

DEPARTMENT REPORTS

OF THE

STATE OF NEW YORK

CONTAINING THE

MESSAGES OF THE GOVERNOR

AND THE

DECISIONS, OPINIONS AND RULINGS

OF THE

State Officers, Departments, Boards
and Commissions

OFFICIAL EDITION

WILLIAM V. R. ERVING, *Miscellaneous Reporter*

VOLUME 27

0

ALBANY

J. B. LYON COMPANY, PUBLISHERS

1922

said district No. 9 of the town of Union call a special district meeting for the purpose of reconsidering the action taken at the district meeting held December 28, 1920, authorizing the erection of a new school building and voting an appropriation of \$12,000 therefor and for such other purposes as may be proper for the consideration of the voters of the district in carrying out the purposes and intent of this decision.

It is further ordered that all acts and proceedings under the resolution adopted at the district meeting held December 28, 1920, be and they are hereby stayed until further order in the premises.

In the Matter of the Application of the VILLAGE OF
FORT ANN, for Approval of its Maps, Plans and
Profiles of a New Water Supply

Water Supply Application No. 275

(Water Power Commission, March 16, 1922)

Application rejected.

BY THE COMMISSION.—Fred Bradway, president of the board of trustees of the village of Fort Ann, acting on behalf and in the name of that municipality, on January 31, 1922, made application to the Water Power Commission for approval of the project of said village for developing a source of water supply and installing a water supply system. Said application was filed in the office of the Water Power Commission February 7, 1922. On March 3, 1922, the Commission caused the site of the proposed works and the proposed source of water supply to be inspected by one of its engineers.

After due notice published in the Hudson Falls *Herald*, the hearing on this petition was held in the town hall in the village of Fort Ann on March 3, 1922, at 10:00 o'clock in the forenoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments for the project as shown by the minutes. The petitioner appeared by Fred Bradway, village president, and J. W. Gillette, village clerk. It also was represented by its attorneys, Messrs. Rogers and Sawyer, appearing by John E. Sawyer. No objections were filed and no one appeared in opposition.

It is proposed to obtain a supply of water for this village from Halfway brook. On the bank of this stream in the northerly part of the village a small pumping station has been erected and from it a cast-iron intake pipe extended up the bed of the brook for a distance of 600 feet to a wooden crib. In the pumping station a 350 gallon per minute centrifugal pump has been installed, direct connected to an electric motor. In the streets of the village a distribution system has been built, consisting of universal cast-iron pipe of six, eight and ten inches in diameter, to which are connected thirteen fire hydrants. These pipes have been laid in substantially all the streets of the village and the hydrants spaced to give fire protection to all buildings therein. Near the center of the village a 50,000 gallon elevated steel tank has been constructed, the base of which is seventy-five feet above the surface of the ground. The pump is to be operated automatically, so that the standpipe will at all times be practically full. No purification is contemplated. It is proposed to limit the use of this water to fire protection; industrial purposes in manufacturing plants and by its railroad; and domestic use in and about the dwellings, limited to toilet flushing,

bathing, washing and lawn sprinkling. The total cost of these works was \$22,000.

After due study of the petition and its exhibits, the evidence and arguments given at the hearing and the report of the engineers of the Commission on this application, it appears as follows:

Fort Ann is an incorporated village, situated near the center of Washington county, on the main line of the Delaware and Hudson railroad, the Champlain canal and at the junction of Halfway brook and Wood creek. By the census of 1920 the population of this village was 338 and it appears to be decreasing. According to the petition the assessed valuation of taxable property within this village by the last roll was \$172,795. The village has no bonded debt.

Fort Ann at the present time is entirely without a public water supply system. Water for drinking and domestic purposes is obtained from local wells and cisterns. Water for manufacturing purposes is obtained by individual effort. There is practically no fire protection. Clearly necessity for a public water supply system in this village exists.

On December 9, 1916, this village submitted a water supply application to the Conservation Commission, which was duly approved by that Commission February 7, 1917 (Water Supply Application No. 225). The project then approved contemplated the taking of water from the mill pond of the Kanes Falls Electric Company on Halfway brook at Kanesville, about a mile northwest of the village. Water drawn from this pond was to be purified by passage through mechanical gravity filters and by chlorination. It was to be pumped to the village by an electrically operated centrifugal booster pump installed in the plant of the Kanes Falls Electric Company; such arrangement allowing full advantage to be taken of the natural

difference in level between the two places and making it necessary to lift the water only through the additional head required for fire protection. No storage in the village was contemplated. The appropriation for carrying out this project was \$25,000. On account of the war and the consequent great increase in the cost of such works, this system was not built. The present project constitutes a modification of this original project, but differs from it in some important particulars.

On September 16, 1921, the board of trustees of said village, by resolution, submitted to the electors thereof a proposition to bond the village in the amount of \$22,000 for the purpose of constructing a water supply system therein. The election was held September 27, 1921, and the proposition carried in the affirmative by a vote of ninety-one to six. Thereafter the making of this petition to the Water Power Commission was authorized by resolution of the board of trustees of said village, adopted at a meeting held December 9, 1921.

