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**Water Supply,
Dept. of-Discontinuing
Aqueduct Commission**

1910-1911

Aqueduct
Commission

City of New York.
Law Department,
Office of the Corporation Counsel.

New York, February 9, 1910.

To

Hon. William J. Gaynor,
Mayor of The City of New York.

S i r:

The term of office of the Aqueduct Commissioners is until "the completion of the work", - that is the construction of a "new" aqueduct from Croton River or Lake, with its appurtenances (see Section 518 of Charter and Ch. 490 of the laws of 1883).

Their tenure of office appears to be qualified only by liability to removal by the Mayor on charges, after a hearing, and subject to the approval of the Governor. (Memorandum reviewing statutory and charter provisions ready for submission if desired.)

Respectfully,

McLuband R. Watson

Corporation Counsel.



Department of Water Supply, Gas and Electricity.

Commissioner's Office.

1321 Park Row.

City of New York, Feb. 10, 1910.

Hon. William J. Gaynor,

M A Y O R,

City of New York.

Dear Sir:-

As per our conversation I have found out the following facts in relation to Aqueduct Commissioners.

Payroll of Aqueduct Commissioners (see Supplement to City Record, dated January 31, 1910, pages 17 and 18.)

Commissioners, Engineers, etc.,.....	\$69,450.00
Katonah Division.....	23,787.50
New Croton Dam Division.....	8,522.50
Jerome Park Reservoir Division.....	17,942.50
Croton Falls Division.....	82,465.00
Shaft #-25.....	4,380.00

Total.....\$206,547.50

The above figures based on 365 days for the per diem men. Based on 313 days per annum for per diem men, the amounts would be:

Commissioners, Engineers, etc.....	\$69,450.00
Katonah Division.....	22,699.50
New Croton Dam Division.....	7,664.50
Jerome Park Reservoir Division.....	16,980.50
Croton Falls Division.....	76,797.00
Shaft #-25.....	3,756.00

Total.....\$197,347.50

These figures however, do not include amounts for office rent, supplies, etc., which have been impossible for me to get at.

The only work the Aqueduct Commissioners have under way is the Croton Falls Reservoir, which should be practically finished this Spring, and which the Department of Water Supply could easily handle now.

Hon. W.J.G. 2,

Under the amended law allowing this commission to exist until their work is completed, it will have no end, it being evident that the members contemplate perpetual official life. Thus, although the New Croton Dam were practically completed in 1906, and the Cross River Dam in 1908, neither of them have been turned over to the control of the Department of Water Supply, which is the proper Superintendent of maintenance and operation and instead of thus expediting the work, they have prepared plans for a new and useless reservoir on the Paterson swamps, without as much as consulting this Department, although the law distinctly says this Department shall prepare plans, intending, no doubt, that the City should not have to pay for two sets of engineers able to do the same work,—this Department being better equipped than any other to prepare all such plans.

They are now contemplating still other equally needless reservoirs, and now urge the completion of the East Basin of the Jerome Park Reservoir on which they themselves recommended the suspension of work some six years ago, and have even endeavored to take charge of the filtration of the Croton water supply so that it is difficult to escape the conviction that the only concern of this commission is to delay work at hand or plan additional work so as to keep it in existence.

There is no easier way of saving over \$200,000. a year than by abolishing this commission.

Very truly yours,


Commissioner.

Feb 10/1910

re-to Aqueduct
Commission

*Law Department,
Office of the Corporation Counsel,*

New York, February 14, 1910.

Me

To

Hon. William J. Gaynor,

Mayor of The City of New York.

S i r:

The case of Killough v. McClellan, of which I spoke this morning, is a tax-payer's action to restrain the Aqueduct Commissioners from proceeding with what is known as the Paterson Dam project. The enterprise is challenged by the plaintiff on the ground that it is merely a make-shift to prolong the term of office of the Aqueduct Commissioners, and is a waste of public funds; that, further, certain technical formalities, such as the submission of the original plans by the Commissioner of Water Supply, Gas and Electricity, were not observed. On the latter ground, that is, that the Commissioner of Water Supply had not submitted to the Commission the plans under which the work was about to be started, Justice Bischoff enjoined the Aqueduct Commissioners, pendente lite, from further proceedings. The complaint contains a severe arraignment of the enterprise, and is supported by affidavits of experts and statisticians, the purpose of which is to show the futility and extravagance of the work.

Respectfully,

McCluskey R. Watson

Corporation Counsel.

