

2003

KWIC MINUTES



KWIC

**Keuka Watershed Improvement Cooperative
Suite 205
1 Keuka Business Park
Penn Yan, NY 14527
315-536-0917**

Paul Bauter, Watershed Manager

Thomas Chadwick, Chairman
Norman Snow, Secretary/Treasurer
Cris White, Recording Secretary
Philip L. Bailey, Esq. Counsel

Minutes for meeting held in Town of Pulteney
January 27, 2003 @ 7:00pm
Next meeting to be held in Town of Jerusalem

Members present: Tom Chadwick, John Andersen, Myron Baran, Bob DeSeyn, Jim Multer, Vince D'Ingianni, Representative for the Town of Wayne, Arnie Sorensen (for Jack Snow) for the Town of Milo, and Lee Sackett (for Doug Marchionda, Jr) for the Village of Penn Yan.

Members absent: Doug Marchionda, Jr. and Jack Snow.

Guests Present: Paul Bauter, Watershed Manager; Bill Weber, KLOC Recording Secretary; Ed Balsley, KLOC Manager; Bill Oben, Al Wahlig, KLA; Paul Schmeid, DEC; Peter Landre, CCE; Charlie Bliss, Department of State; Watershed Inspectors: Jim Balyszak for Towns of Jerusalem and Milo, Robert Reed for the Town of Pulteney, Terry DeBuck for the Town of Urbana and Village of Hammondsport, Jim Howell for the Town of Wayne, and Gary Boardman for the Town of Barrington; Barry Cermak, Jim Cermak Ed Gibson, Terry Gibson, Ray Kolo, and Cris White, KWIC Recording Secretary, and other unnamed guests.

Chairman, Tom Chadwick, called the meeting to order at 7:07 pm.

The minutes of November's meeting were approved upon a motion made by Mr. Andersen, and seconded by Mr. Baran. The motion carried.

Treasurer's report: A handout was provided for the board members, as Jack was not able to attend this meeting. The material consisted of financial information up through December of 2002. After the members had a moment to review the information, the Treasurer's Report was approved upon a motion made by Mr. Andersen, and seconded by Mr. Baran.

Manager's Report: Paul Bauter stated that the weather has slowed activity within the watershed. We are preparing for zone one letters to be sent this year. As far as the grant status, our new database will be loaded into the office computer this week. Then after we use it, we will have the palm pilots done.

Members:
Myron Baran - Pulteney
James Multer - Barrington
Merton Plaisted - Wayne

Robert DeSeyn - Hammondsport
John Andersen - Jerusalem
Doug G. Marchionda, Jr - Penn Yan

Policy Amendment # 9: This policy change is for written protocol for the Watershed Inspectors to follow so that the Watershed Manager doesn't have to see all of the projects. This is for existing systems. There is a form for the inspectors to use and that information will be provided to the KWIC office. Our Chairman, Mr. Chadwick requested any comments on the new form and protocol from the inspectors.

Terry DeBuck stated that the form and protocol, in his opinion, supports what he has been doing right along. He also mentioned that the property owner should know that the cost of replacing a failed system down the road may be greater than upgrading the system at the time of construction. He also mentioned that the reason KWIC was formed was to protect Keuka Lake and the groundwater within the Watershed.

Robert Reed said that he had no problem with the form and that the new policy seemed fair enough. He also mentioned that this would give everyone a chance to view what was going on.

Jim Balyszak felt that Terry DeBuck had covered every thing that he would have said and he had nothing to add.

Charlie Bliss of the Department of State passed out some copies of a letter written by Cheryl Fischer in 2000. He stated that the position of the Department of State is when replacing a structure with another structure with the same loading and number of bedrooms, if the system is functioning properly, then no new system is needed. Mr. Bliss added that the Department of State sets the rules and regulations for water disposal and water in the home. He informed all present of an upcoming Board of Review hearing on February 14th for three appeals, adding that anyone is welcome. Mr. Bliss said that the Code Enforcement Officers inspect this type of construction, not the Watershed Inspectors. KWIC can't enforce regulations that are more strict than the state laws. KWIC is an extension of Code Enforcement and that KWIC can't legally force someone to replace a system on a new structure with the same number of bedrooms if the system is functioning properly. The building code does discuss the 50% replacement rule, whereas the system would need to go by code.

Jim Howell commented upon Mr. Chadwick's request for his opinion on the new policy amendment that he felt that the Inspector's meeting held at the KWIC office with the inspectors and Paul Bauter was a productive meeting. He felt he had more concerns than the other inspectors at the meeting. His comment on conversions was that the policy must be uniform and consistent. The policy is needed throughout KWIC. He felt that the Townships should be the lead agency in these matters and that they can turn to KWIC for guidance.

Mr. Bliss spoke again stating that KWIC can't make a policy to enforce something stricter than the building code. To enforce above the building code, we would need to take the policy to the Code Council. Paul stated that Cheryl Fischer had stated that these changes were administrative laws and that going to Code Council would not apply. Terry DeBuck stated that KWIC wasn't asking for stricter than NYS 75-A. Mr.

Bliss reiterated that if the existing system is functioning properly, then it doesn't need to be changed and the burden of proof is on the Watershed Inspector, in like to like changes where the design criteria doesn't change.

Paul Schmeid mentioned that the new building code causes a lot of problems and that it dramatically conflicts with some laws. They will be working on changes, specifically on the "more restrictive" part.

Paul Bauter suggested that the KWIC Board could approve the policy, subject to review of legal council. Peter then added that the previous local law gave KWIC the authority to hold higher standards, and that this did go under review by state and local officials. Stricter requirements have been done before.

Charlie said that the executive law has not changed; this deals with stricter laws. He stated that he wouldn't want us to do what we don't have the authority to do. We can however, take our issues to the Code Council. Mr. Multer asked what history of getting approval from the Code Council on things like this was. Charlie said that there was probably a list of about 100 changes that have been approved. Peter stated that Senator Kuhl's office was involved in the research when KWIC was formed and that this might be a good resource to ask for guidance on this issue.