The proposition, which received a favorable vote at that election, read as follows:

“Shall a Pumping System of Water Works be established by the Village of Fort Ann for supplying the village with water for fire protection and commercial purposes at an expense not to exceed \$22,000, or such a part thereof as is necessary, such water works to be constructed without a filter, water to be used for fire protection and commercial purposes, in the future a filter could be installed that would produce water to pass State inspection; and shall the Village of Fort Ann borrow the sum of \$22,000 for the purpose of constructing such water works and issue its bonds for that amount payable in twenty-two equal annual installments of \$1,000 each; the first installment of such

bonds to become due August 1st, 1925, one to become due on the first day of August in each year thereafter until all are due and payable; and shall said village raise annually by tax a sum sufficient to pay the interest and principal as the same shall become due?"

This is an amendment to the water question voted on in 1916.

The village authorities hold that this vote supersedes that originally held on the earlier water supply application.

It appears that in changing the original water supply project to the form now under consideration, the village authorities acted without the guidance of an engineer.

Halfway brook, the proposed source of water supply, was also the proposed source of supply in the original project. The Conservation Commission found that at Kanestville this brook would have sufficient flow to supply this village, that the proposed diversion would not adversely affect the water supply interests of any other municipality and that the quality of the water in the stream was such as to require purification by filtration and sterilization. At the point of diversion now proposed to be used this stream will have a somewhat greater flow and will be of somewhat worse quality. It would, therefore, appear that there was no reason now to alter the above mentioned findings made by the Conservation Commission. It remains to be determined whether the quality of the water of this stream is suitable for the proposed use of the water.

The milk bottling plant of the Borden Company, situated in the village of Fort Ann, is now supplied with water from Halfway creek, drawn from the mill pond of the Kanest Falls Electric Company. The department of health of the city of New York requires

sterilization with liquid chlorine of all water used by this company for washing cans and bottles. The company now proposes to obtain water from the village mains, but to continue this sterilization process. This may be taken as proof that for some commercial purposes the quality of the water proposed to be supplied by the village will not be suitable.

The village authorities do not propose to make any restrictions on connections to the mains or piping in the dwellings. Water will be conveniently available in taps and faucets and can readily be used for all purposes, including drinking, if the inhabitants so desire. The village authorities believe that a general notice to the people that the water is not to be used for drinking or for cooking will prevent the use of this water for those purposes. The village authorities suggested further that the householders might be required to sign a contract with the village, in which they undertook not to use the water for these prohibited purposes.

Before approving a water supply application, this Commission is required to determine: "that said plans provide for the proper protection of the supply and the watershed from contamination and provide for the proper filtration of such supply."

It finds in this case that such supply is unsuitable for use for drinking or for cooking. Past experience indicates that, if water is available in houses through taps and faucets, it will be used for such purposes even though the people have been warned that it is not of proper quality for such use. It has been found that, even though a water supply system is constructed solely for fire protection purposes and no house connections are supposed to be made, such connections nevertheless are made and the water is freely used for

all purposes, including drinking. Therefore the Commission is of the opinion that the village of Fort Ann has not given it sufficient assurance that the water proposed to be supplied in this village will not be used for these prohibited purposes and it does not consider it possible that the village authorities can sufficiently control the action of the inhabitants of this village to give such assurance. That being the case, the Commission is compelled to find that it cannot make the necessary determination that the quality of this water will be suitable.

This water supply system has been practically completed, although it has not yet been tested. A contract was let for the entire work for the amount of \$22,000.

The Commission is of the opinion that the water supply system submitted for its consideration by the village of Fort Ann has not in all respects been well designed. It will give excellent fire protection, but in other respects it is neither suitable nor economical. At comparatively small extra expense this system could be remodeled so as to supply drinking water to the people of Fort Ann. It is strongly urged that the village authorities, acting with the advice and under the guidance of a qualified water supply engineer, revise these plans, raise such extra funds as may be necessary and submit a modified application to the Commission.

In consideration of the above the Commission, therefore, finds and determines:

First. That said plans do not provide for the proper protection of the supply and watershed from contamination, nor for the proper filtration of such additional supply.

Second. That further determination thereon is at the present time unnecessary.

[Vol. 27]

Industrial Board

Wherefore, the Water Power Commission does hereby reject the said application of the village of Fort Ann.

In witness whereof, the Water Power Commission has caused this determination and rejection to be signed by the members thereof and has caused its official seal to be affixed hereto and has filed the same with all maps, plans, reports and other papers relating thereto in its office in the city of Albany this 16th day of March, 1922.

WATER POWER COMMISSION
ALEXANDER MACDONALD
Conservation Commissioner
CHARLES D. NEWTON
Attorney-General

FRANK M. WILLIAMS
State Engineer and Surveyor

A. H. PERKINS

Secretary to the Commission

In the Matter of The Claim for Compensation under the Workmen's Compensation Law, made by LOUIS ARBU, against LINDLEY M. GARRISON, as Receiver of the Brooklyn Rapid Transit Company, Employer and Self-Insurer

Case No. 1011842

(Industrial Board, March 15, 1922).

Award for permanent facial disfigurement.

Claimant, a blacksmith's helper, was injured in the course of his employment by reason of being struck in the mouth and chin. As a result of the injuries he suffered with traumatic neurosis, which caused dizziness, pain and headache. As a