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In the Matter of the Application of MONROE AVENUE WATER DISTRICT, TOWN OF BRIGHTON, MONROE COUNTY, for Approval of Extensions of District and Engineering Plans for Construction of Water Supply System Therein. FOURTH APPLICATION

Water Supply Application No. 2967
(May 15, 1956)

Application, maps and plans approved as modified.

Proceedings

BY THE COMMISSION.—Thurston Corbett, treasurer of the board of water commissioners of Monroe Avenue Water District in the town of Brighton in Monroe county, acting in the name and on behalf of that water district on March 2, 1956 made application to the Water Power and Control Commission for approval of the plans of the district for the extension of its water supply and distribution mains into a number of enlargements of the district and for the supply of water therein. This application was filed in the office of the commission on March 5, 1956.

After due notice published in the *Rochester Times-Union* and in the *Brighton-Pittsford Post*, the hearing on this application was held before John C. Thompson, executive engineer and secretary of the commission, in the Town Hall of the town of Brighton at 2300 Elmwood avenue on March 22, 1956 at 2 o'clock in the afternoon. At this hearing, the commission considered the petition, maps and plans submitted, examined witnesses and heard arguments relating to the project as shown by the minutes. The petitioner was represented by Harris, Beach, Keating, Wilcox and Dale, its attorneys (Nicholas E. Brown, of counsel). New York Water Service Corporation appeared by J. Boyd Mullan, its attorney. The town of Brighton appeared by Harold S. Coyle, town attorney. Franklin W. Judson, chairman, represented the Monroe County Water Authority. No objections were filed and no one appeared in opposition to the project.

Project

The applicant asks that the commission approve of its plan to extend the supply and distribution mains of the Monroe Avenue Water District into 13 enlargements of that district and to supply therein water secured by it from New York Water Service Corporation through the facilities of the original district. No expenditure of funds will be required by the Monroe Avenue Water District in the carrying-out of construction in these extensions except for nominal amounts which will be provided from current funds on hand.

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

Findings of Fact

1. Monroe Avenue Water District covers a portion of the town of Brighton in Monroe county adjacent to and south of the city of Rochester. The district includes an area along Monroe avenue substantially between the Rochester city line on the north and the line between the towns of Brighton and Pittsford on the east, and it extends nearly to the town line of the town of Henrietta on the south.

2. Since its original creation in 1914, the district has been extended many times. On October 26, 1943, the commission ratified many past acts of the town in previous extensions of the boundaries of the district without the approval of this commission or any of its predecessors in office (*Water Supply Application No. 1591*; 65 State Dept. Rep. 454).

3. The extensions of this water district which the commission now has been asked to approve cover some 14 parcels of land located principally adjacent to the southerly portions of the original district. These areas are being subdivided for the purpose of constructing single-family residences and it is estimated that some 255 lots have been or can be laid out in them. At the present time, 77 homes have been erected or are in various stages of construction. There are also 24 improved vacant lots on which houses could be built immediately. It is estimated that when maximum construction has taken place, about 1,250 persons will reside in these enlargements of the water district.

4. With the development of the extensions as proposed, the density of population will be such that individual wells cannot be relied upon to furnish water of suitable quantity and quality. A public water supply system is much more desirable.

5. Taxpayers' petitions asking for these extensions were filed with the town board of the town of Brighton at various times since 1952 and that board after public hearings, duly held, approved of the enlargements of Monroe Avenue Water District. Application to this commission for approval of all these extensions was authorized by the town board on March 2, 1956. Approval of the state comptroller has not been requested since no funds for construction are to be made available by the town.

6. William S. Lozier Company, Inc., consulting engineers with an office in the city of Rochester have been retained by the applicant as its engineer in connection with this project. A. Bradford Squire of that firm appeared at the hearing and testified on behalf of the applicant.

