



**SCANNED**

**A COMPREHENSIVE HISTORY OF THE FORMATION OF THE  
INTERMUNICIPAL COMMISSION FOR WASTE WATER STANDARD  
FOR KEUKA LAKE**

Subject: KWIC HISTORY (possibly for review on the 27th)  
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ALL:

Here follows my final draft (with corrections) of the KWIC history I started at Mark and Dennis' suggestion:

KWIC was formally begun with a signing ceremony in Keuka College on 9th December, 1993 as an intermunicipal corporation acting as a Commission with elected officials (mainly Supervisors and Mayors) of the 8 municipalities surrounding Keuka Lake as the governing body. The Keuka Watershed Improvement Cooperative (KWIC) is thus comprised of the Villages of Penn Yan and Hammondsport and the Towns of Barrington, Jerusalem, Wayne, Urbana, Pulteney and Milo in both the counties of Yates and Steuben.

In 1954 the New York State Commissioner of Health issued waste water disposal regulations pertaining to the East branch of Keuka Lake where the Village of Penn Yan drew its municipal water supplies. The regulations were intended to protect the purity of the drinking water by establishing standards for household septic systems. The Village provided an inspector to enforce the regulations for the Village, the Towns of Milo, Barrington and the East branch part of Jerusalem. The remaining Keuka municipalities were left to their own regulations.

The flood of 1956 caused the Keuka Lakeshore Property Owners Association to be formed, later to become the Keuka Lake Association (KLA). Additionally, the flood caused damage to the water level control gates on the Keuka outlet at Main Street, Penn Yan. Because the Army Corps of Engineers and the NYS Flood Control commission (later to become part of the NYS DEC) provided repairs to the gates, they required that a perimeter committee be formed to collectively pay for sustained repairs and maintenance. The Village of Penn Yan acted as the manager of this committee and added the same members of the Lake Level Perimeter committee to form a Watershed Perimeter Committee for work on waste water regulations.

So with the Village of Penn Yan acting as manager/chairman of both Committees, periodic meetings were held and costs distributed to the eight member municipalities. As the village provided all repairs and maintenance to the gates and channel, it was simply a matter of distributing the costs involved. However, as the Watershed Committee required on site work with an inspector, the Village provided one to work with the individual municipalities and issue permits for construction of new systems and provide examination of complaints, violations and possible failures.

During the 1960's and the early 1970's, even before the flood of 1972, the Village's inspector, Bill Moorehouse, was quite busy providing waste water inspection services to the 8 municipalities and some of the municipalities resented the "meddling" of an inspector not in their jurisdiction setting standards and issuing permits for household waste water systems (septic systems).

During the mid to late 1980's meetings were held with some Town officials, KLA representatives as well as members of the Keuka community concerned with maintaining

the purity of the Lake's water. John Herring, working with the Yates co. soil and water department, did some coliform bacteria tests at various locations on the lake where there were suspicions of septic system failures. The tests showed dangerously high levels at certain times of the year in specific places, while the overall water quality remained high. As these data were shared with the Watershed Perimeter Committee, Peter Landre, now of Cornell Cooperative Extension Yates County, along with Joe Littleton of KLA and other concerned residents began to formulate a plan to better organize the waste water regulation system in a more formal and structured manner to assist Bill Mahrt, the Village inspector replacing Bill Moorehouse.

By the time it became clear that action on a lake wide government basis within the confines of the Perimeter Committee was required, Bill Garrison of Urbana, later replaced by Merton Plaisted of Wayne assumed the role of chief organizer with Peter Landre, Joe Littleton, Dr. Alexander Wahlig and others began a series of meetings with the Keuka Lake Municipalities to explain the goals of formalizing a means of preserving and protecting the purity of Keuka Lake. Mert Plaisted and the KLA created a vision called "LISTEN TO THE LAKE", which was taken to all the Keuka municipalities as the theme for what was to become KWIC.

In establishing KWIC it became clear that there were "turf" questions and finances to be worked out. Many of the Towns wanted a measure of control over waste water inspections and construction as well as financial matters, namely paying for the services of the municipal corporation (KWIC) manager. It was decided that the KWIC manager would provide services to the Towns and work with the individual inspectors and the Commissioners would set the budget and manage the activities of the KWIC manager. So, in December of 1993 KWIC was formally incorporated at a ceremony at Keuka College with the Chief Executive officers of all 8 municipalities signing the KWIC document providing for a series of policies and procedures. James C. Smith was hired as the first full time manager with offices in Penn Yan and Mert Plaisted was chairman.

Meetings of the Commissioners were held on a monthly basis with the Chairman presiding and the manager reporting on his daily activities, finances and training programs he instituted for both inspectors and contractors. J C Smith left for work with NYS DEC and Paul Bauter was hired as the new full time manager.

