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tamination and for the proper filtration of such additional supply.

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 Control Commission does hereby approve the said application, maps and plans of the Highland-Clinton water district as thus modified.

In the Matter of the Application of the VILLAGE OF JORDAN, for Approval of Its Acquisition of the Existing Plant, Structures and Sources of Water Supplying the Village of Jordan, Onondaga County, now Owned or Controlled by the Weedsport Water Company and the Jordan Water Company

Water Supply Application No. 402

(Water Control Commission, June 25, 1926)

Application approved as modified.

By THE COMMISSION.—Hugh M. Wyckoff, president of the village of Jordan, acting on behalf and in the name of said municipality, on May 10, 1926, made application to the Water Control Commission for approval of the acquisition by said village of the sources of water supply, lands, plant and structures now owned and controlled by private interests and

used to supply water to the people of Jordan. This application was filed in the office of the Commission May 19, 1926.

After due notice, published in the *Jordan Home Paper* and the *Weedsport Sentinel*, the hearing on this application was held in the village hall in the village of Jordan on June 15, 1926, 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 and against the project. The petitioner was represented by John C. McLaughlin, its attorney; the president, clerk and trustees of the village appeared in person in support of the application. H. G. Treat, president of the village of Weedsport, appeared to represent that municipality and also in support of the application. Objections were filed by G. C. Townsend, who appeared in person in opposition.

On June 15, 1926, the Commission caused the sites of the proposed work and the proposed sources of water supply to be inspected by one of its engineers.

Jordan proposes to acquire all of the property owned and controlled by the Weedsport Water Company and the Jordan Water Company which lies in or is used for the purpose of supplying water to that village. Approval is also asked of a certain well, proposed to be used as a new and additional source of water supply for this village, which well is included in the property to be purchased.

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:

Jordan is an incorporated village situated on Skaneateles creek near the westerly boundary of the town of Elbridge, Onondaga county, and the westerly boundary of that county. Jordan is now a residential,

suburban community; the industrial plants formerly located here have been closed. It is served by the main lines of the New York Central and West Shore railroads and by the electric car line running between Rochester and Syracuse. The old Erie canal passed through this village, but the Barge canal does not. By the census of 1920, the population of Jordan was 1,012; in 1925 it was 1,152. The total assessed valuation of property within this village is \$665,700. Total outstanding bonded indebtedness is \$7,000, none of which is for water. There is no sewerage system in the village.

Jordan has had a public water supply system since 1889, when the present distribution system was constructed by Jordan Water Company. Control of that company was taken over by Weedsport Water Company in 1896, and various parts of the system belong to the latter rather than to the former company. Originally this system was supplied with water from a group of springs feeding an 800,000 gallon reservoir situated outside of and near the southwesterly corner of the village. This supply was limited in quantity and gave pressures which were too low for fire protection. After being taken over by Weedsport Water Company a second reservoir with a capacity of 1,000,000 gallons was constructed about one-quarter of a mile southeast of the old reservoir and at a materially higher elevation. This new reservoir was supplied with water through a four-inch pipe line, from White spring, situated about one and one-half miles to the west in the town of Brutus, Cayuga county. A pumping station was installed at the old reservoir and used to lift the water from that basin into the new reservoir. Just below the dam of the old reservoir the company recently sank an eight-inch diameter 112-foot well. The village proposes, after acquiring this well, to pump water from it into the

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new reservoir. It is proposed to construct a new pumping station near the well and to use it for pumping well water and also for pumping water from one reservoir to the other. The village proposes to acquire all of the distribution system, the two reservoirs, the four-inch pipe line to White spring, the new well and the diversion rights now owned by the company in the waters of that spring. On May 1, 1925, the village of Weedsport purchased White spring (Water Supply Application No. 373, approved March 18, 1925), subject to the reservation for the supply of the people of Jordan of the amount of water necessary to fill the four-inch pipe to that place.

During the past few years certain difficulties between the water companies and the village have arisen. These were principally over rates and service. It does not appear that there has been serious complaint of shortage of water, although pressures at times have been undesirably low. As a result of prolonged negotiations, the village eventually obtained an option for the purchase of this property for \$22,500. It is for approval of this purchase in accordance with the terms of the option that this application was made.

