shall not be enforced against the individual property of any of the said commissioners.

Judgments  
against  
commis-  
sioners to  
be against  
city.

§ 20. The Watervliet water board shall keep books showing the cost of the acquisition, construction and maintenance of said water works and of extending the same, and all of its collections, receipts, expenditures, proceedings or doings, and shall make a report thereof to the said common council at the first regular meeting of the said common council in the month of January in each year, and as often as the common council may require, and shall furnish at all times such other or further information as to the business and affairs of the board as may be required by the common council. All the books, records, vouchers, contracts and all other papers kept by the Watervliet water board, or in its possession or under its control, shall at all reasonable times be subject to the inspection of the mayor and common council or of any committee or agent designated by them.

Books,  
records  
and reports  
of board.

Inspection.

§ 21. The treasurer of the Watervliet water board is hereby authorized and directed to prepare and at all times to keep a book or books in which shall be entered all moneys received and deposited by him in any bank, banks or trust company, and all moneys paid out on orders or warrants countersigned by him, and also shall keep on file all resolutions, instruments and other papers received by him, and a record of all acts and things required to be done by him under the provisions of this act.

Records of  
treasurer.

§ 22. All willful acts whereby the said water works or any property, apparatus or appliances pertaining thereto shall be injured, or the supply of water wrongfully obstructed, impeded, impaired or diverted or made less pure, shall be a misdemeanor.

Misde-  
meanors

Limitation  
of power,  
etc., by  
conserva-  
tion law.

§ 23. All power and authority conferred by this act shall be limited by the provisions of chapter six hundred and forty-seven of the laws of nineteen hundred and eleven, as amended, establishing a state conservation commission.

§ 24. This act shall take effect immediately.

## Chap. 429.

AN ACT to authorize the state architect to receive tenders of sale or gift to the state of real estate in the city of Buffalo, as a site for a state building in said city, to contain all branch offices of state officers, bureaus or departments located or needed in said city, and to authorize the city of Buffalo to offer or tender the sale or gift of such a site.

Became a law April 18, 1914, with the approval of the Governor. Passed three-fifths being present.

Accepted by the City.

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

Reception  
of tenders  
for sale or  
gift of site  
authorized.

Section 1. The state architect is hereby authorized to invite and receive public tenders for the sale or gift to the state of a site for a state building in the city of Buffalo; and the city of Buffalo is authorized and empowered to tender any site owned by it, either as a gift or for any valuable consideration.

Minimum  
size of  
plot.

The state architect shall determine the approximate minimum size of the plot of land necessary for the building to contain suitable branch offices for all state officers, bureaus and departments having or needing branch offices in the city of Buffalo, but not including offices or court rooms for the supreme court, or the justices thereof, or officers or offices connected with the national guard.

Notice of  
size.

Such approximate minimum size shall be specified in a notice or invitation for such tenders, which notice the state architect is authorized to publish in two or more newspapers of the city of Buffalo, not more than five times in each paper.

State  
architect's  
report.

The state architect shall report to the legislature all tenders received by him together with such recommendations concerning the same as he may deem proper, not later than the month of January, nineteen hundred and fifteen.

§ 2. This act shall take effect immediately.