

STATE OF NEW YORK  
CONSERVATION DEPARTMENT  
DIVISION OF WATER POWER AND CONTROL



WATER POWER AND CONTROL COMMISSION

Water Supply Application No. 2510

CITY OF KINGSTON

Third Application

D E C I S I O N

State of New York  
Department of Conservation  
WATER POWER AND CONTROL COMMISSION

Water Supply Application No. 2510

In the Matter of the Application

- of the -

CITY OF KINGSTON

for approval of the installation of a 12-inch supply main from the existing conduits in the Town of Ulster to a proposed connection with the internal water supply system of the International Business Machines Corporation in the Town of Ulster in which Town the Board of Water Commissioners have not heretofore legally supplied water in large quantities.

Third Application

D E C I S I O N

Application filed Mar. 8, 1954

Hearing held in  
Kingston Mar. 31, 1954

Decision Apr. 6, 1954

# DECISION ON WATER SUPPLY APPLICATION NO. 2510

## PROCEEDINGS

Benjamin Schechter, President of the Board of Water Commissioners of the city of Kingston, Ulster County, acting on behalf and in the name of said municipality, on March 6, 1954 made application to the Water Power and Control Commission for approval of the plans of said city for the extension of a supply main into a part of the town of Ulster, Ulster County, outside of the city, for the purpose of furnishing a water supply to the new plant of the International Business Machines Corporation and of the construction proposed in connection therewith. This application was filed in the office of the Commission on March 8, 1954.

After due notice published in The Kingston Daily Freeman and the Kingston Ulster Press, the hearing on this application was held before Henry M. Schiller, Associate Engineer of the Commission, in the City Hall in the city of Kingston on March 31, 1954 at 10:00 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 James J. Abernethy, Esq., its Corporation Counsel and by Edwin L. Wetterhahn, Assistant Secretary of the Board of Water Commissioners of the city. No objections were filed and no one appeared in opposition.

On March 31, 1954 the Commission caused an engineering inspection to be made of the sites of the proposed works.

## PROJECT

The city of Kingston asks the approval of this Commission for the making of an extension of its water supply mains into the town of Ulster for the purpose of furnishing a water supply to a new plant site of the International Business Machines Corporation situated on the westerly side of the West Shore Railroad about two miles north of the city. It is proposed to install about 4,400 feet of 12-inch cast iron pipe from connections to be made to existing 20-inch conduits of the city at a point located some distance below its filtration plant on the southerly side of the Esopus Creek crossing of such conduits to a location terminating in a meter chamber to be installed some 200 feet northerly of Boice Road within the property of the Corporation's new plant. The estimated cost of this project is \$65,000.

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. Kingston is a city situated in Ulster County on the west bank of the Hudson River about 57 miles south of the city of Albany.



2. The city is a municipal corporation organized and existing under a charter granted by the Laws of 1896, Chapter 747, as amended. It was originally incorporated as a city in 1872.

3. The city is largely a residential area but it is also of considerable importance as a railroad and industrial center and serves as a gateway to a large portion of the Catskill Mountain region. It is served by the West Shore Railroad, the Kingston Branch of the New York, Ontario and Western Railroad and the Ulster and Delaware Railroad.

4. The population of Kingston, according to the 1950 census, was 28,817, and it is estimated that its present population is about 29,000.

5. The total assessed valuation of all taxable real property located within the city limits is about \$31,800,000 and the city has outstanding bonded indebtedness to an extent of \$1,451,500, of which amount \$330,000 was issued for water supply purposes.

6. A public water supply system was first installed in Kingston by private enterprise in 1883. The private system was purchased by the city about 1895 and since that time has been operated as a municipally owned system.

7. The main sources of water supply for the city of Kingston are Mink Hollow stream, a tributary to the Beaverkill, and a stream known as the Sawkill. Water from the Mink Hollow stream is discharged directly into Cooper Lake which has a reported capacity of 1 billion gallons and is drawn from that lake to the city. Water from the Sawkill, when required by the city to meet its needs, is fed directly into the existing supply main leading from Cooper Lake.

