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THOMAS J. CURRAN

Secretary of State

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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 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 Bowling Green Estates Water District, as thus modified.

In the Matter of Application of the City of Syracuse for Approval of Construction of Second Intake in Skaneateles Lake as Increase in Water Supply and Financial and Engineering Plans for Construction thereof

Request for Permission to Reduce Minimum Amount of Diluting Water in Skaneateles Creek Below Minimum Fixed by Commission

Water Supply Application No. 60.

(May 25, 1953)

Request for modification of original decision dismissed.

Proceedings

BY THE COMMISSION.—Thomas J. Corcoran, mayor of the city of Syracuse, acting in the name and on behalf of that city, on April 18, 1952 made application to the Water Power and Control Commission for a modification of the original decision in this matter, dated September 22, 1931, so as to permit of a reduction in the amount of water required to be released by the city into Skaneateles creek from Skaneateles lake. This application for modification was filed in the office of the commission on April 24, 1952.

After due notice published in the *Syracuse Post-Standard*, the

Syracuse Herald-Journal, the *Skaneateles Press*, the *Elbridge Courier* and the *Jordan Leader*, a hearing on this petition for modification of the decision was begun before John C. Thompson, executive engineer of the commission, in the fire hall in the village of Skaneateles on May 27, 1952 at 10 o'clock in the forenoon and was continued pursuant to an adjournment duly taken at the same place on June 30, 1952. On this last date counsel for the applicant requested, and was granted, an additional adjournment of at least three months. The petitioner was represented by George L. Richardson, its corporation counsel (Arthur M. Beach, assistant corporation counsel).

Objections to the project were filed by the village of Skaneateles, represented at the hearing by John H. Hawkins, by the town of Elbridge, the village of Elbridge and Dr. H. W. Whitely, health officer in the town of Elbridge, all of whom were represented by Seely S. Mosher, by the village of Jordan, by Dr. Wilfred C. Harding, health officer for the village of Jordan and by Jordan Central School, all of whom were represented by Melvin and Melvin (Messrs. George W. Cregg and Louis Young, of counsel); by the town of Skaneateles and the Waterbury Felt Company represented by Hon. Charles T. Major; by the Skaneateles Handicrafters, Inc., represented by Costello and McNett (W. Albert Rill, of counsel); by A. S. Wikstrom, Inc., represented by Sam Morekirk, by Welsh Allyn, Inc., represented by Charles H. McCarthy, by the Gowles Chemical Company, represented by Hiscock, Cowie, Bruce, Lee, and Mawhinney (Donald M. Mawhinney and M. R. Quinn, of counsel); by the Mottville Fire Department, represented by James Qungley, its secretary, by The Skaneateles Rod and Gun Club, represented by Raymond Kennedy, its secretary and by a large number of residents in the valley of Skaneateles creek and by property owners along the creek, many of whom appeared in person at the hearing or were represented by one of the above named attorneys.

The State Department of Health appeared at the hearing by H. W. Wagenhals, its regional engineer, and Donald D. Rushey, district engineer.

Thereafter, on March 6, 1953 the city of Syracuse requested permission to withdraw the instant petition.

Project Proposed

The city of Syracuse requested a modification of *Condition No. 17* of the decision of this commission of September 22, 1931 in *Water Supply Application No. 609*, so as to permit of a reduction in the minimum amount of diluting water required to be released by the city into Skaneateles creek from Skaneateles lake. *Condition No. 17* of said decision reads as follows:

"17. Applicant shall at all times maintain such volume of flow in Skaneateles outlet as shall, at the outfall of the sewage treatment plant of the village of Skaneateles, be equal to the

population of that village divided by one thousand and multiplied by seven cubic feet per second. Such flow is intended to be the amount needed so to dilute the effluent from the village sewage treatment plant that there will be no condition of public nuisance created in the outlet below the outfall thereof. Should the event prove this amount to be in error, the commission will, on application of the city or village, reopen this case in order to make a suitable adjustment of the amount of flow to be maintained. Such reopening will be made on application of the city and a suitable reduction made in the flow required on showing by the city that it has installed and will operate additional and more effective works for the treatment, purification or diversion of the sewage of the village.

