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Decision

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

In the Matter of the Application of VILLAGE OF HONEOYE FALLS for Approval of Acquisition of Source of Water Supply from Rochester, New York, Hemlock Water Main Pursuant to Contract Between CITY OF ROCHESTER and MONROE COUNTY WATER AUTHORITY, and for Permission to Contract for Same with MONROE COUNTY WATER AUTHORITY, and Extension of Temporary Permit under Which Hemlock Water Is Now Being Supplied to Said Village. **FOURTH APPLICATION**

Water Supply Application No. 2585
(August 24, 1954)

Application, maps and plans approved as modified.

Proceedings

BY THE COMMISSION.—Basil E. Moore, mayor of the village of Honeoye Falls in the town of Mendon, Monroe county, acting on behalf and in the name of that village, on July 15, 1954, 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 for that village and of the construction in connection therewith. This application was filed in the office of the commission on July 19, 1954.

After due notice published in *The Honeoye Falls Times* and in the *Rochester Times-Union*, the hearing on this application was held before Henry M. Schiller, associate engineer of the commission, in the Monroe County Court House in the city of Rochester on August 11, 1954 at 1 o'clock in the afternoon. At this hearing the commission considered the petition, maps and plans submitted and heard arguments in favor of the project. The petitioner was represented by Chamberlain, Page and D'Amada, its attorneys (Arthur V.D. Chamberlain, of counsel). The Monroe County Water Authority appeared at the hearing by Franklin H. Judson, its chairman and the city of Rochester by Honora A. Miller, its corporation counsel (David Schoenberg, deputy corporation counsel, appearing).

Project

Honeoye Falls now asks this commission for approval of its acquisition or taking of a water supply to the extent of 250,000 gallons a day, from the city of Rochester by the purchase of such water from the Monroe County Water Authority through a connection which already has been made to an existing 24-inch conduit of the city of Rochester located in the easterly portion of the village. The village

also asks for the extension and continuation of a permit for the emergency use of water from that conduit which had been granted by the state Health Department under the provisions of 120-u of the General Municipal Law on February 26, 1954 for a period of six months from such date.

After due study of the petition and its exhibits and the evidence and arguments given at the hearing the commission finds as follows:

Findings of Fact

1. Honeoye Falls was incorporated as a village in 1838 and covers a part of the southwesterly portion of the town of Mendon in the county of Monroe near the junction of Monroe, Livingston and Ontario counties.

2. The village is primarily a residential community but it has several small business and industrial establishments within its limits.

3. According to the 1950 census the village had a population of 1,460 and it is estimated that its present population is about 1,500.

4. The total assessed valuation of all taxable real property located within the village limits is about \$1,500,000 and the village has bonded indebtedness and notes outstanding to an extent of about \$40,000 of which amount \$5,500 was issued for water supply purposes.

5. The village has owned and operated a municipally owned public water supply system since about 1913. The construction of this system and the development of a supply of water for it was authorized by one of our predecessors, the Conservation Commission, in a decision of February 24, 1913 (*Water Supply Application No. 134*; 3 Conservation Commission 228; completed works approved May 3, 1918).

6. The present sources of supply for this system consist of two wells, the first of which was developed under authority of a decision of this commission of October 13, 1937 (*Water Supply Application No. 1275*; 58 State Dept. Rep. 649; completed works approved on same day) and the second well under authority of a decision of the commission of February 1, 1944 (*Water Supply Application No. 1602*; 65 State Dept. Rep. 500; completed works approved May 1, 1945).

7. The water obtained from these wells generally has been sufficient to meet the demands of the village system and its quality, with the treatment now provided it by sterilization, has been satisfactory until about early 1954.

8. It is reported that during the course of a fire in the vicinity of the wells about February 1954 the water in the wells became polluted and it was found necessary for the village to issue a "boil order." It also was stated that the polluted condition of the wells may be due to earth tremors which opened crevices in the rock formation permitting pollution to enter the wells.

9. The water from the wells has continued to be unsatisfactory in quality and the village officials sought and secured permission to take water temporarily from the city of Rochester through a connection

made to an existing 24-inch conduit of the city crossing through the easterly part of the village. Approval of this connection was secured under the provisions of section 120-u of the General Municipal Law on February 26, 1954 to extend for a period of six months from the date of issue during which time it was expected corrective measures could be taken to eliminate pollution in the wells of the village.

10. These wells, however, have continued to remain in an unsatisfactory condition and the board of trustees have adopted a resolution determining it advisable and necessary for the welfare of the inhabitants of the village to continue taking its water supply from the conduits of the city of Rochester and authorizing a proposal to contract with the Monroe County Water Authority for such a purpose. The proposition was submitted to the electors of the village at a special election on June 8, 1954 and was approved by a vote of 523 to 32.

11. Thereafter on June 22, 1954 the board of trustees adopted a further resolution finally authorizing the taking of a water supply to an extent of 250,000 gallons a day from the conduits of the city of Rochester by a contract with the Monroe County Water Authority. This latter resolution also directed the making of an application to this commission for approval of such taking and for the extension and continuation of its temporary permit for which the time limit is about to expire.

12. It is readily apparent that since the existing wells of the village are unable to provide water of a satisfactory quality, the taking of a new and more suitable supply is essential to the inhabitants of the village. The average demands required to meet the needs of the village residents are about 140,000 gallons a day with peak demands about twice that figure.