Jim Howell said that there are complaints across the county about this and it is confusing. He said that he felt that the policy was put together with the best of intentions and that KWIC should move ahead as approved by the Watershed Inspectors and KWIC.

Mr. Baran said that maybe this issue should be tabled until a later meeting. In the meantime, Peter Landre will do a report for the KWIC Board to review. Mr. Andersen made a motion to table the Policy Amendment #9 until a later meeting. Mr. Baran seconded the motion and it was carried.

Review current member assessment policy: Mr. DeSeyn started by stating that he totally supports KWIC. He said that average income per family in Hammondspport is \$34,000 and that a lot of the people are retired. Mr. Baran replied that Pulteney is the same way except that Hammondspport has more resources and that it also benefits more from tourism. Mr. DeSeyn stated that if the assessment continues the same that eventually Hammondspport would run into problems.

Mr. Chadwick mentioned that there were other ways to look at the assessment. For instance, the potential to pollute could be greater in Hammondspport than in some of the other municipalities. Another way to look at the assessment is to look at the total cost of supporting KWIC, including the assessment + Watershed Inspectors' pay. Mr. DeSeyn said that right now the assessment is 2% of his budget. He asked if he could get numbers on the cost of paying the inspectors, so he could look into the issue further. The total cost with assessment and Inspectors' pay is not uniform throughout KWIC.

The KWIC Intermunicipal Agreement would need to be changed if there was a change in the members' assessments.

Peter Landre said that there was a long debate when KWIC was formed on the issue of the assessment. Each municipality would pay their own inspector and the Watershed Manager would be paid by KWIC. The largest part of the workload was going to be on the inspectors.

Mr. Chadwick asked that each municipality put together the actual cost of supporting KWIC and notify Paul with those figures. Paul can then put together a report for the KWIC Board to review. Other arguments on the matter are the sewer districts existing in Jerusalem and new sewer district being placed in Milo. Mr. DeSeyn stated that his intent was to do the best thing for the people of the Village of Hammondsport. Mr. Andersen made a motion to table the discussion to a later meeting for time to gather more information for review. Mr. Baran seconded the motion and it carried. Information to be gathered would include population.

Keuka Lake Looking Ahead: Peter Landre stated that they have been frozen off the lake. He is in the process of writing up a report for 2002. There have been some concerns with the weed levels in the lake. At this time they are collaborating with Keuka College to help collect information. Peter also stated that they wanted to get some educational materials out to the public.

Other Business: Barry Cermak wanted to know if he put in a system designed by KWIC and it fails, who is responsible. Paul responded that it would depend on the reason for failure. The contractors would be liable for their own workmanship and the property owner is responsible for the usage. KWIC is not liable, as the property owner assumes that responsibility in getting the permit. The contractors can direct the property owner to KWIC if there is a problem and it would be assessed.

Ed Gibson asked what kind of credentials one needs to hold Paul's position and what credentials Paul has. He asked if Paul had more knowledge than the contractors' for septic systems. Paul said that he has had more technical knowledge and training in system design and more knowledge of soils and soil taxonomy. The contractors have more installation experience.

Mr. Multer mentioned that KWIC couldn't stop the property owners from attempting to sew the contractors if there is a problem. Terry Gibson asked what KWIC's boundaries are, and he was told the boundaries are the eight municipalities that touch Keuka Lake. He is concerned that farms and farm animals could cause failure on some of these systems. Usually DEC steps in when it comes to issues with farming unless there is a local ordinance, which there is not here. Peter Landre stated where the issue is agricultural runoff, then to contact the county Soil and Water Conservation District or Cornell Cooperative Extension. These agencies will try to work with the farm owners to solve any problems, unless the runoff is directly into a stream. Then NYSDEC would need to be contacted.

Ed Gibson said there was concern when the property owners had to pay KWIC a permit fee and then have to turn to an engineer for a system design. The engineer is expensive and there is a wait on getting approval from the Department of Health. KWIC is in the process of trying to eliminate some of this problem by getting other waived designs. There is a hold up on getting this as the DOH is getting feedback from some engineers who feel that business is being taken away from them.

Executive Session: John Andersen made a motion to move into the executive session, to include Cris and Paul, after a two-minute break. Jim Multer seconded the motion and it carried. The executive session ended on a motion made by Mr. Sackett, seconded by Mr. Multer.

Adjournment: This meeting adjourned on a motion made by Mr. Sorensen, seconded by Mr. Andersen.

Respectfully submitted,

Cris White

KWIC Recording Secretary



KWIC

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Paul Bauter, Watershed Manager

Thomas Chadwick, Chairman
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Minutes for Special KWIC Meeting held in the Town of Jerusalem

February 13, 2003 @ 1:30 pm

Next meeting to be held at Village of Penn Yan

Chairman, Tom Chadwick, called the meeting to order at 1:30 pm.

Members present: John Andersen, Marilyn Baldrige (representing the Town of Wayne), Myron Baran, Doug Marchionda, Jim Multer, Arnie Sorensen (representing the Town of Milo), and Tom Chadwick.

Member absent: Bob DeSeyn.

Guests Present: Paul Bauter, Watershed Manager; Jim Balyszak, Watershed Inspector for Towns of Milo and Jerusalem; Terry DeBuck, Watershed Inspector/CEO for Town of Urbana and Village of Hammondsport; Jim Howell, Watershed Inspector for Town of Wayne; Gary Boardman, Watershed Inspector for Town of Barrington and CEO for Town of Wayne; and Cris White, KWIC Recording Secretary.

Mr. Chadwick stated that the purpose of this meeting was to review proposed policy amendment #9. This was discussed at the January meeting in the Town of Pulteney and tabled to give Mr. Baran a chance to discuss the policy with his board members. Mr. Baran said that his board requested more time to research KWIC and its formation. There may be a little pressure on the board members from some of the contractors, and Mr. Bliss's opinion that KWIC doesn't have the authority to enforce stricter standards (discussed at the January meeting) may be the reason for hesitation with the Town of Pulteney. Mr. Baran stated that the Pulteney Town Attorney did attend their board meeting on February 12, 2003, and that Bob Reed, Watershed Inspector and CEO, did not attend. However, Bob did attend the January KWIC meeting, where he was in agreement with the new policy, as were the other inspectors.