8. The city also maintains for emergency purposes so-called reservoir No. 4 with a reported storage capacity of 70 million gallons. This reservoir has but a small watershed area and is generally kept filled through a connection to the supply main from Cooper Lake. Two additional reservoirs known as reservoirs Nos. 1 and 2, formerly connected to the water supply system, are retained by the city merely as emergency sources of supply and are used only under the provisions of the State Sanitary Code.

9. Water supply matters of the city of Kingston were the subject of a prior decision of the Commission of May 27, 1929 (Water Supply Application No. 493; 38 State Dept. Repts. 556; completed works approved November 14, 1947). The project proposed under this application was never fully carried out and the Commission, in its resolution of November 14, 1947 in approving the works as then completed, rescinded such parts of its decision of May 27, 1929 as referred to works proposed for future construction but not then completed.



10. The yield from the sources of supply of the city is presently estimated to be about 8 million gallons a day. The average daily demands to meet the needs of its consumers are approximately 4.2 million gallons and peak demands of short duration approach 6.5 million gallons a day. It is readily apparent that the city has available a surplus supply of water.

11. The water being furnished for use in the city, with the treatment now provided it by filtration and chlorination, is of a satisfactory sanitary quality. The filtration plant of the city consists of 16 pressure filter units with a total reported capacity of 8 million gallons a day.

12. The carrying out of the instant project was authorized by a resolution of the Board of Water Commissioners of the city of Kingston adopted on November 9, 1953 and the financing thereof was authorized by a bond ordinance adopted by the Common Council of the city on December 1, 1953. The making of an application to the Commission for approval of the project was authorized by a resolution of the Board of Water Commissioners adopted February 4, 1954.

13. The firm of Clinton L. Bogert Associates, Consulting Engineers with an office in the city of New York, has been retained by the city of Kingston as its engineers on the project. This firm of engineers was represented at the hearing by Clinton L. Bogert.

14. The maximum demands of the new plant of the International Business Machines Corporation are expected to be about 1 million gallons a day. This amount will be within the surplus quantity of water now available in the water supply plant of the city.

15. The officials of the city of Kingston should be made aware of the fact that by meeting the demands of the new plant the limit of the capacity of its water supply facilities will be closely approached. Possible further increased use in the city itself may make it necessary for Kingston to seek out new and additional sources of water supply. This condition can further be aggravated by the expected development of the area surrounding the city to provide housing for personnel of the new plant and the resultant requests for water service thereto.

16. The estimated cost of the project is \$65,000 and such an amount is expected to be sufficient to carry out the work.

17. The plans and specifications submitted in connection with the application are satisfactory to the Commission.

18. The supply main to the new plant will traverse privately owned lands and it will be necessary for the city to obtain

easements from the owners thereof for the installation and maintenance of such a main.

19. The engineers for both the city and the new plant of the International Business Machines Corporation have considered the possibility of obtaining a supply of water for the plant from wells which might be put down in its vicinity but have come to the conclusion that the only satisfactory source of supply for the amount required is through the facilities of the city of Kingston.

20. The carrying out of this project will at present have no adverse effect on the water supply interests of any other municipality or civil division of the State.

21. 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 interests of the applicant and of the inhabitants of the territory supplied by it with water, that the application, maps and plans submitted should be modified to conform to the following:

- A. Under this decision and approval the city of Kingston is authorized to furnish a water supply to the new plant of International Business Machines Corporation in the town of Ulster. No authority, however, is given hereby to the city for the sale of water to any others from the supply main to be installed to such new plant without the further consent and approval of the Commission.
- B. Unless the works authorized by this decision shall have been fully completed by May 1, 1957 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.
- C. 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.

#### 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 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 city of Kingston as thus modified.

IN WITNESS WHEREOF, the Water Power and Control Commission has caused this determination and approval 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 6th day of April, 1954.

WATER POWER AND CONTROL COMMISSION

  
*Wm. H. Murray, Jr.*  
Conservation Commissioner - Chairman

*Robert L. ...*  
Assistant to the Chief Engineer, Dept.  
of Public Works, Alternate

*Edward C. ...*  
Assistant Attorney General, Alternate

Attest:

*John D. ...*  
Secretary to the Commission