

2004

KWIC MINUTES



KWIC

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

Paul Bauter, Watershed Manager

Minutes for meeting held in Village of Hammondsport
January 25, 2004 @ 7:00pm
Next regular meeting to be held in Town of Pulteney

Members present: Tom Chadwick, William Weber, Jack Snow, Marilyn Baldrige, Eileen Farnan, Daryl Jones, Doug Marchionda, Jr., and Vince Domeraski, Representative for the Village of Hammondsport.

Members absent: none.

Guests Present: Barney Hubbs, Alternate Member for the Town of Wayne; Paul Bauter, Watershed Manager; Bill Oben, KLA; Jerry Saxton, KLA Pulteney; Pete Robbins, KLA Urbana; and Al Wahlig, KLA.

Chairman, Tom Chadwick, called the meeting to order at 7:27 pm. Introductions were performed, as there are several new members to the KWIC Board.

Election of Officers: A motion was made by Mr. Snow to nominate Tom Chadwick as Chairman for the KWIC Board. Mr. Weber seconded this motion, and the motion carried. Mr. Marchionda made a motion for the Secretary to cast one vote, seconded by Ms. Baldrige. Motion carried.

Mr. Marchionda made a motion to nominate William Weber as Vice Chairman for the KWIC Board. Mr. Snow seconded the motion, and the motion carried. Mr. Weber made a motion for the Secretary to cast one vote, seconded by Mr. Marchionda. Motion carried.

Mr. Weber made a motion to nominate Jack Snow as Treasurer/Secretary for the KWIC Board. Mr. Marchionda seconded the motion, and the motion carried. Mr. Marchionda made a motion for the Secretary to cast one vote, seconded by Mr. Weber. Motion carried.

Mr. Chadwick suggested that Cris White remain KWIC Recording Secretary.

Members:

Thomas Chadwick – Chairman
William A Weber – Pulteney
Eileen M Farnan – Barrington
Marilyn Baldrige – Wayne

Norman Snow – Secretary/Treasurer
Vince Domeraski, Representative – Hammondsport
Daryl H Jones – Jerusalem
Doug G Marchionda, Jr – Penn Yan

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

Treasurer's report: Mr. Snow presented copies of financial reports including the balance sheet, checks listing since the beginning of 2003, and "Operating Statement" showing income and expenses year-to-date and versus the budget. Mr. Snow noted the balance sheet showing a negative amount due to payment of withholding. Vouchers for member assessments were sent early in response to this.

Mr. Snow pointed out on the budget versus the actual expenses, that two areas where we strayed were with computer expenses and legal fees. The computer expenses shown were budgeted in the year before, but actually expensed in 2003. Mr. Weber clarified by asking if the legal fees were mainly due to the issues with the Town of Pulteney, to which Mr. Snow answered that they were. It was also noted that the Clerk figures exceeded the budget, but Mr. Snow explained that the Clerk's pay was split between Clerk and Records Management Officer and pointed out that he hadn't taken expense out of budget for the Records Management Officer. This had been split previously for the purpose of attaining grant monies, a Records Management Officer had to be appointed.

This brought up discussion regarding the current grant and computer project. Paul Bauter suggested that when we get grant monies that it might be better if they go into a savings account to be kept track of separately from the operating budget. We will be requesting grant monies again for a third phase. Currently we are still working out some problems and implementing the PDAs we have already purchased. Everything as far as equipment is purchased and the grant monies had, have been spent.

Ms. Farnan questioned the amount budgeted for retirement. Jack requested that Cris send the new Board Members a copy of the 2004 Budget.

Ms. Farnan made a motion to accept the Treasurer's Report. Seconded by Ms. Baldrige, the motion carried.

Manager's Report: Paul stated that the new grant application for the State Archives must be submitted by February 1. This will be for the final phase of the project.

The annual report for the NYS Department of Health has been completed.

Paul clarified the figures on the 2003-year end activity report by noting that we have come up short of about 100 inspections for the year. He noted that Jim is lagging in getting us inspections from the Town of Wayne, and that Gary was one who tested the PDA and we have been working on getting out duplicates and correcting some problems. There has been an average of 148 permits issued each year for the past 5 years. We issued 147 permits for 2003.

Mr. Weber questioned numbers for holding tanks on the report. Paul explained that holding tanks have no soils absorption system. The numbers on the report indicate that 21 holding tanks were inspected in the Town of Pulteney for the year. Paul mentioned that there are about 200+ holding tanks total on the lake, and that our holding tank inspections usually fall short either because the pumpers may not contact us for an inspection when they go out to do the pumping, or because some of the holding tanks are such limited use, that they get passed by on the annual inspection.