7. Mr. Squire testified that during the summer months, the Monroe Avenue Water District has been using water at a rate in excess of 2,000,000 gallons per day for a considerable period. It was the engineer's opinion that with the expansion in the Monroe Avenue Water District and in neighboring districts the need in 1956 to be met through the facilities of that district, will amount to about 2,300,000 gallons a day or an increase of 300,000 gallons a day over present requirements.

8. An extrapolation of a graph (submitted in connection with this present application) of past requirements of the Monroe Avenue Water District and the adjacent area of Highland-Clinton Water District, Home Acres, and Long Meadow Water District indicates that in 1960 the maximum total demand on the facilities of the Monroe Avenue Water District will be some 5,000,000 gallons per day. After 1960, it is believed that undoubtedly there would be even greater needs.

9. New York Water Service Corporation, from which the water supplied in this area is to be obtained, secures most of the water distributed by it by pumping such water from Lake Ontario. Before being pumped to the area, the water is filtered by the company at a treatment plant located at Charlotte.

10. This corporation supplies water to a considerable portion of Monroe county surrounding the city of Rochester as well as to certain parts of the city itself. Its principal storage of water is in the city at Cobbs Hill, where two tanks having a combined capacity of about 8,300,000 gallons are situated adjacent to a city-owned reservoir of 144,000,000-gallons capacity.

11. Consumption of water from the Rochester plant of the New York Water Service Corporation has continued to increase throughout the years and maximum requirements on the company's filtration plant have on many occasions been in excess of 18,000,000 gallons daily for several consecutive days. Hourly peak requirements have been considerably in excess of that figure.

12. The capacity of the water company's filtration plant is only 12,000,000 gallons per day, based on a designed rate of operation of two gallons per minute per square foot of filter surface area, and overloads greater than 25 percent of that figure for periods longer than a few hours are not acceptable to this commission.

13. The company also operates two wells in the town of Penfield capable of producing about 1,750,000 gallons per day. It recently has made some improvements to these wells so that they may be used over longer periods of time and thus it is possible to get a greater total production from them in 1956 than was obtained in 1955.

14. For many years the company and the city of Rochester have maintained several interconnections for the mutual exchange of water. In the past on many occasions, the city has secured water from the company and in recent years the company has secured water from the city primarily to meet some of its peak demands. In one area of the city, the company has always been the sole supplier of water and even today the company still services this area with approximately 6,000,000 gallons per day.

15. The company, during 1955, under these arrangements, took some 10,000,000 gallons per day from the city during peak periods. The city has indicated that such an amount of water will continue to be made available to the company in the future. The company maintains a 7,500,000-gallons-per-day pump at the Cobbs Hill reservoir where the major portion of the water from the city is taken.

16. Water requirements on the company's system have steadily been increasing and in 1955 the water produced by the company's facilities alone averaged 18,100,000 gallons per day compared with 14,300,000 gallons per day in 1952, 10,340,000 gallons per day in 1942, and 7,350,000 gallons per day in 1935. Maximum daily requirements on the system in each of the foregoing years were respectively 31,800,000, 17,900,000, 13,280,000, and 10,090,000 gallons per day and peak conditions have persisted at times for as long as four consecutive weeks during the summer. It should be noted that during the three-year period from 1952 to 1955, peak consumption has increased almost 80 percent as compared to increases of 35 percent or less in previous 10-year periods. This same situation also is apparent in the average consumption, although the increase for the three years from 1952 to 1955 was only about 26 percent as compared to about 35 percent for previous 10-year periods. These increases have averaged 1,250,000 gallons per day each year for the period between 1952 and 1955. The actual average system used during the peak week in 1955 including water purchased and taken from storage, was 30,081,000 gallons per day and at the end of that period storage had been depleted by about 600,000 gallons.

