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provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of the West Water District, as thus modified.

In the Matter of the Application of the VILLAGE OF HILLBURN for Approval of Its Acquisition of a Water Supply System Now Owned by Mountain Spring Water Company and the Enlargement and Improvement of Said Water Supply System

Water Supply Application No. 1361

(June 12, 1939)

Application approved as modified and waterworks system approved as constructed.

By THE COMMISSION.—John Creelman, Mayor of the village of Hillburn, in the town of Ramapo, Rockland county, acting in the name and on behalf of said village, on May 17, 1939, made application to the Water Power and Control Commission for approval of the plans of said village for the acquisition of the plant and property of the Mountain Spring Water Company located in the village and now engaged in supplying water to the residents thereof, and for the subsequent operation of that plant as a municipal water supply system. This application was filed in the office of the Commission May 19, 1939.

After due notice, published in the *Ramapo Valley Independent* of Suffern, the hearing on this application was held in the village hall in the village of Hillburn on June 5, 1939, at one o'clock (daylight saving time) in the afternoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments

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in favor of the project. The petitioner was represented by Morton Lexow, its attorney, and the Mountain Spring Water Company appeared by Clark H. Hebner. No objections were filed and no one appeared in opposition.

On June 5, 1939, the Commission caused an engineering inspection to be made of the sources of water supply of the company.

The village of Hillburn proposes to take over the ownership and control of Mountain Spring Water Company now operating in the village and hereafter to operate this system as a municipal public water supply system. In taking over this system, the village is to acquire all of the sources of water supply of the company, together with the complete supply and distribution system. The sources of supply so to be acquired consist of a reservoir with a capacity of about 8,000,000 gallons located on the so-called Bald Mountain stream about 2,500 feet northwest of the center of the village, a well situated on property now owned by the company near this reservoir, and such rights as the company has in a well located on the property of Rockland Light and Power Company in the village and in a connection now existing between the mains of the company and those of the village of Suffern made for the purpose of permitting the purchase of water from that municipality. It is expected that in the future Hillburn will make extensions to the distribution system as such extensions are required. The total estimated cost for the purchase of this system, including approximately \$5,000 for future extensions, is \$32,000.

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:

Hillburn was incorporated in 1893 and covers a portion of the town of Ramapo in Rockland county adjacent to the New York-New Jersey State line and

located on Ramapo river and on the main line of the Erie railroad. According to the 1930 census, this village had a population of 1,303 and it is estimated that its present population is about the same. The total assessed valuation of all taxable real property located within the village is \$1,223,584. The village has no outstanding bonded indebtedness. Hillburn is now almost entirely residential in character, although at one time there was considerable mining activity in this locality and it still has within the village limits a plant of the American Brake Shoe Company.

A public water supply system was first installed in this village in 1872 by the operators of the Ramapo Iron Works. In 1893, the same year in which the village was incorporated, the present water company was also incorporated and the system has since that time been operated by this company. The original source of supply for the company was a reservoir constructed on the same stream now used but located at an elevation considerably lower than the present reservoir. At one time water was also obtained from wells located at the plant of the Ramapo Iron Works, but both of these wells and the lower reservoir have now been abandoned. The present impounding reservoir was built in 1905. About 1930 the company put down a well about 100 feet from the present reservoir, this well being 6 inches in diameter and about 185 feet deep, practically all of which is in granite rock. It is equipped with a 100 gallon per minute electric motor driven deep well turbine pump by means of which water is pumped directly to the reservoir. All of the water from this well and the reservoir is now treated with chlorine and ammonia in the outlet pipe from the reservoir, prior to distribution to the consumers.

In 1933, the company made arrangements with the Rockland Light and Power Company for the installation of permanent pumping equipment in connection with an existing well on the power company's prop-

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erty north of Fourth street, near the northeast corner of the village. This well has been used in the past in cases of emergency and when it is so used the water is pumped to the distribution system without treatment of any kind. Another auxiliary source of water supply frequently used by the company is a connection to the mains of the village of Suffern through the original mains of the company, which at one time served both Hillburn and Suffern. Suffern obtains its water supply from two wells put down in the river flats under authority of our decision of August 18, 1932 (*Water Supply Application No. 709*; completed works approved January 13, 1936), and at this time has a supply of water in excess of its needs.

Neither the installation of the well near the reservoir, the equipping of the well at the Rockland Light and Power Company nor the connection to the mains of the village of Suffern has ever been approved by this Commission, although such approval obviously is required under the provisions of the Conservation Law. The village now asks for ratification of such acts and for authority to use these sources of supply in connection with the operation of this system.