In 2004 the NYS Commissioner of Health issued new regulations for household waste water systems that required a licensed professional to design all new and replacement systems. Any system not of a conventional design had to be submitted by the Engineer to the local NYS dept of health office for review and approval. As this procedure created additional cost and delays for the homeowners and contractors, KWIC arranged to have four specific alternative systems approved by NYS DoH for the KWIC manager to review with the Engineer and approve for construction.

In 2013 as Paul Bauter was beginning to retire, conflict arose with some of the municipalities and renewed versions of the "turf" question arose with local inspectors and contractors. Finances became an issue as the annual municipal levy had risen to nearly \$10,000.

So by 2014 with Paul Bauter retired, the KWIC commissioners contracted with Yates County Soil and Water to perform the services of the KWIC manager on a contract basis and work with the municipal inspectors, engineers and contractors. The restructuring that took place in terms of office space and the reduction of a directly hired manager enabled the KWIC budget to become more attractive to the member municipalities, and the revisions of the policies and procedures administered by Yates Co. Soil and Water have made KWIC a modern governmental agency effectively preserving the purity of the waters of Keuka Lake for generations to come.

I suggest this draft be reviewed by the KWIC Commissioners and, when approved, added to the KWIC website. KLA may wish to do the same.

Bill Weber, Pulteney

# KEUKA WATERSHED IMPROVEMENT COOPERATIVE

DATE: December 9, 1993

THIS AGREEMENT made this 9th day of December, 1993, among the Town of Barrington, a municipal corporation situate in the County of Yates, New York hereinafter called "Barrington"; the Village of Hammondsport, a municipal corporation situate in the County of Steuben, New York hereinafter called "Hammondsport"; the Town of Jerusalem, a municipal corporation situate in the County of Yates, New York hereinafter called "Jerusalem"; the Town of Milo, a municipal corporation situate in the County of Yates, New York hereinafter called "Milo"; the Village of Penn Yan, a municipal corporation situate in the County of Yates, New York hereinafter called "Penn Yan"; the Town of Pulteney, a municipal corporation situate in the County of Steuben, New York hereinafter called "Pulteney"; the Town of Urbana, a municipal corporation situate in the County of Steuben, New York hereinafter called "Urbana"; and the Town of Wayne, a municipal corporation situate in the County of Steuben, New York hereinafter called "Wayne"; and hereinafter collectively called "Member Municipalities".

Pursuant to Section 7-741 of Village Law, the Board of Trustees may enter into agreements with other municipal corporations to undertake all or a portion of the powers functions and duties vested in the Village to prepare a comprehensive plan and enact land use regulations.

Pursuant to Section 284 of Town Law, the Town Board may enter into agreements with other municipal corporations to undertake all or a portion of the powers functions and duties vested in the Town to prepare a comprehensive plan and enact land use regulations.

Section 10 Municipal Home Rule Law provides in part that a Town and/or a Village may adopt and amend local laws for the protection and enhancement of its physical and visual environment, and the government, protection, order, conduct, safety, health and well-being of persons or property therein.

Section 1100 of the Public Health Law provides that the Department of Health may make rules for the protection from contamination of any public supplies of potable water.

Part 157.1 of Title 10 of the New York Code of Rules and Regulations provides for certain regulations and inspection to ensure the waters of Keuka Lake remain free from contamination.

## BACKGROUND

Keuka Lake is situate in the Counties of Steuben and Yates; Keuka Lake is bounded by the above six Towns and two Villages. Keuka Lake is of high scenic, aesthetic, recreational, environmental, and economic value to residents and visitors alike. Shoreline and lake-view property tax revenues are increasingly important to the above named Towns and Villages. Keuka Lake, with it's watershed, is a "Community Resource" within the meaning of Town Law Section 284 and Village Law 7-741.

THEREFORE, pursuant to Section 119(o) of the General Municipal Law, Section 284 of the Town Law and Section 7-741 of the Village Law, IT IS AGREED AS FOLLOWS:

### I. NAME

The name of this cooperative effort shall be "The Keuka Watershed Improvement Cooperative" hereafter called the KWIC.

### II. PURPOSE

The purpose of the KWIC is to protect and improve the purity of waters in the Keuka Lake watershed by the following activities. The KWIC shall:

- a) Provide comprehensive planning for uniform regulation of wastewater (septic system) management, and after adoption by Local Law or ordinance, assist with uniform enforcement of those regulations within member municipalities of the watershed. Regulations may be independently adopted by each participating municipal corporation.
- b) Additional threats to Keuka Lake may exist and the KWIC may pursue appropriate action to resolve these issues cooperatively in a uniform manner. Potential threats to Keuka Lake are documented in the Yates and Steuben County Water Quality Strategies pursuant to Article 17, Title 14 of New York State Environmental Conservation Law.
- c) If the KWIC determines that uniform regulations and enforcement is required, the KWIC may develop a DRAFT model ordinance and send its recommendation to all Town and Village Boards in the watershed for action. The KWIC may also determine that other measures are necessary to solve a water quality problem (e.g., an educational program) and the KWIC may seek support of the County Water Quality Committees or others to implement these programs.
- d) Assure that the provisions of Part 157.1 of Title 10 of the New York Code of Rules and Regulations, as promulgated by the Department of Health under authority of section 1100 of the Public Health Law, are met.