17. In an attempt to meet some of its ever increasing demands, the water company on January 19, 1953 filed an application with the commission for approval of the construction of an interconnection with the intake of the Rochester Gas & Electric Company as a means of securing an auxiliary supply of water from Lake Ontario. That application (*Water Supply Application No. 2315*) was approved on November 9, 1954 and in the decision on it, the commission specifically limited the water company to a taking of not to exceed 12,000,000 gallons per day from the lake unless and until the capacity of its filter plant, when rated at two gallons per square foot of filter area per minute, had been increased to a greater amount. This increase in filter-plant capacity must have been completed by December 1, 1957 and pending such completion the commission has agreed under very definite and stringent conditions to allow the company temporarily to operate this present plant at times at a maximum rate of 18,000,000 gallons per day.

18. The company has met peak requirements on its system by operating the filter plant at rates increasingly in excess of its normal capacity. Apparently, in spite of the high rates at which this treatment plant has been required to operate in order to meet the demands, the quality of the water delivered to the consumers generally has been satisfactory from a bacteriological standpoint and has been within the requirements prescribed by the United States Public Health Service for drinking water.

19. As yet, the company apparently has taken no action to comply with the conditions of the decision on *Water Supply Application No. 2315*, although some time still remains before the time limit on that decision expires.

20. There has been considerable building going on in the area

served by the water company over the last number of years and such building is continuing at a very rapid rate. This includes building of new homes in areas within existing water districts and villages and in other areas. The growth in Monroe county is reflected to some extent in the large number of commission hearings for extensions of water districts. However, there also is a great amount of development taking place within the franchise area of the company not subject to approval by the commission.

21. As evidence of such expansion it should be noted that on August 2, 1955 the water commissioners of Monroe Avenue Water District filed with the commission an application (*Water Supply Application No. 2848*), similar to this present application, for approval of two extensions of that district and the sale of water in them. At the hearing on this application it was testified that the company proposed to meet the increased demands of this district and other further future demands by securing additional water at least temporarily from the city of Rochester.

22. The water company's plans for 1956 called for the installation of a 12,000,000-gallon-daily capacity pump at the Cobbs Hill reservoir to pump water from the city reservoir at that location into a 16-inch main leading to Highland avenue and thence to the Monroe Avenue Water District and to other water districts in the town of Brighton. This pump was to be in addition to the existing pump of 7,500,000-gallons-daily capacity now at that location. It was reported that work on the new pump installation would start in the spring of 1956. The pumps would not be used simultaneously and the company under this arrangement would actually have acquired only an additional 4,500,000 gallons per day. On the basis of this additional 4,500,000 gallons daily, the commission approved of *Application No. 2848* on November 1, 1955.

23. After considerable correspondence between the city and the company, on February 17, 1956 the city of Rochester advised the company that it would be unwilling to make available to the company any additional water, since it allegedly does not have sufficient surplus during peak periods to meet additional demands by the company and also to meet its present commitments with an adequate supply. The company then asked that the city review its request for an additional 4,500,000 gallons per day, but on March 5, 1956 the city reaffirmed its position.

24. Subsequently, on March 29, 1956 the city, by letters to the towns involved, indicated that it is willing to increase its daily peak sale to the New York Water Service Corporation at Cobbs Hill reservoir by 600,000 gallons per day over that supplied in 1955. This water is to be made available for use directly by the Monroe Avenue Water District and to the town of Pittsford through the facilities of the Monroe Avenue Water District. The Monroe County Water Authority had informed the city of Rochester that it would agree to have deducted from its original 10,000,000-gallon-daily allotment, 600,000 gallons per day for the purpose of this diversion.

This additional amount of water will be made available under the terms of the existing interruptible contract with the water company.

25. It has been testified in these proceedings that the facilities of the Monroe Avenue Water District are adequate to meet the foreseeable demand to be placed on it until 1960.

