

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

HARRY E. COLE, Editor State Department Reports

VOLUME 50

ALBANY

J. B. LYON COMPANY, PUBLISHERS

1935

[Vol. 50] Water Power and Control Commission

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 Trenton, as thus modified.

In the Matter of the Application of the VILLAGE OF JORDAN for Approval of Its Acquisition of a Source of Water Supply and of Its Financial and Engineering Plans for the Construction of a Water Supply System. SECOND APPLICATION

Water Supply Application No. 921

(Water Power and Control Commission, March 19, 1935)

Application approved as modified.

BY THE COMMISSION.—Lucius J. F. Craner, mayor of the incorporated village of Jordan, in the town of Elbridge, Onondaga county, acting on behalf and in the name of said municipality, on January 29, 1935, 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, the taking or condemnation of lands for new or additional sources of water supply and of the construction proposed in connection therewith. This application was filed in the office of the Commission on February 2, 1935.

After due notice, published in the *Jordan Home Paper* and the *Jordan Leader*, the hearing on this application was held in the village hall in the village of Jordan, on February 25, 1935, at 2:15 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 John C. McLaughlin, village attorney. In addition the village of Elbridge was represented by LeRoy N. Giles, mayor; village of Skaneateles by E. C. Miller, president of the water board; the town of Skaneateles and Skaneateles water district by C. R. Milford and C. T. Major. No objections were filed and no one appeared in opposition.

On February 25, 1935, the Commission caused an engineering inspection to be made of the sites of the proposed works and on various previous occasions it had caused such inspections to be made of the proposed source of water supply.

Jordan now proposed to obtain a supply of water from the supply mains of the city of Syracuse, such water to be obtained indirectly through the mains of the incorporated village of Elbridge. From and connecting to the westerly end of the pipe line in Main street in the village of Elbridge, the village of Jordan proposes to construct a six-inch cast iron supply main, running westerly along the extension of said street about one-half mile to Monroe's Corners and thence northerly to the recently reconstructed reservoir of the village of Jordan. Elbridge now purchases water from Syracuse and such water will be discharged from the Elbridge system into this supply main and flow through it to the Jordan reservoir and from thence to the distribution system in the village of Jordan. Applicant is to purchase water supplied to it directly from the city of Syracuse and is to pay the village of Elbridge for the services rendered by it in carrying such water from the Syracuse conduit to the end of the Elbridge mains. A meter is to be installed at the

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junction point. Jordan expects to abandon its existing sources of water supply, except White Spring. It expects to discontinue the use of water from that spring but to maintain the works so that spring water can be used in case of emergency. The proposed construction is to consist of 12,650 feet of six-inch cast iron pipe and three fire hydrants, located near Monroe's Corners, which construction, together with other incidental equipment, is estimated to cost about \$20,000. In addition, applicant asks authority to supply water in the town of Elbridge outside of its corporate limits, within a reasonable distance of the proposed supply main and north of and generally around the village.

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 in it have been closed. It is served by the main lines of New York Central and West Shore railroads. The present population of Jordan is estimated at 1,250. The assessed valuation of property within the village limits was \$660,870 by the last roll. Jordan has outstanding bonded indebtedness in the amount of \$13,500, all of which was incurred for water supply purposes.

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. Originally, this system was supplied

with water from a group of springs feeding an 800,000 gallon reservoir situated outside of and near the south-westerly corner of the village. This supply was limited in quantity and gave pressures too low for fire protection. After Weedsport Water Company took control, 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 is 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 to lift the water from that basin into the new reservoir. That portion of the plant of Weedsport Water Company which supplied Weedsport was acquired by that village in 1925 (Water Supply Application No. 373, approved by the Water Control Commission March 18, 1925). By that decision our predecessor particularly required that the rights of the people of Jordan to enough water from White spring to fill the existing four-inch pipe line be preserved. In 1926 the Water Control Commission approved of the purchase of the water works system in the village of Jordan by that municipality and also of the sinking of a well just below the dam of the newer reservoir (Water Supply Application No. 402, approved June 25, 1926, completed works approved February 6, 1935).

During the past few years of deficient rainfall it has been found that the water supply resources of the village of Jordan are insufficient to meet reasonable needs of its inhabitants. This condition was aggravated by the fact that the 1,000,000 gallon reservoir was in poor condition and doubtless leaked badly, but even with that reservoir put in good condition as is now being done, there would still be need for addi-

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tional water in the village. The water heretofore used and all the water locally available in and about Jordan is extremely hard and for that reason undesirable.

Plans for the project now under consideration were prepared by Sergei N. Grimm, a civil engineer with an office in the city of Syracuse.

The carrying out of this project was authorized by referendum vote of the taxpayers of the village at a special election held December last which was called by the trustees of the village, on December 26, 1934. These proceedings authorized the issuance of bonds in the amount of \$28,000 or such part thereof as might be necessary to complete the works over and above such sums as might be obtained through the various relief agencies. The making of this petition was authorized by the board of trustees at a meeting held January 29, 1935.