### III. GOVERNING BOARD

The KWIC shall be governed by a Board of Directors.

- a) The Towns of Barrington, Jerusalem, Milo, Pulteney, Urbana, and Wayne, and the Villages of Hammondsport and Penn Yan shall have one Director each.
- b) The Chief Executive Officer, the Town Supervisor, or Village Mayor, shall represent his or her respective municipality as its Director.
- c) Each Member Municipality shall appoint an Alternate Director. If for any reason the Chief Executive Officer of a Member Municipality cannot attend or act on the Board, the Alternate Director shall attend meetings and shall have the same powers and duties on the Board as his or her Chief Executive Officer.
- d) The Alternate Director must be an elected official of the Member Municipality.
- e) Voting/Quorum of the Board of Directors, unless otherwise provided, shall consist of a simple majority of Directors entitled to vote. A simple majority of all Directors entitled to vote being necessary to carry a motion.
- f) Review by Member Municipalities: Any Director may invoke privilege following a vote of the Board of Directors. In such event, the decision of the Board of Directors shall not be implemented until each Member Municipality has the opportunity for review and comment. Sixty days shall be allowed for receipt of such comment by the Board of Directors. Failure to respond means consent. After the expiration of the sixty days, the Board of Directors may vote on the question and a three-quarter majority of all members entitled to vote shall be required for approval.
- g) Officers: The KWIC, by its Board of Directors, shall annually elect from its members, a Chairman, Secretary, and Treasurer and such other officers as it may require from time to time. Those elected shall perform such duties as are customary to the office or as otherwise directed by the Board of Directors. Each such officer shall serve until a successor has been elected and taken office.

### IV. STAFFING

- a) Professional and Administrative Staff: The KWIC will establish the position of Watershed Program Manager, hereafter referred to as Manager. Minimum professional qualifications for the Manager shall be a Bachelors degree in a related field and at least 2 years experience in the areas of wastewater system design and management, water quality, public policy, and program supervision, or an Associates degree in a related field and 4 years experience as above. The Board of Directors may change such requirements from time to time by 3/4 vote. The

duties will include watershed management, design, layout, specifications and enforcement for wastewater systems. Duties may also include budget recommendations, control and accounting, personnel management, office management, fee recommendations, or any other duty assigned or delineated by the Board of Directors at any time. In no event shall any such duty exceed the scope authorized by town/village law. The KWIC shall develop a uniform policy and procedures manual for the Manager and Watershed Inspectors, with appropriate revisions from time to time.

b) The KWIC, by order of the Board of Directors, will hire, or cause the Manager to hire, supporting or administrative staff, including part-time or temporary staff. When mutually agreed upon, KWIC may contract with any member municipality for such staff.

c) Local Watershed Inspectors will be hired by the Member Municipalities to enforce laws, ordinances and regulations and policies under the supervision of the KWIC acting through the Manager. Duties of the local Watershed Inspectors shall be those customarily or previously associated with that office within the Member Municipalities. The duties of a Watershed Inspector will additionally include those as may from time to time be established by the KWIC and outlined in the policy and procedures manual.

## V. ANNUAL BUDGET AND THREE-YEAR FORECAST

a) The accounting year of the KWIC is a calendar year beginning January 1 and ending December 31. On or before August 1, the KWIC will adopt and recommend to the Towns and Villages a preliminary budget of income, expense, and capital expense for the next accounting year and a similar preliminary budget for the two accounting years following. The adoption of the preliminary budget and forecast shall require approval by three-quarters of the Board of Directors. Voting on the budget shall be by roll call.

b) On or before September 15 of the same year, the preliminary budget shall be approved and returned by each Member Municipality to the KWIC with comment, if any. Failure to comment shall be interpreted as approval by the Member Municipality.

c) On or before October 15 of current accounting year, the KWIC, by its Board of Directors, will make or cause to be made any revisions to the preliminary budget as in its sole discretion are deemed necessary. The revised budget shall require approval by roll call vote of three-quarters of the KWIC. Thereafter, the budget shall become final unless any Director present requests that the revised budget be resubmitted to the governing body of each Member Municipality for further review and comment.



d) In such event, following review by each governing board as above, the revised budget shall be returned to the KWIC but not later than November 15. Failure to comment by November 15 shall be interpreted as approval. In the same manner as before, the KWIC will make any revisions which in its sole discretion are deemed to be necessary. The budget shall be final only after a new roll call vote as above.