The present project was authorized by a resolution of the village board adopted at a meeting held February 8, 1938. This action of the village board was ratified at the annual village election by a vote of 48 to 9 and at the same time the village authorized the sale of bonds in an amount of \$32,000 to pay the cost of this project.

The amount of the water available from the existing supplies actually owned by the company is sufficient to meet the demands on the system for the greater part of the year and additional water is available from the well on the Rockland Light and Power property, and through the connection to the mains of the village of Suffern. Under these circumstances, it appears that sufficient water has thus been provided to meet the needs of Hillburn for some time to come.

The quality of the water from the reservoir and the well nearby, generally, is satisfactory after the treatment now afforded and that from Suffern has been found to be satisfactory in the past. There is some uncertainty as to the quality of the water from the well on the Rockland Light and Power Company property as no analysis of this water is available, but by the present care taken in using this source of supply and the reasonably good condition of the property immediately surrounding it, the securing of good water from the well is reasonably assured. The Commission should, however, reserve the right to require the taking of additional sanitary precautions or the further treatment or purification of all water from any of the sources of supply now in use by the company if in the future such action may be necessary.

The carrying out of these plans will have no adverse effect on the water supply interests of any other municipality or civil division of the State. It has been stated that all of the present customers of the company are located within the village of Hillburn and that the village intends to continue to serve these consumers.

In addition to the acquisition of the existing plant and property of the company, it is now proposed to make such extensions in the future as may be necessary. No authority is now given for the making of such extensions outside the limits of the village itself and the development of any new or additional sources of water supply.

The legal damages which may be caused by the execution of the plans of the petitioner do not appear to be such as to require any special consideration or legislative enactment in order that they may be equitably determined and paid.

The Commission finds it to be necessary to protect the water supply and the interests of the applicant and of the inhabitants of the territory supplied by it with water, to protect the water supply and interests

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of any other municipal corporation or other civil division of the State and the inhabitants thereof, to protect the water supply and interests of any other person or waterworks corporation engaged in supplying water to any other municipal corporation or other civil division of the State and the inhabitants thereof, that the application, maps and plans submitted should be modified to conform to the following:

1. The village of Hillburn is hereby authorized to take over and to operate as a municipally owned public water supply system the complete waterworks system now owned and operated by Mountain Spring Water Company. Without the further consent and approval of this Commission, no extensions of the distribution mains may be made outside of the corporate limits of the village of Hillburn, nor shall water be distributed or sold for use outside of those limits, and the village may not acquire in connection with this system any new or additional sources of supply not specifically noted in this decision and approval. The emergency connection with the mains of the village of Suffern may be maintained and Suffern water purchased during sudden emergencies only. Should Hillburn ever desire to obtain water from Suffern in the ordinary course of business, and particularly to supplement the present supply during dry weather, the consent and approval of this Commission must first be obtained.

2. The Commission reserves the right to require the taking of further sanitary precautions or the further treatment or purification of the water from all of the sources of supply now authorized to be used by the village should future analyses or inspections show a need for so doing.

The Water Power and Control Commission, having given due consideration to the said petition and its exhibits, the proofs and arguments submitted at the hearing and the reports of its engineers thereon, determines and decides as follows:

First. That the application, maps and plans submitted are modified as set forth above and, as so modified, are the plans hereinafter mentioned.

Second. That the plans proposed are justified by public necessity.

Third. That said plans provide for the proper and safe construction of all work connected therewith.

Fourth. That said plans provide for the proper protection of the supply and the watershed from contamination and that filtration is at the present time unnecessary.

Fifth. That said plans are just and equitable to the other municipalities and civil divisions of the State affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.

Sixth. That said plans make fair and equitable provisions for the determination and payment of any and all legal damages to persons and property, both direct and indirect, which will result from the execution of said plans or the acquiring of said lands.

Wherefore, the Water Power and Control Commission does hereby approve the said application, maps and plans of the village of Hillburn, as thus modified, and the waterworks system as constructed.

In the Matter of the Application of the INWOOD COUNTRY CLUB for Approval of the Sinking of a Well or Wells at Its Plant at Inwood, Long Island, in the County of Nassau. AMENDED DECISION

Long Island Well Application No. W-58

(June 8, 1938)

Original application amended to extend completion date to June 11, 1940.

BY THE COMMISSION.—On June 11, 1935, the Water Power and Control Commission approved an appli-