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therein, and after further study of the original papers filed in connection with this matter, the Commission finds as follows:

Findings of Fact

1. Weather conditions during the month of March 1950 have not been favorable for the placing of additional concrete in order to comply fully with the terms of the original decision in this application.

2. Delay in completion of this project has been due to no fault of the applicant.

3. Therefore, an extension of time imposed by *Condition E* of the Commission's decision of April 5, 1949 may be granted.

Therefore, the said *Condition E* of that decision shall be and hereby is revised to read as follows:

E. Unless the works authorized by this decision shall have been fully completed by September 1, 1950, or within such extended time as may have been applied for and granted by the Commission, then, and on that date, this decision shall be deemed to have lapsed and to be of no further force and effect.

In all other respects the said decision shall remain as originally written.

Decision

Wherefore, the Water Power and Control Commission does hereby modify the said application, maps and plans of Charles M. Buck, as requested.

In the Matter of Application of the VILLAGE OF HILLBURN, for Approval of Construction of a Well as Additional Source of Water Supply for the Water Supply System of the Village of Hillburn. SECOND APPLICATION

Water Supply Application No. 2000
(April 4, 1950)

Application approved and operation authorized.

Proceedings

BY THE COMMISSION.—John Creelman, Mayor of the incorporated village of Hillburn, in the town of Ramapo, Rockland county, acting on behalf and in the name of said village, on November 15, 1949, made application to the Water Power and Control Commission for approval of the plans of said village for the acquisition or taking of an additional water supply by the development of a new well and of the construction in connection therewith. This application was filed in the office of the Commission on January 12, 1950.

After due notice, published in the *Ramapo Valley Independent*, the hearing on this application was held before Francis T. Griffin, assistant engineer of the Commission, in the village hall in the village of Hillburn on March 2, 1950, at two o'clock in the afternoon. At this hearing the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in

favor of the project. The petitioner was represented by Morton Lexow, its attorney. No objections were filed and no one appeared in opposition.

On March 2, 1950, the Commission caused an engineering inspection to be made of the site of the proposed works.

Project

The village of Hillburn now requests the approval of this Commission for its acquisition of a new and additional source of water supply by the development of a new well already installed on village property immediately northeast of its existing reservoir and about 150 feet north of an old existing well. The new well is essentially 8-inches in diameter and 300 feet deep, the lower 294 feet of which is drilled through rock. Six feet of 12-inch casing have been installed from the surface to bed rock. This 12-inch bore was then continued 20 feet into rock and an 8-inch casing, 26 feet long, inserted into the center of the 12-inch bore. The space outside the 8-inch casing has been filled with concrete, effectively sealing the inner casing. Continuing from the bottom of this 8-inch casing, an open hole 8 inches in diameter was then drilled through rock, extending a total of about 300 feet below the surface of the ground. Fissures in the rock admit ground water to the well. A ten horsepower electric motor-driven deep-well pump installed in the well and rated at 100 gallons per minute, will deliver water through a proposed 4-inch discharge line to an existing 12-inch main leading from the impounding reservoir. After mixing with the water from the existing supply, this water is to be sterilized at the existing chlorination building constructed over the 12-inch main. A brick and concrete pump house has been constructed over the well. The total cost of this project was \$7,000.

After due study of the petition and its exhibits, and the evidence and arguments submitted at the hearing, the Commission finds as follows:

Findings of Fact

1. The village of Hillburn was incorporated in 1893, and includes a portion of the town of Ramapo in Rockland county. The board of trustees of said village perform the duties of a water board and this board, at a meeting held on November 15, 1949, authorized the making of the present application. On December 1, 1949, the village, at a referendum election, authorized the issuance of \$6,650 in village bonds to pay the costs of this project.

2. The population of Hillburn, according to the 1940 census, was 1161, and it is estimated that the present population is substantially the same. The need for an additional water supply allegedly is based on the fact that, in the summer and in periods of drought, the level in the impounding reservoir drops dangerously low and a condition of generally insufficient water is created. During such periods, it frequently is necessary for Hillburn to purchase water by meter and at considerable expense from the village

of Suffern. The taking of such a supply by Hillburn never has been approved by this Commission or any of its predecessors.

3. The present system consists of a village owned 10,000,000 gallon impounding reservoir on a small creek with a 400 acre watershed and an old 6-inch well, 185 feet deep, installed about 20 years ago, adjacent to the dam on this stream. This well is not used at present and, it was stated, may be abandoned.