Keuka Lake Looking Ahead: Peter Landre was unable to attend the meeting.

Other Business: Mr. Chadwick asked that Mr. Weber, Supervisor for the Town of Pulteney, bring the KWIC Board members up to date on the issues that we have been dealing with in the Town of Pulteney. Mr. Weber explained that conflict has been festering through 2003. Mr. Baran informed Mr. Weber of this problem at the end of 2003. Mr. Weber spoke with the inspector and found that the Watershed Inspector, Bob Reed, did not agree with the problems, and that he expressed that he no longer wishes to be Watershed Inspector for the Town of Pulteney. As the Code Enforcement Officer, Bob will help out until the position is filled. Mr. Weber spoke with Paul Bauter to find out what was needed from Mr. Reed. Mr. Weber indicated that Bob would provide information to update records that will bring the KWIC office up to date. Mr. Weber expressed his concern of Pulteney being without a Watershed Inspector. He has been talking to Les Travis of the Yates County Soil and Water Conservation District, to get some ideas on help to fill the position. The Town will need someone knowledgeable and that will do their work by the book. To try to get someone to meet the Town's needs, Pulteney may have to advertise the open position in the paper.

A property owner concerned with the cost of septic systems has approached Mr. Jones, Supervisor for the Town of Jerusalem. This property owner wanted to know who controls the cost of installation of septic systems and wondered if \$12,000 to \$20,000 was normal. Mr. Marchionda explained that the cost of installing a septic system is controlled by the contractor, and what type of system to be installed is determined by things such as soil conditions, how much land you have to work with, etc. The cost may be more if site plans require material to be brought in, and this may depend on where the site is versus where the materials are that need to be hauled in. Mr. Jones spoke with Jim Balyszak, Town of Jerusalem Watershed Inspector, regarding the owner's concern. Paul explained a bit of the history on the properties that were being referred to. Both systems were raised fill systems, and they were put in prior to Paul's employment with KWIC. One system will be corrected by expanding the raised fill system, and the other will need a new raised fill system next to the existing.

Paul also brought to the Boards' attention that there is a fact sheet circulating that implies that a Professional Engineer is needed for more system designs than what they have been doing. This has been a Department of Health versus a Department of State issue, yet nobody has signed their name to take responsibility for this information. Paul has stated that we will continue to do things as we have done in the past until that information is authorized. He also stated that George Barden, Watershed Inspector for

Canandaigua Lake, has taken the same position on this issue. Plans are approved and permitted by Paul, except those that require the Department of Health approval. Those going through DOH, also get commented on by Paul, and then are permitted through the KWIC office after DOH approval.

Mr. Jones expressed concern that people out there, who know of these kinds of situations where cost is an issue, might not come forward if they have problems with their septic systems, as they won't want to be burdened with that expense. Paul responded that unfortunately bad news travels better than good news. He has not only required fixes such as replacement systems, but also simple repairs; like adding a curtain drain and replacing a d-box. Paul stated that we try to find out the cause of the problem first. He explained that a deep-hole test will determine the kinds of soils that are onsite, and that a perc test usually shows what size the system will need to be. The owners don't always understand and they don't see the money that they have spent, as the system is underground.

The public needs to be educated on proper maintenance of their septic systems, including what types of things can be put into the system without causing it harm. Some don't understand the concept that doing laundry all in one day, for instance, will put tremendous stress on the absorption system. Paul explained that some systems are required to have a pump that time doses the absorption system to help in situations like these. Another system that would help is the Aerobic Treatment Unit. Paul has also taken temporary repair measures to help a system get by until they can be connected to a municipal sewer line. Mr. Weber shared that the homeowner may be too involved in some cases, and that the contractors need to take charge. The homeowners should be encouraged to let the professionals handle the situation.

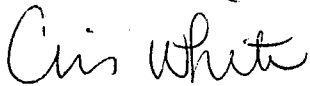
Mr. Oben, President of the Keuka Lake Association, brought to the Board another concern. He explained that while it isn't exactly a wastewater issue, that KWIC may want to think about getting involved in helping to propose regulations regarding docks, structures, boats, and shoreline issues that are becoming more of a concern. People on the lake are complaining of these things that have become navigational hazards, distorted views, and have infringed on property lines. Mr. Oben wants to know if KWIC would consider helping in developing an ordinance that would maintain consistency around the lake. Canandaigua Lake has a document that serves as a guide that was regulated by the state. KWIC had the same opportunity, but didn't get involved because of forming the watershed protection program that we have today.