Feb 14/10

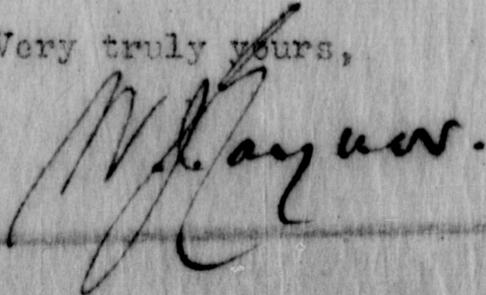
Re the Aqueduct
Commⁿ and Patterson
Dam Project

Feb. 15, 1910.

My dear Mr. Watson:

I learned with great surprise yesterday afternoon that someone in your office had appealed from the decision of Judge Bischoff in the case of the Croton aqueduct commissioners. I am trying to get rid of them, and yet the city is appealing from an order of court which if reversed would enable them to perpetuate their power indefinitely. I should be glad to have you look into the matter and to see me on the question of withdrawing the appeal as soon as may be. I understand that the thing was done through ex-Judge O'Brien whom Pendleton appointed special counsel to deal with the matter. The appeal was taken at the request of Judge O'Brien.

Very truly yours,



A. R. Watson, Esq.,

Corporation Counsel.

February 15 1910

S i r s

I hereby appoint you aqueduct commissioners under chapter 490 of the Laws of 1883 and the acts amendatory thereof. I have fully explained to you my purpose in appointing you, namely, to have you close up the affairs of the aqueduct commission forthwith and report that its work has been completed, thereby ending its existence and your own official term in accordance with the statute which provides in sum and substance that such commission shall cease to exist on the completion of its work. The work which the commission was created to do by the said act of 1883, i. e. of collecting and impounding water in Westchester and Putnam counties known as the Croton water supply, was substantially completed a good many years ago, and there has been no excuse since that time for the commissioners not so reporting and ending their official existence. They have been doing trivial things ever since, or seeking to stir up things to do, which latter they are industriously doing now, in order to make

1

-2-

pretence that their work is unfinished. Meanwhile they have been costing the city the useless expense of about \$300,000 annually for high office rents, their own salaries and those of their entourage of engineers, secretaries, etc. Such expense was even \$224,273.53 last

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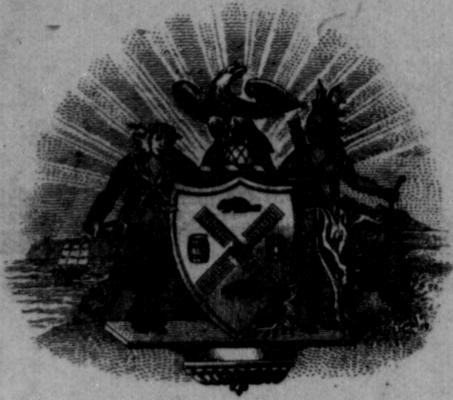
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pretence that their work is unfinished. Meanwhile they have been costing the city the useless expense of about \$300,000 annually for high office rents, their own salaries and those of their entourage of engineers, secretaries, etc. Such expense was even \$224,273.53 last year.

M. J. Sawyer.
M a y o r.

To
J. Noble Hayes,
Ernest Harvier,
Michael Furst and
Jeremiah T. Mahoney, Esqrs.

2



Department of Water Supply, Gas and Electricity,
Commissioner's Office,

B
 JOHN H. O'BRIEN,
 COMMISSIONER.

13-21 Park Row,

M. F. LOUGHMAN,
 DEPUTY COMMISSIONER.

City of New York February 15, 1910

T.M.

Hon. William J. Gaynor,
 M a y o r.

S i r:-

Supplementing my letter of recent date, in the matter of unfinished work by the Aqueduct Commission, I have learned through the Acting Chief Engineer of said Commissioner that the only work requiring their attention at the present time is of a very minor character and could easily be completed by the employes of this department. The unfinished work may be summarized as follows:

"Minor items in the works already completed, i.e., Croton Dam, Gate Houses, etc., which they estimate will be completed within the next five or six months.

"Work on the Croton Falls Reservoir, which they state will be finished so as to hold water within the next two or three months, and entirely completed within five or six months.

"Work on the proposed reservoir on the Paterson Swamp, i.e., surveys of lands to be condemned, etc., which are now under way.

"Finishing some minor work in relation with the Cross River Dam."

Respectfully,

Commissioner.