Mr. Chadwick asked the inspectors present if they had any different opinions toward the policy amendment than discussed at the January meeting. Gary Boardman asked that we take the policy to Code Council to get their approval. Paul added that this could be added to the resolution, for the clerk to send to the Code Council for review and approval if necessary. Mr. Chadwick said that everyone seemed to be in agreement at the January meeting; therefore this special meeting was to vote on the amendment after Pulteney had a chance to review. Mr. Baran stated that the Contractors' don't agree

Members:

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James Multer – Barrington
Merton Plaisted – Wayne

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with Paul's authority. Terry DeBuck said that the policy amendment itself was not in question, and he stated that it does not need to go to Code Council for approval. They would have to approve the jurisdiction of KWIC. This policy is only a portion of the local wastewater law. Terry says that Code council would have to approve all policies, not just this one. Mr. Andersen stated that the local wastewater law already went to Code Council for approval in the formation of KWIC. Terry recalled that KWIC could have a local wastewater law not less stringent than NYS Standards 75-A. Mr. Chadwick said that KWIC could pass this policy then put a packet together to send to the Codes Council.

Also the group discussed that when there is a change in board members within the municipalities, they need to be educated about KWIC. Mr. Andersen read from the Intermunicipal agreement regarding budget voting. It stated that the board would need a $\frac{3}{4}$ vote to pass.

After no other comments, Mr. Andersen made a motion to approve the Policy Amendment #9 with the stipulation added that the KWIC Clerk would need to put a packet together to send to NYS Codes Council for review and approval if necessary. Mr. Multer seconded the motion and it was voted on by roll call.

Mr. Baran wished to abstain.
Mr. Andersen voted aye.
Ms. Baldrige voted aye.
Mr. Marchionda voted aye.

Mr. Multer voted aye.
Mr. Sorensen voted aye.
Mr. Chadwick voted aye.
Mr. DeSeyn was absent.

With 6 ayes, 1 abstain and 1 absent, the motion was carried.

Paul Bauter mentioned that there was another change to be voted on because of this policy. The fee schedule would change. He explained that KWIC would not charge for the site evaluation concluded with a satisfactory condition, but each municipality would decide on their own whether to have a fee for this evaluation or not. Everything else in KWIC's fee schedule would remain the same. Also Paul noted that the inspectors wouldn't have to do this evaluation. If they wished not to, Paul could do the evaluation or he could do the evaluation with the inspector.

Mr. Marchionda made a motion to accept the changes to the KWIC fee schedule. Mr. Andersen seconded the motion, and it carried.

Other Business: Mr. Baran feels the need for someone to explain the KWIC and it's formation at the next Town Board meeting. It was mentioned that Peter Landre would be best suited for the task. Mr. Baran is concerned with a conflict of interest. The Pulteney Town's attorney has done research on the KWIC program and agrees with what KWIC is doing. The town board doesn't appear to be listening to the Town's attorney.

Paul was asked what his steps of action were when in conflict with a Watershed Inspector. He stated that he would first discuss problems with the Inspector, and if no action was taken to correct the problem, that he then would discuss the problem with the Town Supervisor. Mr. DeBuck mentioned that somewhere is stated that the authority lies with the authority having jurisdiction. Mr. DeBuck says that the problem is a territorial issue.

Adjournment: After no other comments, Mr. Multer made a motion to adjourn the meeting. Ms. Baldrige seconded and the meeting adjourned at 2:12 pm.

Respectfully submitted,

Cris White

KWIC Recording Secretary

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it enacted by the Keuka Watershed Improvement Cooperative, Board of Directors, February 13, 2003.

AUTHORIZING POLICY AMENDMENT NUMBER 9 CONSISTING OF PROTOCOL AND A FORM FOR SITE EVALUATION FOR EXISTING ONSITE WASTEWATER TREATMENT SYSTEMS.

WHEREAS, The establishment of such policy would be in the best interest of the citizens of the Keuka Watershed Improvement Cooperative.

RESOLVED: That KWIC will utilize the protocol and form KWIC011603 for site evaluation for existing onsite wastewater treatment systems as attached. Present use of existing inspection forms and sketch shall be continued.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the NYS Code Council for review and approval if necessary.

RESOLVED: That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by John Andersen Seconded by Jim Multer

Vote by roll call as follows:

John Andersen	Town of Jerusalem	Aye
Marilyn Baldrige	Town of Wayne	Aye
Myron Baran	Town of Pulteney	Abstain
Doug Marchionda	Village of Penn Yan	Aye
Jim Multer	Town of Barrington	Aye
Arnie Sorensen	Town of Milo	Aye
Tom Chadwick	Town of Urbana	Aye
	Village of Hammondsport	Absent

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting February 13, 2003.

2/13/03 Cristina L White KWIC Clerk/RMO

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it enacted by the Keuka Watershed Improvement Cooperative, Board of Directors, February 13, 2003:

AUTHORIZING KEUKA WATERSHED IMPROVEMENT COOPERATIVE FEE SCHEDULE ADJUSTMENT CONSISTING OF:

Site Evaluation for Existing Onsite Wastewater Treatment Systems performed by local Watershed Inspectors – Fee (if any) to be determined by local municipality.

Site Evaluation (performed by KWIC)	\$50.00
Construction Permit, Standards provided by Watershed Manager (1)	\$50.00
Construction/Operation Permit (satisfactory existing system)	No Fee
Construction Permit, Engineer's design reviewed by Watershed Manager	\$50.00
Construction Permit Renewals	\$30.00
Construction Permit for repair to absorption areas	\$30.00
Extension for Construction Permit (60 days) (2)	No Fee

(1) Other systems: holding tanks, composters, chemical and recirculating toilets, incinerator toilets, and sanitary privies shall require just the permit fee unless a site investigation for soils is required. Holding tanks that just need a replacement for an existing tank shall be performed through the municipal watershed inspector in the same manner as a septic tank replacement.

(2) An extension for a permit may be granted if one major component of the system is in the ground and they apply for the extension prior to the permit expiring.