If KWIC is interested, we could form study groups with the support of KLA to do research on the subject. Mr. Oben suggested that we would want to come up with a program to regulate these problems before the problems get out of control. Currently this issue falls to the Town's Assessors. Mr. Chadwick mentioned that this is an issue in the Town of Urbana, and Ms. Baldrige stated the same regarding the Town of Wayne. Mr. Weber explained that he has found this issue interesting in the past. The owners feel that the Town doesn't have the right to regulate out into the lake, but Mr. Weber says that the town line goes to the center of the lake.

Peter Landre has contacted a lawyer at the DOS regarding this issue. The lawyer said that they needed to check each town's original charter. He has volunteered to help with the research if the information can be collected from each municipality. Mr. Chadwick told Mr. Oben that KWIC could look into the issue, though the Intermunicipal Agreement refers to wastewater issues. He also stated that uniformity would be beneficial. We should research the existing legislation on Canandaigua Lake.

Adjournment: This meeting adjourned with a motion made by Mr. Weber and seconded by Mr. Chadwick at 8:32 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cris White".

*Cris White
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

Minutes for meeting held in the Town of Pulteney
March 22, 2004 @ 7:00pm

Next regular meeting to be held in the Town of Jerusalem

Members present: Tom Chadwick, William Weber, Jack Snow, Marilyn Baldrige, Eileen Farnan, Daryl Jones, Doug Marchionda, Jr., and Vince Domeraski, Representative for the Village of Hammondsport.

Members absent: none.

Guests Present: A sign-in sheet was provided for guests to sign in. Guests present according to this sheet were:

- | | |
|---|--|
| Lewis M French | Jim Balyszak, Inspector (Jerusalem and Milo) |
| Duane J Bergstresser | Peter Landre, CCE |
| Mr. Doyen | Bill Oben, KLA |
| Mr. Darrin | Sue Yartym |
| Lewis Cummings | Jeff Kennedy |
| Beverly Cummings | Sherri Ballam |
| Ellen M French | John Ballam |
| Jim Howell, Inspector (Wayne) | Jack Baldrige |
| Gary Boardman, Inspector (Barrington) | Dick and Sandra Niles |
| Also CEO (Wayne) | Scott |
| Terry DeBuck, Inspector (Urbana and Hammondsport) | Edward Balsley, KLOC Manager |
| Terry Gibson | Joe Crane |
| Jim Cermak | James C Smith |
| Barry Cermak | |
| Jim Sprague | |

Mr. Weber, Supervisor of the Town of Pulteney, introduced members of both the Pulteney Town Board and the KWIC Board. Members of the Town of Pulteney Board were: Donna Conley, Town Clerk; Liz Snyder, Councilperson; Junior Gibson, Councilman; Richard French, Councilman; Bob Kemp, Councilman. He also introduced John Leyden, Pulteney Town Attorney, and Phil Bailey, KWIC Attorney. Tom Chadwick, KWIC Chairman, called the meeting to order at 7:18 pm.

Members:

Thomas Chadwick – Chairman
William A Weber – Pulteney
Eileen M Farnan – Barrington
Marilyn Baldrige – Wayne

Norman Snow – Secretary/Treasurer
Vince Domeraski, Representative – Hammondsport
Daryl H Jones – Jerusalem
Doug G Marchionda, Jr – Penn Yan

Review and approve minutes: The minutes for the KWIC meeting in January of 2004 were approved upon a motion made by Mr. Marchionda and seconded by Mr. Snow.

Treasurer's report: Mr. Snow presented copies of financial reports including the balance sheet, checks listing since the last regular KWIC meeting, and "Operating Statement" showing income and expenses year-to-date and versus the budget. Mr. Snow noted the voucher payments have been received and that after withholding payments are made, KWIC's balance will be about \$16,000. He also stated that the second voucher payments would probably be sent around August.

Mr. Marchionda made a motion to accept the Treasurer's Report. Seconded by Ms. Baldrige, the motion carried.

Manager's Report: Paul started with the Inspection Activity Report stating that January and February have been pretty normal for number of inspections done. There have been more site evaluations than usual with the ground not being frozen. Paul also mentioned that our computer technician from MPR Technologies would be in on Wednesday to set us up with getting the palm pilots in use.

Friday Paul will be in Schuyler County working on a couple of local waivers for treatment systems. Within Paul's handouts was also letters from Marion Balyszak and Paul regarding a proposed amendment to the New York State Education Law.