Feb 15/1910

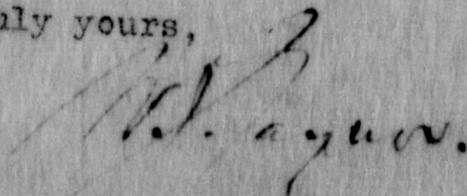
Notes from the
Aqueduct Comm

February 16, 1910

S i r

Please be so good as to confer with the new aqueduct commissioners, and ascertain what work they will have to do and what formalities they will have to go through in order to close up the work of the aqueduct commission and end its existence. The expense of the commission last year for salaries, office rents, etc., was in round numbers \$225,000. Do what you can to have that annual expense done away with as speedily as possible. It may be necessary for you to visit the reservoirs, etc., in order to know exactly what, if anything, remains to be done. - Let me have a report from you as soon as may be.

Very truly yours,



M a y e r

Henry S. Thompson, Esq.,

Commissioner of Water Supply, etc.



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*Department of Water Supply, Gas, and Electricity,
Commissioner's Office,
1321 Park Row,*

HENRY S. THOMPSON
COMMISSIONER.
EDWARD W. BEMIS
DEPUTY COMMISSIONER.

City of New York

February 17th 1910

Hon. William J. Gaynor,
M a y o r.

S i r :-

The general examination of the work done, and yet to be done, by the Aqueduct Commissioners in the Croton watershed, made, under my direction, by the Chief Engineer of this Department, shows as follows:

The Aqueduct Commissioners have at present a force in the field of about twenty men surveying the Patterson swamp for the proposed Patterson Reservoir. This work should be discontinued at once, since the construction of this reservoir, if undertaken, could not be completed until too late a date to make it of any use before the introduction of the Catskill supply, assuming that the latter be available in the early part of 1914. The men in charge of this work should be laid off at once.

There are three engineering parties engaged in the construction of the Croton Falls Reservoir, the work being divided into the construction of the main dam, the diverting works for the East Branch and the highways. The main dam should be completed early in the spring, and the work on the diverting basin and channel, as well as on the highways, could be completed in the early summer. For this purpose the engineering force therein engaged at present could be, as far as necessary, retained, and after the work is finished a few men could be held for the preparation of the final estimates to ~~rewind up~~ close the contract for the Croton Falls Reser-

Hon. Wm. J. Gaynor ---2

Feb. 17/10

voir later in the year. This work, therefore, is simple and could be readily and speedily taken up by this Department with a considerable saving in cost.

The contract for the Cross River Dam is completed.

There are also some things to do in the work already completed by the Aqueduct Commissioners, in order to put it in proper condition and avoid its rapid deterioration. Among these may be mentioned such, for instance, as the painting of fences already decaying from the lack of it, as well as the painting of bridges and iron construction which certainly should have received attention long ago. Furthermore, some changes and improvements would have to be made in the works completed by the Aqueduct Commissioners, even if the latter were to remain in office, before these works were accepted by this Department. It seems needless to add that these minor details can efficiently be taken care of by this Department.

Nothing else remains to be done by the Aqueduct Commission and the above outline is sufficient to show that there is no reason for its continuance in office, and that the work yet remaining to be done could be as effectively and much more economically done by this Department, to whose charge it could be immediately transferred.

Very respectfully yours,



Commissioner

Handwritten notes:
Wm. J. Gaynor
Feb 17 1910
Received
of the
Commissioner
of the
Department of
Public Works
for the
sum of
\$100.00
Henry J. Thompson

Feb 17/1910

As to work under
way of the Aqueduct
Commission

Very respectfully yours,

Handwritten signature

Commissioner

be done could be as effectively and much more economically done by
this Department, to whose charge it could be immediately transferred.
for its continuance in office, and that the work yet remaining to

March 9, 1910.

Sir :

I invite your close attention to section 30 of the aqueduct statute of 1883. I find there a provision that the commissioners are authorized after they inaugurate ~~the~~ work and give the contract to turn it over to the "direction, supervision, and inspection of the engineers and subordinates of the department of public works". Why then cannot your board do that now? Would you be so good as to call the members' attention to the matter and give it your own careful examination. This is a matter about which we cannot be over technical. We are in a situation where we need to deal with the substance of things and the general intent of the statute

Very truly yours,

W. Maynor.

Mayor

J. Noble Hayes, Esq.,

President Aqueduct Commission.

Pl. Hayes to turned it over, you would then willing else to do.

CORPORATION COUNSEL
CITY OF NEW YORK

March 29, 1910.