The city, in its request for modification, asked

(a) Approval in reduction of the minimum amount of diluting water in Skaneateles creek during the months of June to November, inclusive, from 7 to 1.3 cubic feet per second per 1,000 of population (about 2.5 m.g.d. for 3,000 population) after construction of a new treatment plant for the sewage of the village of Skaneateles.

(b) Reduction from 7 to 1 c.f.s. (about 2.0 m.g.d. for 3,000 population) for the months of December to May, inclusive, under conditions outlined in (a).

(c) Immediate reduction from 7 to 4 c.f.s. per 1,000 of population without any change in the existing sewage treatment plant until the new plant is constructed and in operation.

To accomplish this reduction in flow, the city proposed to construct a new sewage treatment plant in the village of Skaneateles at Willow Glen, about 1.5 miles below the dam at the outlet of Skaneateles lake.

Objections

The towns of Elbridge and Skaneateles and the several firms that have objected to the granting of approval of the city's request, as well as the Jordan Central School are located in the Skaneateles valley. The individual objectors are residents of the valley and many of them are owners of property along Skaneateles creek, as are the corporate objectors. The objections are based mainly on the allegation that the health, welfare and prosperity of the people of Skaneateles valley depend, to a great extent, upon the condition of Skaneateles creek. It has been stated that any reduction of the minimum flow, down Skaneateles creek, will result in a public health hazard and a public nuisance because of the fact that sewage will be deposited along the creek banks. It is further reported by the objectors that any such reduction in flow will cause the municipalities in the valley, of necessity, to alter plans for the disposal of wastes and will deprive certain communities of their main source of water supply for fire protection. Property owners along the creek contend their riparian rights will be impaired.

The village of Skaneateles further contended that the city's plan does not provide for pollution control in Skaneateles creek within the boundaries of the village.

Findings of Fact

1. On June 30, 1952, at the request of the applicant, the hearing in this matter was adjourned until October 15, 1952 to permit of certain studies and tests being made along Skaneateles creek.

2. Thereafter, counsel for the city of Syracuse requested a further adjournment of the hearing in order that the investigations might progress in more detail. Accordingly, on September 18, 1952 the hearing was postponed to December 3, 1952.

3. On November 24, 1952 the hearing date was further postponed, without date, upon request of the applicant.

4. On March 6, 1953 the city of Syracuse filed a petition duly verified by Hon. J. Ward Bixby, its acting mayor, requesting permission to withdraw and discontinue this application without prejudice to the city's rights to reapply by further application or petition for the same or other relief if deemed advisable thereafter by the city.

Decision

Wherefore, the Water Power and Control Commission does hereby dismiss this request of the city of Syracuse for a modification of the original decision on this application.

In the Matter of Application of the **ERIE COUNTY WATER AUTHORITY** for Approval of Acquisition by Purchase or Condemnation of Water Supply Systems of **WESTERN NEW YORK WATER COMPANY**, Consisting of All Real and Personal Property of **WESTERN NEW YORK WATER COMPANY** Appertaining to Waterworks Systems Owned and Operated by Said Company Within Boundaries of Erie County and Approval of Financial and Engineering Plans for Acquisition of Water Supply Systems, **MODIFYING DECISION**

Water Supply Application No. 2012

(May 5, 1953)

Decision on application, maps and plans modified.

Proceedings

BY THE COMMISSION.—John Horner, chairman of Erie County Water Authority, acting in the name and on behalf of that authority on February 15, 1950 filed an application with the commission for approval of its plans for the acquisition by purchase or condemnation of all of the plant and property of the Western New York Water Company, the privately owned public water supply system now serving a large part of the county, and of the future operation of this plant by the Water Authority. This application was approved by the commission on June 13, 1950. Among the