Bob Reed, Jim Howell, and Terry DeBuck attended training recently with the OTN.

DOH Fact Sheet – Education Law: Paul discussed the NYSDOH Fact Sheet released in January of this year and released to the Ontario and Yates County CEOs February 26, 2004. He read aloud starting in paragraph 3 that states:

The design of all new residential OWTSs (including conventional systems) shall be performed by an appropriately licensed design professional...

An OWTS evaluation shall be performed and submitted by a licensed design professional for home alterations resulting in an increase in the number of bedroom, for complete home replacements (including those resulting in the same number of bedrooms) and for alterations resulting in significant increases in wastewater generation.

The repair or replacement of OWTS components "in kind" or "like for like" may not require the involvement of a licensed design professional. However, repair or replacement of any type of absorption field that involves relocating or extending an absorption area to a location not previously approved for such, does require a licensed design professional.

And paragraph 6:

In all cases: 1) local government, watershed protection agencies or other jurisdictional agency rules and regulations may also apply; 2) all OWTS design plans must be prepared by a design professional licensed to practice in New York State...

Paul mentioned that other Counties are making preparations because of this information. Paul discussed with Dick Osgood, PE a possible service agreement between KWIC and professional engineer. They discussed the agreement covering number one: design, and number two: evaluation, and outlined prices. Those prices outlined in the agreement proposal would depend on insurance issues. Because of more time spent on site evaluations the result would be an increased fee.

Resolutions have been drawn up. The first resolution would be to change the site evaluation fee to \$100 and the permit fee to \$250. Also, to comply with the NYSDOH fact sheet, changes would need to be made to Amendment #9, adopted in February of 2003. Amendment #10 has been created to change separation distances from 75% to 100% of the current standards.

Mr. Chadwick asked for clarification as to why we are doing this. Mr. Klaseus of the NYS Health Department in Hornell pointed out that this law is not new. Onsite wastewater treatment systems will need to be designed by a professional engineer. The sites in Urbana and Pulteney that went before the Codes Review board may be responsible for having brought this information to light. The DOH is being asked to see that professional engineers are involved.

Paul stated that he was looking into lowering the cost to property owners to approximately \$350 per individual plan versus \$1000 to \$3000 finding their own professional engineer. This law has made things difficult and he fears that more "midnight specials" would be a result.

Mr. Howell spoke as to the options we have. 1) Everyone needs to get their own engineer; 2) the district could hire a local engineer, as Paul has proposed; 3) or we can hope for the NYS Education Department to approve an amendment to the law. He also mentioned his concerns regarding changes because of this law being brought to the forefront. KWIC was formed for consistency and he fears that we will lose that consistency. Cost will be overwhelming for the property owners, not to mention delays that will be involved when trying to get designs approved.

Mr. Klaseus mentioned that each property owner has the option to hire their own engineer. He noted that some counties and some states already do this.

Mr. Marchionda clarified that the engineer hired by KWIC should only be an option to the community and not required, as we don't own the properties. It seems every time we meet requirements are getting more restrictive. Mr. Chadwick responded that we had to adhere to the law.

Mr. Weber made a motion to move to table the approval of the Resolutions and the Amendment to a future special meeting of the KWIC Board so that each municipality has the opportunity to discuss the information with their individual municipal boards. Mr. Marchionda seconded this motion; motion carried.

Paul had also handed out comments from Cheryl Fischer, Assistant Director for Code Interpretation of the Codes Division regarding the stricter standards under the codes council. Paragraph number four stated, "KWIC regulations...Since these regulations are not subject to review by the Code Council, the cooperative my include any and all regulations deemed necessary." Then in paragraph five regarding the Board's review that took place on May 9, 2003, "...the board's decisions are meaningless because the board had no jurisdiction."

RMO/Clerk Position: Next Paul announced to the KWIC Board that the Clerk/RMO would be leaving her position with KWIC and that the position would need to be filled. They discussed putting together an interview committee and taking in resumes until the second week in April. Advertising is to be done in both the Penn Yan and Hammondsport local papers. Mr. Marchionda made a motion for Paul to advertise the said position for KWIC. Mr. Weber seconded the motion; motion carried.

Keuka Lake Looking Ahead: Peter Landre said that they would start sampling in April. He noted that they would be using the same protocol as in the past in terms of kinds of things they will be testing for. In past samplings there haven't been a lot of spikes, but he is sure to let Paul at the KWIC office know they need follow up.