Robert Adamson, Esq.,
Secretary to the Mayor.

Dear Sir:-

I send you herewith copy of a letter which Mr. Watson has today sent to the President of the Aqueduct Commission. Mr. Watson would like to have you show this to the Mayor the first thing tomorrow morning.

Yours very truly,

Edmund Kirby
Secretary.

Enclosure.

✓
March 29, 1910.

2
J. Noble Hayes, Esq.,
President Aqueduct Commission,
280 Broadway, New York City.

S i r:

I received yesterday, the 28th instant, your favor dated March 22nd and post-marked March 26th.

In answer to question First I beg to say: If your Commission determines to turn over all the direction, supervision and inspection of work now under way to the Department of Water Supply, the Commissioner of that Department could be empowered to employ such members of your present engineering force and other employees of the Commission as might be deemed necessary for the continued supervision and inspection of the work.

In answer to question Second I beg to say: The turning over of the work by your Commission to the Department of Water Supply need not, in my judgment, wait upon or be delayed by the necessary or desirable arrangement as to employees.

In answer to question Third I beg to say: I suggest that contemporaneously with your turning over the inspection and supervision of existing work to the Department of Water Supply, you should report to the Mayor the present con-

J. Noble Hayes, Esq., -2-

ditions, which I understand to be, in effect, that no new work is contemplated, and that the work proceeding under existing contracts has been turned over to the Department of Water Supply, under Section 30 of the Aqueduct Act. The members of your Commission should accompany this by their respective resignations from office. The Mayor may then find, as a conclusion, if he is so minded, "the completion of the work", and declare the Commission abolished, or he may merely accept your resignations and make no new appointments.

You also inquire in question Third about gate houses and sewers. My information is that the gate houses need not now be constructed, and the Commissioner of Water Supply has ample power, under the Charter, to do this if and when it shall become necessary in the future. So far as the sewers are concerned, I understand that this construction is proceeding under a contract already let.

Respectfully,

Corporation Counsel.

Handwritten notes and signatures in the left margin, including a large signature and several lines of text.

Mar 29/1910

Copy of Letter sent
to Agueduct Com^{rs}

Corporation Company.

Respectfully,

Attention is proceeding under a contract already let.

as the matters are concerned, I understand that this com-

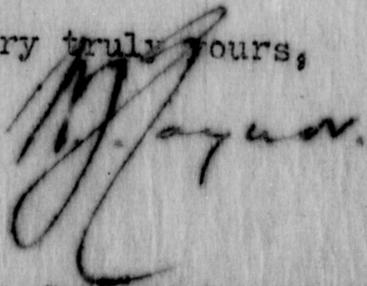
pany seems necessary in the future. So far

April 13, 1910.

Dear Sir:

I beg to acknowledge your favor of April 12th, with regard to the Aqueduct Bill, but I am not able to concur in the construction which you give to the act. I do not think there is any danger of anybody ever claiming any such construction of it. The Commissioner of Water Supply is an officer of the City and his department is subject to the Board of Estimate and Apportionment, and any addition which we may make to his work comes under the general provisions which govern his department.

Very truly yours,



William Jay Schieffelin, Esq.,
252, Fourth Avenue,
New York City.

A

COMMISSIONERS:

GEORGE B. MC CLELLAN, MAYOR.
HERMAN A. METZ, COMPTROLLER.
JOHN F. COWAN.
WILLIAM H. TEN EYCK.
JOHN J. RYAN.
JOHN P. WINDOLPH.
HARRY W. WALKER, SECRETARY.

AQUEDUCT COMMISSIONERS,

STEWART BUILDING, 280 BROADWAY,

NEW YORK,

April 17th

1900



Dear Mr. Mayor:

I am informed from Albany that the Chairman of the Assembly Com. ^(from Yale) before which our Bill to abolish the Aqueduct Commission will come up for hearing next Tuesday, will try to hold it up; and that it is necessary to make a public question of it, as far as possible, by some communication from you to the Speaker of the Assembly and the Governor: and if possible to obtain some action of the Board of Estimate recommending the passage of our Bill and the discontinuance of further unnecessary expense in maintaining the Aqueduct Commission.