RESOLVED, That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by Doug Marchionda, Seconded by John Andersen.
Ayes: 7 Nays: 0

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting February 13, 2003.

2/13/03 Cristina L White KWIC Clerk/RMO



KWIC

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Paul Bauter, Watershed Manager

Thomas Chadwick, Chairman
Norman Snow, Secretary/Treasurer
Cris White, Recording Secretary
Philip L. Bailey, Esq. Counsel

Minutes for meeting held in Village of Penn Yan
March 24, 2003 @ 7:00pm
Next meeting to be held in Town of Milo

Members present: Tom Chadwick, Dick Ackerman (alternate representative for John Andersen), Myron Baran, Jim Multer, Vince D'Ingianni, Representative for the Town of Wayne, Jack Snow, and Doug Marchionda, Jr.

Members absent: Bob DeSeyn.

Guests Present: Paul Bauter, Watershed Manager; Bill Weber, KLOC Recording Secretary; Ed Balsley, KLOC Manager; Bill Oben, KLA; Peter Landre, CCE; and Cris White, KWIC Recording Secretary.

Chairman, Tom Chadwick, called the meeting to order at 7:16 pm.

Election of Officers: Nominations were made to have Mr. Chadwick remain as KWIC Chairman and Mr. Snow as Secretary/Treasurer. Mr. D'Ingianni made a motion to close the election with those votes. Mr. Baran seconded the motion, motion carried. Mr. Marchionda suggested that maybe KWIC should have an official vote for Vice Chairman, rather than just a "gentlemen's agreement". Mr. Andersen was nominated for position of the Vice Chairman for KWIC. Mr. Multer then made a motion to close the voting, seconded by Mr. Baran, motion carried.

Mr. Baran made a motion to accept and approve both sets of minutes, for the regular meeting held in the Town of Pulteney in January and the special meeting held in the Town of Jerusalem in February. Mr. Multer seconded the motion, motion carried.

Treasurer's report: Mr. Snow provided all members with a handout regarding financial status. He added that as of today's date, the checking account balance is \$10,399. Mr. Snow had asked Cris, Recording Secretary, to send the vouchers for half of the budgeted amount. Three of these payments are in and included in the afore-mentioned checking balance.

Mr. Snow did state that there was \$600 less in the account because of a check from the insurance company. KWIC had a \$600 credit on an invoice, and Mr. Snow requested that we receive payment for the credit. The insurance company sent KWIC a check for

Members:

Myron Baran – Pulteney
James Multer – Barrington
Vince D'Ingianni, Representative – Wayne

Emery L Cummings, Jr – Hammondsport
John Andersen – Jerusalem
Doug G. Marchionda, Jr – Penn Yan

the \$600 credit, then for some reason stopped payment on the check. Mr. Snow is going to check into the matter.

The second sheet of Mr. Snow's handout shows a listing of the checks written since the last report. The last pages show the actual amounts incurred versus the budget. Mr. Snow also stated that there was a \$500 expense shown for Richard Mayberry, the attorney helping with advice regarding the hearings in Rochester (Zoning Board appeals). Mr. Chadwick told Mr. Snow that it was all right to pay that particular bill. Mr. Chadwick reminded the board members that this had to do with property owners who recently showed some concern with the decisions of KWIC. The meetings in Rochester were to be in February, were postponed and Mr. Chadwick hasn't heard status of the hearings since.

Mr. Baran made a motion to accept the Treasurer's Report. The motion was seconded by Mr. Marchionda, and then carried.

Manager's Report: Paul Bauter reported that there was not a lot of activity thus far due to the snow and the extra time being spent in the office with paperwork. Paul prepared a report that shows inspection activity since 1995. In regards to Zone One activity, he stated that the 5-year cycle for 1998 is coming around again and that it was a big year.

Mr. Marchionda asked about the large number of violations sent out for Zone Ones in the Town of Jerusalem. Paul said that Jim Balyszak has chosen to have Paul send the Notice of Violation, rather than sending a second letter. Usually if there is a Notice of Violation, there is a better response. Paul added that the violation letter sets the stage for a court appearance. Mr. Ackerman asked if any have been to court yet to which Paul replied, "No."

Mr. Baran asked if there was a way to "speed up" catching up on zone one inspections in the Town of Pulteney. Paul said that some of the hesitation is timing and forgetfulness on getting the zone one inspections done. Mr. Chadwick was concerned with all of the zone one initial inspections not being done. Paul replied that there was only a few left, except in the Town of Pulteney. The remaining will be issued a Notice of Violation. Mr. Baran stated that these inspections aren't getting done for reasons like, the owner needs to be present, or the contractors are busy. Paul mentioned that if Bob Reed needs help, Paul would assist.

Paul also said that at the end of six years, the number of Tank Replacements is dropping, and this shows true for everyone. Another report in Paul's handouts shows status of permits issued in 2001 and 2002. All of the inspectors have lists for their municipalities. Paul has gone over this with each inspector. Some of those that are listed, we are just waiting for paperwork, and some carried over from the previous year.

Included within the handout material provided by Paul, is a chart regarding the Member Assessment issue, and a copy of a Bill in congress. This bill was introduced last year, but didn't make it. Paul has written a letter regarding the bill. The Senator he wrote to

has responded, but the Assemblyman has not. These materials were provided to let the board members know that these things are on people's minds. Paul stated that he also heard that there may be certification for inspectors in the future. He said he does not know how they will try to administer that, but OWTN is involved in those types of courses.

Review current member assessment policy: Members of the board questioned whether this issue needs to be addressed at this point. Mr. Snow recalled the beginning of KWIC when a member assessment was being put together. A lot of different formulas were discussed, but in the end, everyone decided that this should be split equally among the municipalities. Mr. Snow stated that he feels that this portion of KWIC policy should remain the same as a lot of thought went into it so long ago.

Peter Landre said that no matter what was determined, all members would benefit the same. This was the spirit of being a "Cooperative", that all involved would share the cost evenly. Mr. Chadwick stated that there were a lot of variables when looking into the cost of being a member of KWIC. Not just the member assessment, but also the cost to each municipality in paying the Watershed Inspector. This subject may be a dead issue anyway.

