

1992

KWIC MINUTES

Minutes

Keuka Watershed Improvement Commission (KWIC)
September 22, 1992, 7:30 pm
Urbana Town Hall

Present: Howard Demay, Supervisor, Town of Jerusalem
William Garrison, Supervisor, Town of Urbana
Dennis Hanson, Town Board, Town of Pulteney
Dick Para, Mayor, Village of Hammondsport
Phyllis Peek, Supervisor, Town of Pulteney
Merton Plaisted, Supervisor, Town of Wayne
Joan Gifford, Supervisor, Town of Barrington
Leigh MacKerchar, Deputy Mayor, Village of Penn Yan
Bill Weber, Town Board, Pulteney

Public Present as Observers: Jim Howell, Peter Landre, Joe Littleton

Absent: Jack Snow, Supervisor, Town of Milo

1) Minutes of the 8/13/92 meeting were reviewed. B. Garrison asked for a motion to accept the minutes. M. Plaisted made a motion and D. Para seconded and the group unanimously agreed to accept the minutes.

2) B. Garrison made a suggestion to formalize the group by selecting an official chairman, vice-chairman, and a secretary. A discussion followed and the group decided to not formally organize at this point.

3) Model Wastewater Law #7. B. Garrison mentioned that the Urbana Town Board has reviewed the law and plan to have a public hearing on Oct. 12. Peter Landre was invited by the Board to describe the purpose and provisions of the law. H. Demay briefly described the successful passage of the law in the town of Jerusalem. M. Plaisted said the Wayne Town Board has reviewed earlier versions and will take action on the law over the next month. J. Gifford invited P. Landre to present the law to the Barrington Town Board in October.

4) H. Demay mentioned he is in the process of finding an alternate to attend the KWIC meetings. He recommended that the other supervisors do the same and they concurred.

5) Critical decisions regarding the use of an IMA or CC to legally form the KWIC will be drafted and sent to Sen. Kuhl's office and NYS Audit and Control for their review and comment. The elected officials agreed that this was an important step to proceed with at this time.

6) The following voting procedures after KWIC is organized under an IMA or a CC were discussed. There were no objections from the group for the following procedures:

a) 3/4 majority (6 of 8) required for all KWIC decisions

-regulatory, administrative, budget

b) No budgetary decision binding until the governing board of each municipality has reviewed and commented (within 60 days), thereafter, the decision must be approved a second time by the KWIC.

c) After this process, if significant changes are required, the procedures will be repeated with another 60 day period allowed for another review and comment.

7) The following voting procedures to dissolve the KWIC were discussed. There were no objections from the group for the following procedures:

a) 3 year time limit on life of KWIC with annual review and approval.

b) Automatic renewal and extension of the KWIC for another 3 years will be allowed if there are no objections by KWIC members.

c) If there are problems/objections by KWIC member(s) at review time, there are two years to resolve the problem. 100% approval of the KWIC is required to continue the program and extend the life of the KWIC.

8) The group discussed the role of KWIC other than regulation, including the following responsibilities:

a) Public education/awareness on all issues affecting water quality

b) Coordination with other agencies/groups such as Dept. of Environmental Conservation, Dept. of Health, KLA, Soil and Water Districts, Cornell Cooperative Extension, etc.

c) Monitor/test water quality in watershed.

d) Problem solving in the future.

e) Seek outside grants and funds.

There was much discussion on this topic. The group seemed to agree these tasks should be done in the watershed. Some members questioned whether the KWIC should be responsible for these activities. It was suggested that some other group like the KLA and or the counties be responsible. J. Littleton mentioned that he did not think the KLA would continue to support a position for these activities in the future. No consensus was reached on the issue.

9) The operating budget was briefly discussed. B. Garrison asked the group if one person could run the program or whether two people would be needed to run the program. There was much debate on the issue with no clear consensus reached. P. Landre will meet with the watershed inspectors to develop a draft budget based on the provisions of the model wastewater law.

10) Next Meeting scheduled for October 22, 1992; 7:30 pm Penn Yan (old Norstar Office Building across from Milo Town office).

Respectfully submitted, Peter Landre and Joe Littleton.

MINUTES

Keuka Watershed Improvement Commission (KWIC)
October 22, 1992, 7:30 PM
Penn Yan Village Hall

Pulteney

Present and Voting:

Town of Barrington: George Osborne
Village of Hammondsport: Mayor Richard Para
Town of Jerusalem: No representative present
Town of Milo: Supervisor Jack Snow
Village of Penn Yan: Dep. Mayor Leigh MacKerchar
Town of Pulteney: Supervisor Phyllis Peek
Town of Urbana: Supervisor William Garrison
Town of Wayne: Supervisor Merton Plaisted

Also present:

Town of Urbana alternate Kenneth Anderson, Town of Pulteney Board member and COMPACT Secretary William Weber, Town of Wayne Board Member Carl Wilhelm, Town of Wayne Watershed Inspector James Howell, and KLA Watershed Project observers Peter Landry and Joe Littleton.

