

State of New York

Department of Conservation

WATER POWER AND CONTROL COMMISSION

Water Supply Application No. 1839

In the Matter of the Application

- of the -

Town Board, Town of Guilderland,

(on behalf of McKownville Water

District), for the approval of its

acquisition of a source of water

supply and of its financial and

engineering plans for the construc-

tion of a water supply system.

MC KOWNVILLE WATER DISTRICT

DECISION

Application filed      May 17, 1948

Hearing held in  
Mckownville              June 2, 1948

Decision                  June 8, 1948

## DECISION ON WATER SUPPLY APPLICATION NO. 1839

Earle B. Conklin, supervisor of the Town of Guilderland in Albany County, acting in the name of said town and on behalf of McKownville Water District in that town, on May 13, 1948, made application to the Water Power and Control Commission for approval of the plans of said town for the acquisition or taking of a water supply for McKownville Water District through the purchase and rehabilitation of the plant and property of the existing waterworks system in the hamlet of McKownville, the taking or condemnation of lands for a new or additional source of water supply, and of the construction proposed in connection therewith. This application was filed in the office of the Commission May 17, 1948.

After due notice published in the Knickerbocker News, the hearing on this application was held before Henry M. Schiller, Associate Engineer of the Commission, in the Fire House in the hamlet of McKownville on June 2, 1948 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. The petitioner was represented by Edwin L. Fowler, its attorney. No objections were filed and no one appeared in opposition.

On June 2, 1948, the Commission caused an engineering inspection to be made of the sites of the proposed works and of the source of supply proposed to be used.

The Town of Guilderland now proposes to take over on behalf of McKownville Water District, the existing storage reservoir and water distribution system in that district and to construct in connection with that system a new mechanical gravity filter plant, a 200,000 gallon elevated storage tank and a complete water works distribution system to consist primarily of 8-inch and 6-inch mains. Fire hydrants are to be installed along these mains. The proposed treatment plant is to be constructed on a site west of and adjacent to the lower storage reservoir. Water is to be pumped from the lower reservoir by two existing pumps each of which have a capacity of 200 gallons a minute, to combined chemical mixing and settling basins at the treatment plant. It is then to pass through two circular open mechanical gravity filters, each having a filtering capacity of approximately 150,000 gallons daily, to a small clear well holding some 10,000 gallons. From the clear well the water is to be pumped by two high lift pumps, each with a capacity of 200 gallons a minute, into the distribution mains and to the elevated tank. The plant has been designed to operate at the rate of 200 gallons a minute. In addition to filtration, all of the water also is to be subjected to sterilization by chlorination. The total estimated cost of this project is \$194,000.

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

McKownville Water District covers a portion of the town of Guilderland in Albany County, adjacent to the westerly boundary

line of the City of Albany along the extension of Western Avenue in the city (United States highway route No. 20) and extending westerly from the city line for about one mile. It includes the hamlet of McKownville. The district is purely residential in character, most of its residents being employed in the city of Albany. It is estimated that the present population of the district is 1,250 persons and there is located within its boundaries taxable real property with an assessed valuation of \$640,620. The district as such has no bonded indebtedness.

Two privately owned water supply systems are now serving water in parts of the district. One of these, known as the Witbeck system, has as its source of supply two small adjacent shallow storage reservoirs located on a tributary of the Krum Kill within the westerly part of the district and in close proximity to Route No. 20. Approximately  $\frac{1}{4}$  of a mile above the upper of the two storage reservoirs, another small and shallow pond, known as Harrington's ice pond, is located on this same tributary. The watershed of the storage reservoirs consists of some 1.1 square miles of fine sandy soil largely over-grown with scrub oak and pine. This watershed at present is sparsely settled, although several houses are located along Western Avenue and a somewhat larger number along a dirt road crossing the westerly portion of the watershed. Most of these houses have outside toilet facilities. The supply from this system is pumped from the lower of the two storage reservoirs into a 12,000 gallon concrete tank from which it is delivered to the consumers through a distribution system consisting principally of 2 1/2-inch pipe. The use of this source of supply never has been approved by this Commission or any of its predecessors.

The second system, known as the Farley system, was constructed in connection with a real estate development and has as its source of supply a well system of limited quantity, located outside and somewhat to the east of the present district. Approval of this source was given by this Commission in its decision of April 30, 1940 (Water Supply Application No. 1412; 62 State Dept. Reports 576; completed works approved August 27, 1940). A small section of the district situated along Fuller Road and Providence, Mercer and Warren Streets is served by this system. It is not proposed by the district to continue use of this source of supply.

Neither of these systems have ever been entirely satisfactory because of insufficient pressure, obsolete mains, poor control over the quality of the water and complete lack of fire protection. The only treatment now afforded the Witbeck source of supply is chlorination and a source of this character requires at least filtration and sterilization. It was stated at the hearing that the source of supply proposed to be taken – the Witbeck supply – has never been insufficient to meet demands and the engineers have stated that, from measurements taken in the fall of 1947 at the end of a long drought period, the flow of the stream was 300,000 gallons daily in addition to the amount needed to meet consumer demands at that time. It is safe to assume that

this source will produce sufficient water to meet the demands of the consumers, which demand is estimated at about 125,000 gallons per day.