Keuka Lake Looking Ahead: Peter Landre reported to the board members that the lake is still frozen. He does plan to get out in April, doing similar things as they did last year on the lake. He will be working with a Professor from Keuka College and some of his students. They will also be working with Steuben County regarding the weather station at the south end of the lake.

Peter prepared a historical report to clarify any questions regarding the formation of KWIC. He said it was more than ten years ago that the municipalities came together with concerns of water quality and the impact that it had on Keuka Lake and its citizens. They needed uniformity and a watershed wide management. This is how KWIC was formed. One big advantage of the program is that because of the expertise of the Watershed Manager, many systems can get approval from Paul to be installed. With KWIC, we have a mechanism for enforcement of regulations and local wastewater laws.

Mr. Chadwick asked if everyone was aware of the problems in Pulteney. Paul attended Pulteney's last board meeting to answer questions. Mr. Chadwick said maybe they were not comfortable with Paul's presence, that maybe it would be better if Peter attended a meeting to answer any questions they might have. At this time there is no open disagreement with the inspector, but the past issues still need to be addressed.

At this time Mr. Chadwick introduced Phil Bailey, Council for KWIC. Mr. Bailey prepared a letter (to be discussed in executive session), expressing KWIC's concern for continued uniformity. Mr. Marchionda questioned if this problem was with just one member of Pulteney's board, and Mr. Baran answered that it might be a problem with the one member. Mr. Baran stressed that he doesn't understand why there is so much

of a problem and doesn't know the specific questions that the board members have. He said that he did give each member the booklet of Program Documents provided by Paul. Mr. Baran also stated that the Pulteney members did not want to attend the KWIC meeting. The Pulteney attorney has tried to clarify the Intermunicipal Agreement to Pulteney's members, but Mr. Baran said they just seem to "shake their heads".

Other Business: None.

Executive Session: Mr. Snow made a motion to move into the executive session to include Cris, Paul, and Mr. Bailey. Mr. Ackerman seconded the motion, motion carried. The executive session ended on a motion made by Mr. Ackerman, seconded by Mr. Marchionda at 9:56 p.m., motion carried.

Adjournment: This meeting adjourned at 9:56 p.m. on a motion made by Mr. Multer, seconded by Mr. Ackerman, motion carried.

Respectfully submitted,



KWIC Recording Secretary



KWIC

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Paul Bauter, Watershed Manager

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Minutes for meeting held in Town of Milo
June 2, 2003 @ 7:00pm
Next meeting to be held in Town of Barrington

Members present: Tom Chadwick, John Andersen, Myron Baran, Jim Multer, Vince D'Ingianni, Representative for the Town of Wayne, Jack Snow, Vince Domeraski, Representative for the Village of Hammondsport, and Doug Marchionda, Jr.

Members absent: none.

Guests Present: Paul Bauter, Watershed Manager; Bill Weber, KLOC Recording Secretary; Ed Balsley, KLOC Manager; Bill Oben, KLA; Phil Bailey, Attorney; and Cris White, KWIC Recording Secretary.

Chairman, Tom Chadwick, called the meeting to order at 7:15 pm. Mr. Chadwick introduced Mr. Vincent Domeraski as the new KWIC Representative for the Village of Hammondsport.

Review and approve minutes: The minutes for the KWIC meeting in March 2003 were approved upon a motion made by Mr. Andersen and seconded by Mr. Marchionda.

NYSDOS Board of Appeals: Mr. Bailey attended our meeting to update the KWIC members on the status of the appeals presented to the NYS Building Code Board of Appeals on May 9 of this year. Three of the petitions were under KWIC authority, two of them in the Town of Pulteney and one in the Town of Urbana. All three cases were regarding reconstruction.

Mr. Bailey reported that the three different cases were with pre-existing structures whereas each case a structure was to be removed and a new one constructed. The Watershed Manager said that under KWIC's current regulations, that a new system would need to be installed. The owners objected that the current systems were all right as they were replacing with a dwelling of the same size.

Members:
Myron Baran - Pulteney
James Multer - Barrington
Vince D'Ingianni, Representative - Wayne

Emery L. Cummings, Jr - Hammondsport
John Andersen - Jerusalem
Doug G. Marchionda, Jr - Penn Yan

Mr. Bailey went to the appeal to speak on behalf of KWIC, to make sure that the board understood. He said the homeowners stated their cases, and after some discussion, they broke for about ½ hour. When they came back, the decision was that a new system was not required unless the existing system has failed. Since KWIC could not prove that the systems were in failure, then the three owners will be permitted to reconstruct without having to add a new wastewater treatment system.

Further stated by Mr. Bailey, according to NYS Appendix 75-A, new construction can use the existing system as long as it is functioning properly. There is no description of what "functioning properly" means. A homeowner may replace a trailer with a stick built home (reconstruct) as long as there is no formal report of a failed system, without replacing the wastewater treatment system. Also, the separation distances cannot be used as the only reason for failure. If a homeowner wants to replace everything but one room, this will also be considered reconstruction.

Paul reported that one of the homeowners needed a permit to put the tank back in. This was permitted with conditions. He will be writing letters to the other two owners to request an assessment of the existing system. He stated that he would have Mr. Bailey read the letters before sending.

All of these cases reverted to the old building code. The owners had that choice (either the old or new building code). Mr. Marchionda showed some concern that the state might be able to undermine the authority of KWIC. Mr. Bailey stated we would need to document better, the conditions of existing systems. It was also mentioned that this decision might force more dye testing. Paul did mention that there are procedures to follow. A dye test is used only to verify a questionable system. It will not disprove, but if the dye shows, it will prove inadequacy.

Any owner can appeal. KWIC may need to implement it's own appeal process. This will give us a way to bring problems before the board. We may have more control over these situations if we implement an appeals process.

Paul informed the board members that NYSDOH had all pertinent information for these cases, and that they were not satisfied with the decision. DOH will be contacting the NYSDOS. Canandaigua was also not happy with the decision. A lot of parties were watching. This is the first time for cases like these, and we are now more prepared. Mr. Bailey added that KWIC could appeal the decision, but it could be a "no win" situation. We should just learn from it and be better prepared in the future.