4. The Commission must require that, should this well be abandoned in the future, it be effectively and permanently sealed so as to prevent any possible pollution of the ground water stratum penetrated by it.

5. Water from the impounding reservoir and the old 6-inch well, which was pumped directly into the reservoir, is chlorinated directly below the dam in the existing 12-inch main leading to the village. Distribution to consumers is effected by gravity through an existing network of various size mains.

6. This existing village waterworks originally was privately owned and its acquisition by the village was approved by this Commission on June 12, 1939 (*Water Supply Application No. 1361*; 60 State Dept. Rep. 707).

7. The new well, which we are now asked to approve, has been pumped on test at a rate of 159 gallons per minute. Such an additional quantity of water will provide a valuable increase in the village water supply facilities.

8. There is no indication that any treatment of this water will be necessary other than the chlorination now provided all water distributed in the village. Such treatment, however, must be provided.

9. The new well is located over 200 feet from the nearest boundary of the village-owned reservoir site and this entire area, including some 400 acres of watershed lands, are posted and uninhabited.

10. This Commission must reserve the right to require the taking of further sanitary precautions or the further treatment of this water, should the results of future analyses or inspections show a need for so doing.

11. The total assessed valuation of all taxable property within the village limits is \$1,469,691, as indicated by the last completed assessment roll. The village has outstanding indebtedness in an amount of \$32,425, of which \$22,000 was incurred for the original purchase of the present system.

12. No land is to be taken or acquired in connection with this project.

13. The carrying out of this project has had no adverse effect on the water supply interests of any other municipality or civil division of the State.

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

15. Since the project is completely constructed except for the

making of the necessary connection to the existing mains, there is no reason why the Commission may not now grant completed works approval and a permit to operate this well.

Conditions

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 and to protect the water supply and interests of 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:

A. Under this decision and approval, the village of Hillburn is authorized to use the new well herein described as an additional source of water supply and to connect this well to its water supply and distribution mains.

B. If, in the future, the village decides to abandon the old well at the reservoir site, this well must be filled in and effectively and permanently sealed so as to prevent any possible pollution of the adjacent ground waters.

C. The village must retain ownership of all land within 200 feet of this well and must use this land for water supply purposes only.

D. Nothing in this decision and approval contained, shall be held to authorize applicant to supply, sell or distribute water from this source of supply for any purpose unless, all such water shall first have been treated by sterilization in a manner satisfactory to this Commission.

E. The Commission reserves the right to require the taking of further sanitary precautions or the further treatment or purification of the water from this source should future analyses or inspections show a need for so doing.

Statutory Determinations

The Water Power and Control Commission, having given due consideration to the said petition and its exhibits, and the proofs and arguments submitted at the hearing 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 provision 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.

Decision

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 does also authorize the operation of this new well by the village.

In the Matter of Application of the VILLAGE OF MARCELLUS, for Authority to Construct Improvements to the Village Water Supply System and Obtain a Standby Supply from Otisco Lake Through the New York Water Service Corporation. SECOND APPLICATION

Water Supply Application No. 2001
(April 4, 1950)

Application, maps and plans approved as modified.

Proceedings

By THE COMMISSION.—V. S. Kenyon, Mayor of the incorporated village of Marcellus in the town of Marcellus, Onondaga county, acting in the name and on behalf of said village, on January 16, 1950, made application to the Water Power and Control Commission for approval of the plans of said village for the acquisition or taking of an additional water supply and of the construction proposed in connection therewith. This application was filed in the office of the Commission January 18, 1950.

After due notice, published in the *Marcellus Observer*, the hearing on this application was held before George J. Natt, senior engineer of the Commission in the fire house in the village of Marcellus, on March 1, 1950, at two o'clock in the afternoon. At this hearing, the Commission considered the petition, maps and plans submitted, examined witnesses and heard arguments for and against the project. The petitioner was represented by A. W. Wilson, its attorney. Objections were filed by some eighteen residents of the village, many of whom appeared in person at the hearing. C. E. Reiffenstein, appeared as attorney for Mr. and Mrs. Lloyd W. Cummings.

On March 1, 1950, the Commission caused an engineering inspection to be made of the site of the proposed works.

Project

The village of Marcellus now asks approval of this Commission for the making of a connection between the water supply system of the village and the transmission mains of New York Water Service Corporation and the taking of water from that company whenever necessary for use in the public water supply system of the village. The connection is to be made at the booster station of the water