Absent:

Town of Jerusalem: Supervisor Howard DeMay (No alternate appointed?)

1. Minutes of the meeting of September 22, 1992 were reviewed. No errors were noted. It was noted that the process of review of Wastewater Law #7 in the towns of Urbana, Wayne, and Barrington is proceeding but in each case on a somewhat slower timetable than reported at the last meeting. Favorable consideration is still anticipated. A motion to approve the minutes was duly made, seconded, and approved by voice vote.

2. The appointment of an alternate member of the KWIC from each municipality was reviewed. After discussion it was the general consensus that both membership and alternate membership be clarified and henceforth defined as "an elected official who shall be either Supervisor or Mayor or a duly elected Town or Village Board Member."

3. Bill Garrison reported that as agreed at the September 22 meeting, a proposal for an Intermunicipal agreement or enabling legislation has been prepared and forwarded to Senator Kuhl's office and the NYS Audit and Control for their review and comment. Copies of this document and Supervisor Garrison's letter requesting a specific ruling on the legality of the proposed program under either arrangement have been distributed to all KWIC members for study and later discussion. Senator Kuhl has acknowledged receipt, has forwarded the document to the Controller's Office, and offered preliminary comments. Further, Senator Kuhl has offered to discuss the questions as well as the Controller's opinion at the next meeting of KWIC.

8. Peter Landre continued his report by presenting a proposed budget of income to be derived from fees and services required by the new regulations. The types of fees and the types of services were discussed in detail. It was pointed out by George Osborne that some new fees might be objected to by some property owners since historically these have not been required or because other services and permits may not require fees in his town. Under questioning Jim Howell responded that based on his personal experience, fees will not be welcomed by recipients of services, but should not be a major problem if such fees are set at reasonable levels.

9. Peter Landre distributed a complete draft, six pages, detailing the meetings with watershed inspectors, their program recommendations, and the budget proposals to support the new activity. Copies were supplied to each member for study in detail. It was pointed out that watershed inspectors were supportive of these plans. The supervisors and mayors discussed the fact that 1993 budgets are already in the final stages of discussion and adoption. The question was raised relative to inclusion of KWIC budgets into town and village budgets. It was pointed out that the process of preparation of enabling legislation or an intermunicipal agreement, subsequent reviews by the town and village boards, and public hearings will delay the creation of the new budget well into 1993 and more likely January 1994. Supervisor Plaisted pointed out that many taxpayers are seasonal residents. Thus it will be only fair to hold hearings when they can attend; between Memorial Day and Labor Day. He further pointed out that theoretically, contingency funds in the town budget can be used to get started before 1994 but there are always many other demands on contingency funds.

10. It was agreed that the next meeting will be held at 7:30PM, Tuesday November 24, in the ~~Rutland Town Office~~ ^{Hammondspoint Town Hall}. It was agreed that Senator Kuhl's offer to meet with KWIC at that meeting will be accepted. Supervisor Garrison will advise Senator Kuhl and issue the invitation.

11. Following a motion, duly seconded and passed by voice vote the meeting was adjourned at 9:50 PM.

Respectfully submitted,

Peter Landre and Joe Littleton

MINUTES

Keuka Watershed Improvement ^{committee} Commission (KWIC)
November 24, 1992, 7:30 PM
Urbana Town Hall

Present and Voting:

- ✓ Town of Barrington: Supervisor Joan Gifford
 - ✓ Village of Hammondsport: Mayor Richard Para
 - ✓ Town of Jerusalem: Supervisor Howard Demay
 - ✓ Town of Milo: Supervisor Jack Snow
 - ✓ Village of Penn Yan: Dep. Mayor Leigh MacKerchar
 - ✓ Town of Pulteney: Supervisor Phyllis Peek
 - ✓ Town of Urbana: Supervisor William Garrison
 - ✓ Town of Wayne: Supervisor Merton Plaisted
- Dec Mtg*
Need Public Hearing
Absent
Present
does not apply
Passes

Also present:

- New York State Senator, J. Randy Kuhl
- Village of Hammondsport Alternate, Dick Pulver
- Town of Pulteney Board member and COMPACT Secretary William Weber
- Town of Wayne Alternate Karl Wilhelm
- Town of Wayne Watershed Inspector James Howell
- KLA Watershed Project observers Peter Landre and Joe Littleton.