Paul will get a copy of the new Protocol and Site Evaluation form to Mr. Bailey to look over and advise on. Copies have been sent to NYSDOH and NYSDOS, local authorities, and to Building Code Board for review. Paul said further that we are looking at months before getting a review on it. The KWIC board members asked that we be sure that all municipal boards have a copy of the Protocol and Site Evaluation form to review again.

Treasurer's report: Mr. Snow provided all members with a handout regarding financial status. Within these pages were a Balance Sheet showing a balance of \$15,122, less withholding would be a balance of \$12,130, the comparison of year to date expenditures to the budget, and the check register showing from the last meeting to date. Mr. Andersen made a motion to accept the Treasurer's Report. The motion was seconded by Mr. D'Ingianni, and so carried.

Manager's Report: Paul Bauter reported that we are experimenting on the new computer system with our Activity Report. There may be glitches, but we also need to push the inspectors a bit to get their inspection reports to us. MPR Technologies will soon be loading up the palm pilots and Paul hopes to have them operational by July 1.

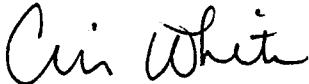
Keuka Lake Looking Ahead: Peter Landre was absent.

Other Business: None.

Executive Session: At 7:57 p.m. Mr. D'Ingianni made a motion to move into the executive session to include Cris, Paul, and Mr. Bailey. Mr. Baran seconded the motion, motion carried. The executive session ended upon a motion made by Mr. Andersen, seconded by Mr. Marchionda at 8:40 p.m., motion carried.

Adjournment: This meeting adjourned at 8:40 p.m. on a motion made by Mr. Andersen, seconded by Mr. Marchionda, motion carried.

Respectfully submitted,



KWIC Recording Secretary



KWIC

**Keuka Watershed Improvement Cooperative
Suite 205
1 Keuka Business Park
Penn Yan, NY 14527
315-536-0917**

Paul Bauter, Watershed Manager

Thomas Chadwick, Chairman
Norman Snow, Secretary/Treasurer
Cris White, Recording Secretary
Philip L. Bailey, Esq. Counsel

Minutes for meeting held in Town of Barrington

July 28, 2003 @ 7:00pm

Next meeting to be held in Town of Wayne

Members present: Tom Chadwick, John Andersen, Myron Baran, Jim Multer, Vince D'Ingianni, Representative for the Town of Wayne, and Jack Snow.

Members absent: Vince Domeraski, Representative for the Village of Hammondsport, and Doug Marchionda, Jr.

Guests Present: Paul Bauter, Watershed Manager; Bill Weber, KLOC Recording Secretary; Ed Balsley, KLOC Manager; Peter Landre, CCE; Al Wahlig, Paul Carney, and Bill Oben, KLA; Phil Bailey, Attorney; Nick and Bebette Yunis; and Cris White, KWIC Recording Secretary.

Chairman, Tom Chadwick, called the meeting to order at 7:15 pm.

Review and approve minutes: The minutes for the KWIC meeting in June 2003 were approved upon a motion made by Mr. Multer and seconded by Mr. Andersen.

Treasurer's report: Mr. Snow provided all members with a handout regarding financial status. Within these pages were a Balance Sheet showing a balance of about \$7,000 less withholding would be a balance of \$3,000. Mr. Snow suggested that the recording secretary send out vouchers to the membership municipalities for the remaining membership assessment due. The next pages of the handed out information shows the budget versus year-to-date expenditures. Mr. Snow stated that everything seems to be ok except expenses for the computer, which will be offset by grant monies. To date we have received most of the grant funds. The last page of information shows a list of checks that have been written since the last KWIC meeting. Mr. Andersen made a motion to accept the Treasurer's report. Seconded by Mr. Multer, the motion carried.

KWIC Liability Insurance: Chairman Chadwick explained the issue that the liability insurance will not renew with Hatch Leonard Naples, and that it runs out the last day of August. Mr. Snow is looking into insurance with Jim Stork, but had nothing yet prepared for this meeting. He suggested that KWIC authorize 2-3 members to approve when the information is gathered. Mr. Chadwick stated that the policy now does not include

Members:
Myron Baran – Pulteney
James Multer – Barrington
Vince D'Ingianni, Representative – Wayne

Emery L. Cummings, Jr – Hammondsport
John Andersen – Jerusalem
Doug G. Marchionda, Jr – Penn Yan

pollution coverage. Hatch Leonard Naples will not rewrite the policy without pollution coverage, which would increase the policy premium significantly. Jim Stork thinks that he can find something for us. Mr. Chadwick stated that he would rather give business to a local agent. The committee for the Liability Insurance Policy approval will consist of Mr. Andersen, Mr. Multer, and Mr. Snow.

Manager's Report: *Paul Bauter informed the members that due to inaccurate numbers in our activity report, he has no formal report to give them. We still are having problems with glitches in the computer information. Paul will mail an activity report to all members.*

Paul discussed an Advisory Letter sent via email from Richard Thompson, NYSDOS. Paul explained that he and George Barden attended a meeting for CEO's. Here they were under the impression that it was up to the Townships. Steuben and area covered by Charlie Bliss did not receive the advisory letter. This letter states that all wastewater system design is to be done by a Professional Engineer as per the Education Law. Paul said that this is not a new law, but that no one has brought it up until now. We are still awaiting answers from DOS.

Mr. Andersen asked about the waived systems. Paul said that technically it is considered as altering an Engineered Design every time we use those. NYSDOH is looking into that now. The Education Law refers to all systems, not just commercial. In the past, George Barden has changed some wording, as did Paul when he came to work for KWIC. Paul added that it still falls back on the Town and the CEO. This advisory letter has obviously caused a lot of feedback from CEO's and they are working out ways to try and deal with it.

Keuka Lake Looking Ahead: *Peter Landre stated that there was a presentation on the State of the Lake, which can be found on the KLA website. He said the lake is in good shape. The Zebra Mussels don't appear to be affecting fishing, clarity of the lake is holding, and that the overall condition of Keuka Lake is good.*

Mr. Al Wahlig asked Peter about report of pesticide in the lake. Peter responded that the previous 3 samples on the lake were very low, below FDA levels. Peter said he can send out this information regarding pesticides in the lake.