On April 20, 1926, the board of trustees of the village of Jordan called a special election and submitted to vote thereat two propositions: (1) to purchase the existing waterworks system for the sum of \$22,500 and to issue village bonds in that amount; (2) to issue bonds in the amount of \$2,500 for the purpose of making extensions and betterments to the system proposed to be purchased. This election was held May 1, 1926. The first proposition was carried unanimously in the affirmative, the second proposition in the affirmative by a vote of eighty-six to three. The making of this petition was authorized by resolu-

tion of the board of trustees adopted at a meeting held May 4, 1926.

Carl Crandall, city engineer of Ithaca, has acted as engineer for the village in making an appraisal of the value of the property of the companies and in advising it with respect to the proposed extensions.

Weedsport Water Company is endeavoring to liquidate its business in this part of the State. It has already sold the Weedsport section of its plant to that village. It now desires to dispose of the portion in Jordan. Mr. Crandall states that the agreed price for this property is about 90 per cent of what he considers a fair purchase price for the system; hence it is an advantageous purchase for the village. Undoubtedly municipal ownership and control will give better satisfaction to the people of Jordan than the existing private management.

In acting on the Weedsport application the Commission passed upon the quality of water from White spring. Recent analyses of water from the springs supplying the old reservoir in Jordan show the water from them to be quite hard, but otherwise of satisfactory quality. Analyses of water in the old reservoir indicate that some surface wash from the surrounding pastures has reached it. This is presumably due to the somewhat dilapidated condition of the fence around this reservoir, which has permitted the entrance of cattle into its immediate vicinity. It will be desirable for the village to purchase additional land on the watershed of the old reservoir. All lands purchased for water supply purposes must be securely fenced and the entrance of cattle and, as far as possible, the entrance of unauthorized persons within the enclosure should be prevented. Furthermore the village authorities should obtain the enactment, under the provisions of section 70 of the Public Health Law, and put into effect rules and regulations for the sani-

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tary protection of this watershed. Such action will be required by the Commission and in addition it will reserve the right to require additional purification if future analyses or inspections shall indicate necessity therefor.

The well which it is proposed to use as an additional source of water supply is located on the old reservoir lot just below the dam forming that basin. It was stated that in sinking this well clay, gravel and hardpan were penetrated to a depth of sixty feet more or less. The well was then carried down to one hundred and twelve feet. Water stands in it sixty-two feet below the surface of the ground. There is a flow of water in the well distinctly audible at the top of the casing. This well has not been tested either for quantity or for quality, so that it is at present impossible to make predictions with regard to these matters. It seems, however, from an examination of the locality that it is reasonably probable that the supply of water to the village of Jordan can be augmented by pumping from this well. It will be required that evidence as to the quality of the water from this well be submitted to this Commission and its specific approval of the use thereof obtained before the well is put into service. The Commission will reserve the right to require purification of the well water if such action seems necessary.

Detailed plans of and specifications for the new pumping station have not been submitted. It will be required that they be submitted and approved by the Commission before work on that structure is undertaken.

Jordan and Weedsport are the only municipalities affected by the carrying out of this project and the rights of these two municipalities in the water from White spring have already been determined by this Commission in approving the Weedsport application.

H. G. Townsend appeared in opposition. It appears that he is the owner of a farm through which the outlet of White spring passes and that at one time this farm was gratuitously supplied with water from the supply main from White spring in compensation for the diversion of water from the outlet brook. He wished the Commission to clarify the question of what right he had to be supplied with water without charge therefor. Apparently the only question at issue is one which should be determined by the courts, not by this Commission.

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 or of the inhabitants of the territory supplied by it with water, or to make safe all dams or reservoirs to be constructed by said plans, that the application, maps and plans submitted should be modified to conform to the following:

1. The land about all reservoirs to be purchased by the village must be securely fenced in such manner as to prevent the entrance of cattle or unauthorized persons thereon. Any watershed tributary to such a reservoir must be protected by suitable rules and regulations, enacted and put into effect under the provisions of section 70 of the Public Health Law, for the sanitary protection of such reservoirs.

2. Water from the well shall not be supplied to the people of Jordan until, after a thorough test and the making of analyses of the water therefrom, the quality of this water shall have been approved by this Commission. In making such approval the Commis-

sion may require purification or additional construction or precautionary measures.

3. Plans and specifications for the proposed new pumping station must be submitted to and approved by this Commission before work on that structure is started.

4. These works shall be completely constructed within two years of the date of this decision.

The Water Control Commission having given due consideration to the said petition and its exhibits, the proofs and arguments submitted at the hearing and the report 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 Control Commission does hereby approve the said application, maps and plans of the village of Jordan as thus modified.