Three privately owned sewer systems serve parts of the hamlet and discharge their sewers into Krum Kill some distance below the storage reservoirs. The remainder of the hamlet is served by individual cesspools or septic tanks.

A taxpayers' petition asking for the formation of this district, the acquisition of a water supply therefor and the construction of a complete waterworks system including adequate treatment facilities therein, was filed with the Town Board of the town of Guilderland and that board after a hearing held on April 24, 1947, tentatively approved of such a project. The approval of the State Comptroller for the formation of this district was obtained on August 8, 1947 and the Town Board on August 20, 1947 took final action in establishing the district.

Benjamin L. Smith and Associates, a firm of consulting engineers with an office in the city of Albany, has been retained by the town as engineers in connection with this project and such construction as is to be carried out will be built under their supervision and direction. The firm was represented at the hearing by Messrs. George Myrick and Kenneth DeLisle.

The results of analyses of water from a tap on the district distribution system served from the proposed source has been submitted with the application and indicate that the water, if properly treated, will be of suitable sanitary quality. It must be required however that this water at all times be filtered and chlorinated before being delivered to consumers. The town now proposes to acquire some 9 acres of land along Western Avenue surrounding and including the two storage reservoirs. Generally, at no point will the boundary of such land be less than 100 feet from the shore of the existing reservoirs. Such acquisition must be required and the area protected to insure the maintenance of satisfactory sanitary conditions. Within such area all possible sources of pollution such as cesspools, privies, sewer lines or similar structures must be eliminated. The Commission must reserve the right in the future to require the taking of additional sanitary precautions or additional treatment of this water should future inspections or analyses indicate a need for such action.

No detailed plans showing the construction proposed have been submitted. It must be required that before any such construction work is actually started, detailed plans and specifications for such work be submitted to the Commission for its approval. All of the construction work must be carried out in strict accordance with such approved plans and specifications.

The town proposes to acquire a small area a short distance southeast of the intersection of Route No. 20 and Schoolhouse road for the erection of the 200,000 gallon elevated tank as well

as certain rights of way for installation of the distribution system. This land is in addition to that to be acquired at the source of supply.

McKownville Water District is located adjacent to and contiguous with the City of Albany and it would appear that an economical and practical source of supply for this district would be from the mains of the City of Albany. This source, being of satisfactory quality, would eliminate the necessity of construction by the district of expensive and costly treatment works, the maintenance of such works and the employment of competent personnel necessary to supervise the operation of such works. The people in the district, however, have decided on the project now before us and this is the only project which we are asked to approve.

The carrying out of these plans will have no adverse effect on the water supply interests of any other municipality of civil division of the State.

The local 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.

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, and to make safe all dams, reservoirs or other structures to be constructed by said plans that the application, maps and plans submitted should be modified to conform with the following:

- (1) Under this decision and approval, the Town of Guilderland, acting on behalf of McKownville Water District, is authorized to take over and hereafter to operate the existing privately owned water supply system now known as the Witbeck System and serving a part of the area within the district, including the present source of water supply therefor and also the water mains of the so-called Farley system, serving the area within the district, subject to further conditions outlined below. No authority is given for the use of any other source of water supply. Authority is also given for the making of suitable and necessary changes and improvements under the conditions further imposed herein.
- (2) the town must acquire by ownership the land adjacent to and including the existing reservoirs shown on Exhibit F submitted with the petition and remove from the area so acquired any sources of pollution such

as cesspools, privies or unsatisfactory sewer lines. Such land must in the future be used for water supply purposes only. It is suggested but not required that this area be fenced.

- (3) Nothing in this decision and approval contained shall be held to authorize applicant to supply, sell or distribute water from this source of supply for any purpose unless all such water shall first have been treated and purified by sterilization and filtration in a manner satisfactory to the Commission.
- (4) The Commission reserves the right to require the taking of further sanitary precautions or the further treatment or purification of the water from these sources should future analyses or inspections show a need to so doing.
- (5) Prior to starting work on any construction authorized by this decision and approval, complete detailed plans of the structures proposed to be built and specifications for such work must have been submitted to and approved by this Commission. Thereafter such construction work must be entirely completed in full accordance with the plans and specifications which have been so submitted and approved.
- (6) Unless the works authorized by this decision shall have been fully completed by June 1, 1951, 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.
- (7) Nothing in this decision and approval contained shall be held to abrogate the provisions of Section 524 of the Conservation Law, which forbid the operation of any of these works until as constructed they have been approved by the Commission. Such final approval will be given only on due petition therefor. In general such approval will not be given except for a fully completed system, and it never will be given until all provisions affecting quality of the water and safety of the works fully have been complied with.

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 proper filtration 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.

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

IN WITNESS WHEREOF, the Water Power and Control Commission has caused this determination and modification to be signed and has caused its official seal to be affixed hereto and has filed the same with all maps, plans, reports and other papers relating thereto in its office in the City of Albany, this 8<sup>th</sup> day of June, 1948.  
WATER POWER AND CONTROL COMMISSION

J.V. SKIFF  
Deputy Conservation Commissioner, Alternate

B.D. TALLAMY  
Chief Engineer, Dept. of Public Works, Alternate

EDWARD L. RYAN  
Assistant Attorney General, Alternate

Attest:

J.C. THOMPSON  
Secretary to the Commission