Other Business: *None.*

Executive Session: *Mr. D'Ingianni made a motion to move into the executive session to include Cris, Paul, and Mr. Bailey. Mr. Baran seconded the motion, motion carried. The executive session ended upon a motion made by Mr. Snow, seconded by Mr. Andersen at 8:30 p.m., motion carried.*

Adjournment: *This meeting adjourned at 8:30 p.m. on a motion made by Mr. Andersen, seconded by Mr. Multer, motion carried.*

Respectfully submitted,

Cris White

KWIC Recording Secretary

KWIC

Minutes for meeting held in Town of Wayne
September 22, 2003 @ 7:00pm
Next meeting to be held in Town of Urbana

Members present: Tom Chadwick, John Andersen, Myron Baran, Doug Marchionda, Jr., Jack Snow, Vince D'Ingianni, Representative for the Town of Wayne, and Vince Domeraski, Representative for the Village of Hammondsport.

Members absent: Jim Multer

Guests Present: Paul Bauter, Watershed Manager; Bill Weber, KLOC Recording Secretary; Ed Balsley, KLOC Manager; Al Wahlig, Bill Oben, KLA.

Chairman, Tom Chadwick, called the meeting to order at 7:10 pm.

Review and approve minutes: The minutes for the KWIC meeting in July 2003 were approved upon a motion made by Mr. Andersen and seconded by Mr. Baran.

Treasurer's report: Mr. Andersen made motion to approve the report of the Treasurer. The motion, seconded by Mr. Domeraski, carried. Mr. Snow presented the Budget for 2004; there was discussion on the 2004 budget. This resulted in a motion by Mr. Marchionda, seconded by Mr. Andersen, the 2004 budget be accepted. Motion carried.

Manager's Report: Paul Bauter discussed activity reports from the last meeting and this one. He also presented a fees table of neighboring communities, and reviewed the grant status.

Keuka Lake Looking Ahead: Peter Landre did not attend this meeting.

Members:
Thomas Chadwick – Chairman
Myron Baran – Pulteney
James Multer – Barrington
Vince D'Ingianni, Representative – Wayne

Norman Snow – Secretary/Treasurer
Vince Domeraski, Representative – Hammondsport
John Andersen – Jerusalem
Doug G Marchionda, Jr – Penn Yan

Other Business: Mr. Andersen stated that the attorneys for KWIC and Pulteney have conversed. Pulteney's attorney is on vacation for 10 days; they will be meeting again when he returns. After this meeting, they may want a special KWIC meeting.

Adjournment: This meeting adjourned at 7:28 p.m. on a motion made by Mr. Andersen, seconded by Mr. Marchionda. Motion carried.

Respectfully submitted,



KWIC Recording Secretary

Keuka Watershed Improvement Cooperative
Suite 205
1 Keuka Business Park
Penn Yan, NY 14527
315-536-0917

Paul Bauter, Watershed Manager

KWIC

Minutes for special KWIC meeting held @ Town of Milo
October 27, 2003 @ 7:00pm

Members present: Tom Chadwick, Jim Multer, Myron Baran, Doug Marchionda, Jr., Jack Snow, Vince D'Ingianni, Representative for the Town of Wayne, and Vince Domeraski, Representative for the Village of Hammondsport.

Members absent: John Andersen

Guests Present: Paul Bauter, Watershed Manager; Daryl Jones, Phil Bailey, and Cris White, Recording Secretary.

Chairman, Tom Chadwick, called the meeting to order at 7:00 pm.

Mr. Domeraski made a motion that we enter executive session with all parties present. Motion seconded by Mr. Snow, all approved, and was carried.

The recording secretary was asked to draw up a Resolution to authorize Chairman Chadwick to sign a letter for the Town of Pulteney as drawn up by Attorney Phil Bailey. Mr. Marchionda made the motion to approve. Motion seconded by Mr. Multer, was approved by all. Motion carried.

Mr. Snow made a motion that the deadline for response to said letter be January 1, 2004. Mr. Multer seconded this motion. All approved, motion carried.

Mr. Baran made the motion to come out of Executive Session. Motion seconded by Mr. Marchionda, carried.

Mr. Marchionda made a motion to adjourn this meeting. Motion seconded by Mr. Snow, also carried.

Respectfully Submitted,

Cris White

Recording Secretary

Members:
Thomas Chadwick – Chairman
Myron Baran – Pulteney
James Multer – Barrington
Vince D'Ingianni, Representative – Wayne

Norman Snow – Secretary/Treasurer
Vince Domeraski, Representative – Hammondsport
John Andersen – Jerusalem
Doug G Marchionda, Jr – Penn Yan

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it enacted by the Keuka Watershed Improvement Cooperative, Board of Directors, October 27, 2003:

AUTHORIZING CHAIRMAN, TOM CHADWICK OF THE KEUKA WATERSHED IMPROVEMENT COOPERATIVE TO SIGN A LETTER TO THE TOWN OF PULTENEY DATED OCTOBER 27, 2003 DRAWN UP BY ATTORNEY PHIL BAILEY
(1)

RESOLVED, That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by Doug Marchionda, Seconded by Jim Multer.
Ayes: 7 Nays: 0

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting October 27, 2003.

10/27/03

Cris White

KWIC Clerk/RMO

Keuka Watershed Improvement Cooperative
Suite 205
1 Keuka Business Park
Penn Yan, NY 14527
315-536-0917

Paul Bauter, Watershed Manager

KWIC

Minutes for meeting held in Town of Urbana
November 24, 2003 @ 7:00pm
Next meeting to be held in Village of Hammondsport

Members present: Tom Chadwick, Myron Baran, Jack Snow, Vince D'Ingianni, Representative for the Town of Wayne, and Vince Domeraski, Representative for the Village of Hammondsport.

Members absent: Jim Multer, John Andersen, Doug Marchionda, Jr.

Guests Present: Paul Bauter, Watershed Manager; Bill Weber, KLOC Recording Secretary; Bill Feinstein, KLA Wayne; Pete Robbins, KLA Urbana; Peter Landre, CCE; and Jim Stork.