13. William S. Lozier Company, a firm of consulting engineers of Rochester, has been retained by the village as its engineers in connection with the project. This firm was represented at the hearing by Bradford P. Squire.

14. A representative of the city of Rochester at the hearing stated that the city is not opposed to furnishing the water supply demands of the village of Honeoye Falls but it is opposed to the permanent taking of a supply from its conduit No. 1 as pressures on this conduit are not always dependable and in addition certain operational matters are involved. He also stated that by an existing agreement between the Monroe County Water Authority and the city, a supply of water to the authority for resale by it may only be taken from the city's conduits Nos. 2 and 3.

15. The representative of the Monroe County Water Authority stated that the authority is agreeable to furnishing a water supply to the village, as it lies within the area wherein it has been authorized to furnish a water supply, but that its agreement with the city specifically requires that connections may be made only to conduits Nos. 2 and 3 of the city and that the officials of the village of Honeoye Falls have been made aware of such facts.

16. At the hearing the representative of the village submitted a sketch map showing the proposed connections which it now desires to make to conduits Nos. 2 and 3 to meet the requirements of the city and the authority and also a map showing its existing emergency connection to conduit No. 1. The connections to conduits Nos. 2 and 3 are located near the intersection of East street and Quaker Meeting House road some 1,500 feet east of the village limits. It is proposed to install the required amount of 6-inch main to connect the existing distribution system of the village to these conduits.

17. The village also has requested permission to furnish a water supply to residents of properties located along this connecting main between the limits of the village and the conduits.

18. The village proposes to use water from the conduits of the city as its main source of supply and to retain its existing wells only for emergency and standby purposes. The commission should not, in view of the poor quality of the water in the wells, permit the retention of such wells as a permanent source of public water supply for the village. It should require that any future use of the water from such wells be carried out only under the provisions of the Sanitary Code and under such terms and conditions as might be required by the state Department of Health.

19. The commission in approving this application by the village should, in view of the dire need of the residents therein permit the continuation and taking of a water supply for use in the village through the existing connection to conduit No. 1 under such terms and conditions as might be arrived at between the officials of the city of Rochester and the village of Honeoye Falls. The commission must, however, require that the use of this location be discontinued promptly after a water supply has been made available to the Monroe County Water Authority for resale by it from conduits Nos. 2 and 3 of the city and after the connection from the village distribution system has been made to those conduits. In no event shall the connection to conduit No. 1 be continued in use after the Lake Ontario project of the city of Rochester now under construction has been completed and final approval of this commission secured for its operation.

20. The quality of the water now obtained or to be obtained from the conduits of the city of Rochester is and will be of the same quality as that now supplied by the city to its other consumers.

21. The plans submitted in connection with this application are satisfactory to the commission.

22. 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.

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

Conditions

The commission finds it to be necessary, in order 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 Honeoye Falls hereby is authorized to secure a water supply from the conduits of the city of Rochester by the purchase of such water through the Monroe County Water Authority after a water supply has been made available by the city to that authority for resale by it. The village is also authorized to furnish a water supply from the connecting main to be installed in East street between the conduits of the city and the village distribution system to all residents of properties in such street immediately fronting on the main and within 100 feet of it.

B. Until such time as a water supply is made available by the city to the authority and the connection completed by the village to either conduits Nos. 2 or 3 or both from which water can be made available, the village of Honeoye Falls is authorized to continue taking a water supply through its existing emergency connection to conduit No. 1 of the city under such terms and conditions as might be agreed upon between the officials of the city of Rochester and of the village of Honeoye Falls. In any event the village of Honeoye Falls must discontinue the operation of this emergency connection promptly after the present Lake Ontario project of the city of Rochester has been completed and final approval for its operation secured from this commission.

C. Under no circumstances shall the existing well sources of supply now owned by the village any longer be used as a permanent source of water supply for the village of Honeoye Falls without the further consent and approval of this commission. The retention of the wells for emergency and standby purposes is permitted but the use and operation thereof shall be carried forward only under the emergency provisions of the state Sanitary Code and under such terms and conditions as may be outlined by the officials of the state Department of Health.

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.

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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 for the necessary treatment of such 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.

Decision

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

In the Matter of the Application of TOWN OF ISLIP, SUFFOLK COUNTY, for Approval of Extension of BRENTWOOD WATER DISTRICT and Supply of Water to Area for Domestic Use and Fire Protection. FIFTH APPLICATION

Water Supply Application No. 2587
(August 24, 1954)

Application, maps and plans approved as modified.

Proceedings

BY THE COMMISSION.—James F. Willis, supervisor of the town of Islip, Suffolk county, acting in the name of said town and on behalf of Brentwood Water District therein, on July 26, 1954, made application to the Water Power and Control Commission for approval of the plans of said town for the extension of the boundaries of that district and for the supply of water within such extension. This application was filed in the office of the commission on July 28, 1954.

After due notice published in *South Suffolk Newsday* of Bay Shore and in the *Islip Press-Islip Herald*, the hearing on this application was held before Arthur H. Johnson, associate engineer of the commission, in the Town Hall in Islip, on August 13, 1954, at 10 o'clock in the forenoon. At this hearing the commission considered the petition, maps and plans submitted, examined witnesses and heard arguments in favor of the project. Petitioner was represented by B. Edna Cordes, deputy town clerk. No objections were filed and no one appeared in opposition. John Mahoney, engineer in the division of sanitation, Department of Health, Suffolk county, was present as an observer.