26. The company has been extremely hard pressed to furnish peak demands on its system and at times of these maximum requirements the pressure available in the water company's mains at the meters of Monroe Avenue Water District has been inadequate to fill that district's newly constructed 2,500,000-gallon storage tank. The latter condition has prevailed even though the water company's Cobbs Hill storage tanks are but 3,800 feet distant from the district meters. As shown in other proceedings before this commission, similar conditions exist throughout the company's service area and there is no guarantee that the 600,000 gallons to be allocated by the city for use by the towns of Brighton and Pittsford will be available to those towns only and not to other portions of the company's distribution system.

27. Since the city is unwilling to provide the company with any appreciable additional water to meet its ever-increasing demands, it does not appear that there is any alternative for the company but to provide increased facilities of its own to meet its demands. Apparently, the company at the present time and for some time past has been unwilling to engage in any expansion program. This is evidenced by the fact that the company has made no major improvements to its treatment facilities since the 1930's.

28. Company officials feel that some sort of limited sprinkling arrangements might aid in alleviating peaks. It already has been necessary for some communities served by the company to initiate sprinkling bans in the past because of inadequacies. Another difficulty in restricting sprinkling is that the company apparently would have difficulty in enforcing any kind of a sprinkling ban, and it generally would be up to local authorities to police their areas to assure compliance. Local authorities may not be willing to cooperate in such a matter.

29. It is readily apparent that a very critical situation exists in the area served by the water company. It is possible that with extremely good operating conditions and very favorable weather conditions the company may be able to meet its demands for another one or two years with its existing facilities. However, the situation should be considered from the point of view that future conditions may be adverse. Further consideration should also be given as to what will happen in the reasonably remote future if increased water supply is not made available.

30. Approval of this application can be granted only with considerable reluctance because of the already critical conditions in the plants to be used to serve the new areas and approval can be given for this particular project and that involving the Long Meadow Water District in the town of Pittsford (*Water Supply Application*

No. 2951 also approved this date) only on the proposed commitment by the city of Rochester to provide an additional 600,000 gallons of water per day to the water company for service to the new areas.

31. The commission feels justified to reserve the right to revoke this approval, if, after a general hearing which it proposes to conduct on this whole situation, it develops that an adequate supply of water is not available and no steps have been taken by the local water company, the Monroe County Water Authority, the city of Rochester or others to improve this condition and to provide adequate quantities of water of satisfactory quality.

32. No lands are to be taken or acquired in connection with this project.

33. The plans submitted with this application for the construction of a water supply system in these extensions of Monroe Avenue Water District are satisfactory to the commission.

34. The carrying-out of this project will have no immediately serious adverse effect on the water supply interests of any other municipality or civil division of the state.

35. 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 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 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:

A. The commission must reserve the right to revoke this approval, if, after a general hearing which it proposes to conduct on this whole situation, it develops that an adequate supply of water is not available and no steps have been taken by the local water company, the Monroe County Water Authority, the city of Rochester or others to improve this condition and to provide adequate quantities of water of satisfactory quality.

B. Unless the works authorized by his decision shall have been fully completed by June 1, 1959 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.

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 for the 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 town of Brighton on behalf of Monroe Avenue Water District as thus modified.

In the Matter of the Application of ALBERT W. GROVE for Approval of Acquisition of Source of Water Supply and Financial and Engineering Plans for Construction of Water Supply System. PINE CIRCLE WATER SYSTEM. A. W. GROVE

Water Supply Application No. 2968
(May 15, 1956)

Application, maps and plans approved as modified.

Proceedings

BY THE COMMISSION.—Albert W. Grove, owner and developer of a real estate subdivision in the towns of Big Flats and Horseheads in Chemung county, on March 2, 1956 made application to the Water Power and Control Commission for approval of his plans for the acquisition or taking of a water supply for said subdivision by the sinking of a well within the development and for the construction of a complete water distribution system in the area. This application was filed in the office of the commission March 5, 1956.

After due notice, published in *The Elmira Star-Gazette*, the hearing on this application was held before Edwin L. Vopelak, senior engineer of the commission, in the Town Hall of the town of Big Flats in Big Flats, on April 10, 1956 at 10 o'clock in the forenoon. At this