## VI. FUNDING

a) Fees: The KWIC, with recommendations from the Manager, Watershed Inspectors and Member Municipalities, will set a schedule of uniform fees for its various services to the public as may be authorized by law.

b) Municipal Support: Each municipality will pay to the KWIC an equal share of the annual KWIC budget as adopted.

c) The KWIC may review from time to time municipal support as above upon written request by any KWIC member. Proper adjustments may be made, subject to approval by roll call vote of 3/4 of the KWIC.

d) The KWIC shall have the power to accept gifts, grants or bequests.

## VII. AMENDMENT/EXPIRATION OF MUNICIPAL AGREEMENT

a) The agreement shall have an initial term of three years from its effective date. At the beginning of each new year thereafter, this agreement will automatically continue for an additional three-years from that date, unless challenged as follows:

b) A Member Municipality may request in writing a review and reconfirmation of the agreement at anytime. Such request must include a description of any problems or complaint. The KWIC shall take prompt action to review and correct any such problems or complaints.

c) The agreement will expire and terminate at the end of the term in which the request for review and reconfirmation is received, unless the Board of Directors unanimously votes to continue this agreement (or this agreement as amended) for an additional three-year term.

## VIII. FISCAL ADMINISTRATION

- a) The Manager, under the direction of the Board of Directors, will be responsible for supervision of the collection and expenditure of money, keeping of adequate books and records, and preparation of vouchers. The KWIC may authorize delegation of this function to any employee, full or part time if desirable.
- b) Such records shall be available to the member Towns and Villages upon ten (10) days notice to the Manager.
- c) All fiscal activities, including but not limited to those listed above, shall be performed, controlled, and reviewed in the same manner as any member municipality is required to do and governed by the same provisions of municipal law.
- d) All bills will be paid by vouchers and must be approved by the Board of Directors. Payroll will be approved by the county personnel department. All checks will be signed by the KWIC Chairman, and/or any other officer so designated by the Board of Directors.

## IX. CONTRACTS

The KWIC may, after approval of the Board of Directors, purchase and enter into contracts subject to the general laws applicable to municipal corporations.

## X. REAL AND PERSONAL PROPERTY

The KWIC may acquire, own, or have custody of, operate, maintain, lease or sell real or personal property. Additionally, KWIC shall have all the power of Section 119-0 of the General Municipal Law as enacted or as it may be amended.

## XI. EMPLOYEES, PAYROLLS, WITHHOLDINGS

- a) Employees of KWIC will be treated in the same manner as town or village employees for the purposes of Social Security, tax withholdings, retirement, liability insurance coverage, and similar purposes, and for the provisions hereof regarding approval of expenditures, and subject to the provisions of the Civil Service Law or any other applicable law. KWIC will make employers' contributions for retirement, social security, health insurance, workers' compensation and other similar benefits. Said expenses will be shared in accordance with paragraph VIII above.

b) The Board of Directors may arrange and require the bonding of designated officers and employees and the filing of their oaths of office and resignations consistent with general laws applicable thereto.

## XII. LIABILITY

a) The designation by KWIC of its Manager, Watershed Inspectors, officers, agent, or employees, will not act to exclude any of the signatory members of KWIC from liability for the acts of said employee(s) or officer(s) if the act giving rise to liability was directly related to, or associated with, a purpose or function of KWIC.

b) Personnel assigned to KWIC by a Member Municipality as authorized in Part IVb, shall possess the same powers, duties, immunities and privileges they would ordinarily possess if they performed their duties only for the municipal corporation by which they are employed or if they were employed by the municipal corporation in which they are required to perform their duties.

c) All contracts for any work to be performed shall be subject to the general provisions of the laws of the State of New York governing municipal corporations, including those sections concerned with bidding of contracts. The specifications for bids will be agreed upon by the Board of Directors. No contracts shall be let until the provisions regarding approval of expenditures have been complied with.

XIII. EFFECTIVE DATE

This agreement shall become effective on December 9, 1993.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first above written, pursuant to Resolutions of the respective Town and Village Boards, in accordance with General Municipal Law Section 119(0).

TOWN OF BARRINGTON

By Jean E. Gifford  
Supervisor

VILLAGE OF PENN YAN

By Troy D. Caldwell  
Mayor

VILLAGE OF HAMMONDSPORT

By Emory D. Cummings Jr.  
Mayor

TOWN OF PULTENEY

By Wiggins K. Peck  
Supervisor

TOWN OF JERUSALEM

By Howard H. Dwyer  
Supervisor

TOWN OF URBANA

By Wm. Garrison  
Supervisor

TOWN OF MILO

By Norman A. Snow  
Supervisor

TOWN OF WAYNE

By Merton A. Plustel  
Supervisor