Chairman, Tom Chadwick, called the meeting to order at 7:07 pm.

Review and approve minutes: The minutes for the KWIC meeting in September of 2003 were approved upon a motion made by Mr. Snow and seconded by Mr. Baran.

The minutes for the KWIC Special meeting in October of 2003 were approved on a motion made by Mr. Snow and seconded by Mr. Domeraski.

Treasurer's report: Mr. Snow presented copies of financial reports including the balance sheet, checks listing since the last regular meeting date (September 22, 2003), and "Operating Statement" showing income and expenses year-to-date and versus the budget. Mr. Snow stated that we are over budget on income, but also over budget on expenses; expenses being due mostly to legal fees and some computer expenses.

Mr. Snow also pointed out that KWIC has received a bill for attorney's fees in the amount of \$3102, and that he would like to pay that following a motion. Mr. D'Ingianni made a motion that the treasurer makes payment for the attorney's fees billed. Mr. Domeraski seconded the motion. All were in favor; the motion carried.

Members:
Thomas Chadwick – Chairman
Myron Baran – Pulteney
James Multer – Barrington
Vince D'Ingianni, Representative – Wayne

Norman Snow – Secretary/Treasurer
Vince Domeraski, Representative – Hammondsport
John Andersen – Jerusalem
Doug G Marchionda, Jr – Penn Yan

Manager's Report: Paul Bauter discussed activity report stating that Barrington is backlogged, as the inspector has had the opportunity to use the palm pilots, but we are still working out some minor glitches and he hasn't been able to upload this information to the KWIC office yet. In the Town of Wayne, we still need to get some information from Jim Howell. The number of permits issued seems to be normal, although we are a little behind on inspections. We are not too bad though.

Also Paul mentioned that we have been working with SLAP-5 forming a FL-LOWPA grant proposal for certification of contractors. The other grant with DEC, we found that the EPA never funded DEC. Therefore, that mini-grant fell through.

As far as the grant in progress, the computer work is still a little behind. We are still learning to work with the new program. Gary Boardman has had the opportunity to work with the palm pilot, as mentioned, but the program still needs some fine-tuning. They have been there when we have needed their assistance and are now using a web-based program to help us with fixing problems via the Internet. This has helped in saving some travel time.

Mr. D'Ingianni asked Paul about property owners getting information from our office as to location of their septic systems. He wanted to know if we could fax maps and information to property owners at their request and wondered if we had information dated back far enough for such requests. Paul replied that the KWIC office has good maps currently for Milo, Jerusalem, and Barrington, we have some new maps for Pulteney, and some that we don't have maps for are Urbana, Wayne, and Hammondsport. A new buyer can still be surprised, as some systems may not have been properly decommissioned, we may not have records for some sites, or in some cases all of the wastewater might not be directed to the wastewater treatment system. It would cost money to get into a registry like UFPO. Contractors can contact us before digging and it may help, but it isn't full proof.

KWIC Liability Insurance: Mr. Chadwick introduced Mr. Jim Stork and said he asked Mr. Stork to come to answer questions regarding the insurance policy that KWIC has through his office. Mr. Stork familiarized the board with a little working history he has had with KWIC stating that his office had drawn up a quote for KWIC a couple of years ago including office coverage, but that KWIC chose to go with Hatch, Leonard, Naples at that time. When his office quoted KWIC this year, they quoted the general liability with no options. Mr. Stork discussed what the current policy does cover, including liability and office contents. He quoted a section from the Intermunicipal Agreement regarding liability insurance and suggested that we get a legal opinion to determine if that is still the way we want that section to read, or that we make sure that all members are aware of it each year. They may need to make sure that they are covered individually. Peter Landre did mention that the Intermunicipal Agreement was put together with the help of Mr. Bill Mayer, who specialized in these types of agreements. Mr. Stork noted that this agreement is different than the KLOC agreement, and he just wanted to suggest that KWIC make sure that the individual municipalities make sure that they are covered.

Keuka Lake Looking Ahead: Peter Landre reported that they did some lake sampling last week, in 30 mph winds. The water quality is really good and bacteria are low. Keuka Lake is in good shape. The sampling done now is done under a new sampling structure and they have even switched labs. Switching labs is not a factor, but they are using a different lab. Peter noted that the work being done around the lake appears to be having a good impact on the quality of the water. Mr. Weber mentioned the remarkable improvement of the quality of the lake compared to when KWIC was being formed. Peter said they have been working with Paul to test troubled areas, and are not seeing problems now. Use of the lake water was discussed. There has been no survey done recently to find out how property owners are using and filtering the lake water, but Peter mentioned there are more municipal water lines now.


Other business: None.

Executive Session: Mr. D'Ingianni made a motion to go into executive session, including Paul Bauter, Cris White, and Bill Weber at 7:50 pm. The motion, seconded by Mr. Snow, carried.

A motion was made by Mr. D'Ingianni to return from executive session at 8:02 pm. Mr. Domeraski seconded the motion. Motion carried.

Adjournment: This meeting adjourned with a motion made by Mr. Domeraski and seconded by Mr. D'Ingianni at 8:02 pm.

Respectfully submitted,



KWIC Recording Secretary

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it enacted by the Keuka Watershed Improvement Cooperative, Board of Directors, October 27, 2003:

AUTHORIZING CHAIRMAN, TOM CHADWICK OF THE KEUKA WATERSHED IMPROVEMENT COOPERATIVE TO SIGN A LETTER TO THE TOWN OF PULTENEY DATED OCTOBER 27, 2003 DRAWN UP BY ATTORNEY PHIL BAILEY
(1)

RESOLVED, That the KWIC Clerk be, and hereby is, directed to forward certified copies of this resolution to the appropriate KWIC Officials.

Motion by Doug Marchionda, Seconded by Jim Multer.
Ayes: 7 Nays: 0

I HEREBY CERTIFY the above to be a true copy of an ordinance adopted by the Keuka Watershed Improvement Cooperative Board of Directors at a regular meeting October 27, 2003.

10/27/03 Cris White KWIC Clerk/RMO