1. Minutes of the meeting of October 22, 1992 were reviewed. No errors were noted. Mayor Para mentioned that he did not think his watershed inspector would be able to handle the additional work required in the new law. He also mentioned a concern about the cost of the proposed program. A motion to approve the minutes was duly made, seconded, and approved by voice vote.

2. Senator J. Randy Kuhl reported as requested by the KWIC on the proposal for an intermunicipal agreement or enabling "home rule" legislation. Sen. Kuhl forwarded the proposed KWIC agreement to the NYS Audit and Control, Comptroller, for review and comment. Based on discussions with the Comptroller's office, Sen. Kuhl indicated there are major problems with using an IMA and may be considered "insurmountable for a mutual purpose long-term agreement" such as proposed by the KWIC committee. The following reasons were given for this conclusion:

a) Article 5g of the New York State Constitution does not provide authority for municipalities to delegate legislative functions, such as the development of regulations by a separate entity like the KWIC.

b) The length of the agreement would be limited to the terms of the original municipal board members. As new board members were elected in each of the eight municipalities, the agreement would become void, until such time as it were re-drafted and signed by all eight municipal boards, including both new and returning board members.

c) The fee schedule for design of new and replacement septic systems are considered too close to a private sector consulting function. Under an IMA, these types of revenue generating activities are not authorized.

d) General statements as found in the agreement allowing the KWIC to "agree to agree in the future" are not acceptable. For example, "any other matters affecting the watershed and water quality which fall in the field of activity..." would not be allowed in an IMA according to the Comptroller.

e) Any employees of the KWIC, including the Director, would have to be employed through one of the municipalities. An IMA can not give the authority to the towns and villages to hire and oversee the Director directly under the KWIC.

3) Sen. Kuhl reported that the agreement as presented to him could be drafted into "home rule" enabling legislation with perhaps little or no modification and with no cost to the towns and villages. He described the process of developing "home rule" legislation as follows:

- a) KWIC committee develops agreement
- b) Sen. Kuhl drafts "Home Rule" Bill
- c) Town and Village Boards review bill, each board passes resolution to introduce Bill to the Legislature
- d) Legislature reviews Bill, request "Home Rule Message" prior to passage
 - by law, the Legislature cannot change and pass Bill without prior consent by all the towns/villages

Sen. Kuhl mentioned that if he received the Bill by the end of March, he could draft and introduce the Bill by the end of June.

4) Progress on passage of Model Wastewater Law #7 is as follows:

- Town of Barrington-Public Meeting, Dec. 14, P. Landre asked to speak
- Village of Hammondsport-Board review by December
- Town of Jerusalem-PASSED
- Town of Milo-Public Meeting, December
- Town of Pulteney-PASSED
- Town of Urbana-Held Public Meeting, passage expected next meeting Passed
- Town of Wayne-under consideration by Planning Board

5) Discussion of Sen. Kuhl report led to a long discussion of "where to go from here". Members were asked to comment. Supervisor Plaisted pointed out that uniformity is needed in all towns and villages and that overall supervision is needed. In other words, we "need to solve problems together." Mr. MacKerchar commented that an IMA is not suitable for the purposes and further commented that the questions often raised are "how much will it cost?", "who will control it?", and "how can we get out?" He stated that he was willing to continue to work toward an overall cooperative watershed program. Supervisor Snow pointed out that the choice is now narrowed down. The KWIC should continue to work until the program can be presented to the Boards and

the Public. If people are "unalterably opposed", the program will then die. Supervisor Peek said she is in favor of the program as it is presently developing as long as "Home Rule" is maintained to the extent of Town Board Review. Supervisor Demay commented that the major problem is expense. All towns and villages will face increased expenses. In order to implement the new law, Jerusalem anticipates hiring part time help at a cost of \$15-18,000. He further pointed out that residents of the sewer district in Keuka Park are already paying for wastewater control and should not be asked to pay double.

In summary, the consensus of comments was that all KWIC members agreed to continue further development of the KWIC agreement by first reviewing the current version with their respective boards and then convening the next meeting to go over the agreement in detail for final preparation of a "Home-Rule Commission".

6. It was agreed that the next meeting will be held at 7:30PM, Tuesday January 19, in the Jerusalem Town Office.

7. Following a motion, duly seconded and passed by voice vote the meeting was adjourned at 9:50 PM.

Respectfully submitted,

Peter Landre and Joe Littleton