Jordan now desires to obtain a supply of water from the supply conduits of the city of Syracuse. That city for many years has obtained a supply of water from Skaneateles lake. In 1931 said city made application to this Commission for approval of the construction of an additional intake in that lake, of a third conduit to the city and of the withdrawal of an additional quantity of water from Skaneateles lake (Water Supply Application No. 609). In approving that application on September 22, 1931, the Commission made the following requirements:

7. Skaneateles lake and the tributaries and outlets thereof are hereby declared to be the natural and proper sources of water supply for all parts of the drainage basin thereof and also for any part of the towns of Skaneateles or Elbridge, Onondaga county, and the easterly part of the town of Sennett, Cayuga county, and of the inhabitants thereof. These inhabitants are hereby

declared to have a right so to be supplied superior to the rights of the city of Syracuse and applicant may draw from this lake only water which is in excess of the reasonable needs of these inhabitants and, in default of service rendered, shall have no claim for compensation or for damage by reason thereof.

8. Any municipality, water district or similar political subdivision of the State situated in or including any part or all of the towns and parts of towns above named may apply to this Commission for permission to take the water needed for the supply of such applicant and the inhabitants thereof from any pipe line or conduit owned by the city of Syracuse. On approval of such application said city shall permit the necessary connections to be made to its conduits and shall furnish such water, subject to such terms and conditions as may be specified by this Commission in its decision approving and authorizing such taking. All taps and connections shall be made and the necessary meters installed and maintained at the expense of the taker or takers of the water. Connections shall be made in conformity with the reasonable requirements of the proper authorities of the city of Syracuse. Syracuse shall be paid for the water so taken at the rate which may be agreed upon between that city and the taker of the water, or, if they cannot agree, shall, on application of either party, be fixed by this Commission.

The present application is made under the provisions of those requirements.

The city of Syracuse, the village of Elbridge and the applicant have agreed as to the terms and conditions under which Jordan may obtain this water from Syracuse.

This Commission has already found the quality of the water in the Syracuse conduits to be good, but in view of the fact that the city might decide to chlorinate its water supply at a point nearer the city than the village of Skaneateles, the Commission should reserve the right to require the village of Jordan to sterilize all water purchased from the city or from Elbridge village or to share in the cost of such sterilization by the village of Elbridge should such action in the future be found to be necessary.

The plans provide for suitable and safe construction.

Sufficient funds appear to be available to allow this project to be completed.

At one time the village of Jordan considered purchasing water from the village of Skaneateles through Skaneateles water district and Elbridge water district. It was for this reason that the representatives of those civil divisions appeared at the hearing; but when they learned that their particular communities were not affected by the project they retired from the case.

The carrying out of this project will be just and equitable to the other civil divisions of the State affected with regard to their water supplies.

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 of any other municipal corporation or other civil division of the State and the inhabitants thereof, to bring into co-operation all municipal corporations or other

civil divisions of the State which may be affected thereby, and to make just and equitable the submitted plan or scheme to determine and provide for the payment of the proper compensation for any and all legal damages to persons or property, whether direct or indirect, which will result from the acquiring of said lands and the execution of said plans, that the application, maps and plans submitted should be modified to conform to the following:

1. By virtue of this decision and approval the village of Jordan is hereby authorized and permitted without further application to this Commission to extend its mains into and to supply water in the town of Elbridge outside of the corporate limits of the village of Jordan anywhere within one-half mile of the boundaries of said village or of the pipe line connecting its reservoirs with the mains of the village of Elbridge. Provided, however, that nothing in this decision contained shall be held to authorize said applicant to dispense with any consent of the local authorities of any part of these areas which may be otherwise required or to authorize said applicant to enter into competition with or to parallel the distribution mains of any water works system either publicly or privately owned, now established in this area or which may be established therein or to sell water to any water works system, publicly or privately owned, until the owners or authorities in charge of such system shall have applied for and received the approval of this Commission. Further provided that this Commission retains the right to alter the boundaries of this area, to authorize the construction of other water works systems therein, both publicly and privately owned, and to authorize the development of other public sources of water supply both within and with-

out said area for the supply of water in said area. Generally, this authority shall not be held in any way to restrict this Commission in taking such action as it may deem suitable and proper on any water supply application which may come before it affecting this area.

2. The village of Jordan shall, upon order of this Commission given if future changes in conditions shall show need therefor, install and thereafter operate satisfactory apparatus for the treatment or purification of all water drawn by applicant from the mains of the city of Syracuse or of the village of Elbridge, or pay an equitable proportion of the cost of such treatment and purification should this Commission require the village of Elbridge so to treat or purify the water purchased by it from the city of Syracuse.

3. Should any question or controversy arise as to the relations in connection with this water supply between the villages of Jordan and Elbridge or the city of Syracuse and on petition of any interested party, this Commission reserves the right insofar as its authority will permit, to take such steps as may be necessary justly to settle such controversy.

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

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 Jordan, as thus modified.

In the Matter of the Application of the ARLINGTON WATER DISTRICT for Approval of Its Plans for the Extension of Its Supply and Distribution Mains Into an Extension of that District. FIRST EXTENSION

Water Supply Application No. 922

(Water Power and Control Commission, March 19, 1935)

Application approved as modified.

BY THE COMMISSION.—The town board of the town of Poughkeepsie, in Dutchess county, acting on behalf and in the name of Arlington water district, on February 13, 1935, made application to the Water Power and Control Commission for approval of the plans of said district for the extension of its supply and distribution mains into a portion of the State wherein it