It seems to me that the more possibility there

is of delay in the completion of the work
the more necessary for economy of administration

If the City publicly and squarely puts
it up to the Republican Legislature to give
the relief from unnecessary expense, I do
not see how it can refuse

Sincerely yours

Abt Hays

Hon William J Gaynor

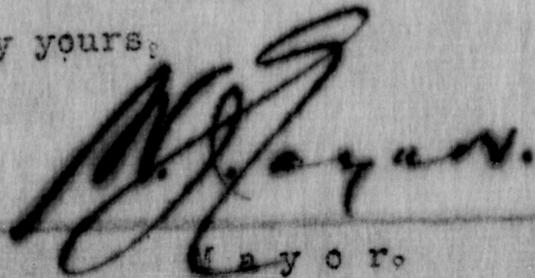
Mayor re

June 1, 1910.

S i r:

Allow me to thank you and your associates for the unselfish work you ^{all} did at my request in winding up the old Aqueduct Commission and its affairs. Although the Appellate Division has upheld the power of removal which I assumed over your predecessors, the act of the Legislature which you obtained, terminating the life of the Board on June 1, is most useful in removing all questions concerning the power of the Commissioner of Water Supply to take charge of all unfinished contract work on hand.

Very truly yours,


Mayor.

Hon. J. Noble Hayes,
Aqueduct Commissioner,
280 Broadway,
New York City.

OFFICE OF
ERNEST HARVIER
1193 BROADWAY

NEW YORK, June 10, 1911

My dear Judge:

I heard yesterday from one of the newspaper boys that some matters connected with the affairs in the Aqueduct Board had been brought to your attention recently, and it is proper that I should restate them, correctly.

When you determined in February, 1910 to close up the work and to save the city unnecessary expense, you appointed as the Board one layman and three lawyers. Two of the latter, Mr. Hayes and Mr. Furst, are estimable, intelligent and amiable gentlemen. Neither one of the three lawyers had been habituated, apparently, to decisive executive action in public affairs. Accepting the opinion (which seemed to me preposterous) of Mr. Hayes that de facto officers, acting within their legal powers, exercised in good faith, would be individually liable for the salary of any employee they discharged, if their title to office was not sustained on appeal, they refused to make any reductions or economies and voted against any curtailment of expense.

~~Though~~ It was evident to any intelligent person who had studied our water situation, as I had for ten years, that before Catskill water could be brought into New York we would have a shortage here ~~at~~ through dearth of storage capacity on this side of the river, I urged the endorsement of some plan of relief, leaving the giving of the contracts, if any, to our successor, Mr. Thompson. For a like reason, the three lawyers on the Board deemed delay desirable, until their title had been incontestibly established.

OFFICE OF
ERNEST HARVIER
1193 BROADWAY

NEW YORK, 2. 1911

When by statutory provision the tenure of the Board was ended on June 1, 1910, I believe, that, in accordance with your instructions to your Commissioners in writing, the payroll should be cut down to a minimum, but this was opposed, and as a result Mr. Thompson's payroll is now charged unavoidably with every Aqueduct employee in office when your Commissioners were appointed, except Mr. Bears and Mr. Walker. Though all work on Aqueduct construction has been suspended for a year, the city has received no relief from the chief burdens your Commission was appointed to reduce.

Mr. Hayes, who I ^{found} find a delightful gentleman personally, became engaged in a conflict, while Commissioner, with the newspaper boys, somewhat on the style of Cropsey. I am not familiar with the details, but understood that Mr. Taylor of the City News was acquainted with them. At all events, it was determined among the boys to resent the action of Mr. Hayes and this was easy as he has one of the attributes of genius -- an unwillingness to file, or enclose in envelopes, letters of a quasi-public character. Access to such correspondence was thus easy, and copies were made by visitors. The enclosed are copies of some of them which I obtained some ^{few} months ago from one of the boys.

There is a custom among newspaper men with which, of course, you are familiar, but the three lawyers you appointed were not. It is this: When one man on a Board, or Commission, or legislative body is popular with the press representatives they "cover" him by excluding him from their censures. Thus my name was omitted from the various public accounts and the other gentlemen on the Board, unaware of the usage, led themselves

OFFICE OF
ERNEST HARVIER
1193 BROADWAY

NEW YORK,.....3.....1911

to suppose that I had some hand in the publications.

For many years I have been a member of sundry Boards or Commissions (on one of them, an important city charity, for seventeen years consecutively) without a ripple of disagreement, and some of the friendships made on these Boards have been of inestimable mutual advantage. The fact that I have been able to retain intact for more than ten years a large political following, extending through every Manhattan and Bronx assembly districts, is the best of evidence that there was (and I hope is) no cantankerousness on the part of the only layman you appointed on your Aqueduct Board.

Yours sincerely,

Ernest Harvier