Other Business: Mr. Bill Oben had requested at a previous KWIC meeting that he would like KWIC to consider sponsoring a study. He has not had the chance to deliberate. Mr. Oben did have the opportunity to speak to some of the Municipality Supervisors and has had positive feedback. At this time, he would like to withdraw his proposal to the KWIC Board. Mr. Weber mentioned that the municipal planning boards might be a good source to looking into what can be done with regulations.

Mr. Oben discussed his concern on the subject. He stated that some townships would like help in making something uniform around the lake, and that Canandaigua Lake has a lake-wide ordinance in place.

Joint meeting with Town of Pulteney: Mr. Weber made a motion at 7:50 pm for the Pulteney Town Board to enter into a joint meeting with the KWIC. Mr. Marchionda seconded the motion; motion carried. At this time Mr. Weber introduced some members of the audience, being: Bob Reed, Watershed Inspector and CEO for the Town of Pulteney; Jim Howell, Watershed Inspector for the Town of Wayne and Inspector in the Schuyler County Watershed; Gary Boardman, Watershed Inspector and CEO for the Town of Barrington and CEO in the Town of Wayne; Jim Balyszak, Watershed Inspector for the Towns of Milo and Jerusalem; Terry DeBuck, Watershed Inspector and CEO for the Town of Urbana and Village of Hammondsport; Myron

Baron, former Supervisor for the Town of Pulteney; JC Smith, former Watershed Manager for KWIC; Peter Landre, CCE; Bill Oben and Jeff Kennedy, KLA; and Ed Balsley, Gate Manager for KLOC.

Mr. Weber discussed much of the history of KWIC and how we got to the Intermunicipal Agreement in 1993. He gave each of the Attorneys present an opportunity to explain the Intermunicipal Agreement. Mr. Leyden, Pulteney Town attorney, described KWIC as a collaborative effort of eight communities to establish one common goal. He also mentioned that the objective of this agreement signed in 1993 was to protect a valuable resource, the waters of Keuka Lake. The local laws established authority to enter into this agreement. Mr. Leyden discussed the need for organizational structure and that the various positions had various duties, and that these were very clear within the agreement. He stated that the problems that KWIC has recently had are not so much a legal issue as it is political. KWIC has been recognized nationally as a prototype for watershed protection and uniformity.

Mr. Bailey, Attorney for KWIC, discussed that he agreed with Mr. Leyden and that within the eight municipalities around the one lake can bring about eight different interpretations. The towns have delegated their responsibility to KWIC and each municipality has an equal voice. Central authority above the towns was given to provide uniformity. They gave authority to KWIC as a body, and KWIC hires the Watershed Manager.

Paul summarized a portion of KWIC policies and procedures adopted in 1994, highlighting the responsibilities and requirements of the Watershed Manager and Watershed Inspectors. (See Attached)

Ms. Snyder of the Pulteney Town Board, expressed concern of the Watershed Inspector hired by the town being contradicted, but could not mention specifics.

Mr. Weber noted that there are going to be personal differences with people working together. Paul, as the Watershed Manager, was hired by KWIC as a Supervisor. A member of the Pulteney Town Board suggested that they might like more clarification as to "supervisory" position of the Watershed Manager, and that the further away from the lake that the properties are, more of the responsibility should fall more on the Town. Mr. Marchionda expressed that then the determination needs to be made as to where to draw the line to delineate where KWIC's authority stops and where the Town's authority begins. The fact still stands that it all runs downhill and that even the upland properties have an effect on the quality of the waters of Keuka Lake.

More discussion was made of the unique organization that KWIC is. Mr. Klaseus of the Department of Health in Hornell said that it is nice to have the uniformity within the eight municipalities and mentioned that outside of KWIC in Steuben County, all of the other municipalities vary. Jim Howell discussed that in the formation of KWIC it was decided that the municipalities' boundaries would be used rather than the watershed boundaries. He also said that Pulteney hired the Watershed Inspector to follow Appendix 75-A and

do the work outlined in the Policy and Procedures manual and that the Watershed manager was hired to enforce Appendix 75-A. He also clarified that zone one did not only include the lake but also the tributaries. Peter Landre stated that the work was to be divided between the inspectors and the manager and that the idea was for them to work together.

There was also discussion on the ability of the individual municipalities having fair say as to the policies and amendments adopted by KWIC. Pulteney members are not sure that they have had the opportunity in the past to be involved in the decisions made by KWIC. Each municipality should have proposals and amendments brought back to the town/village boards to approve before the KWIC approves such amendments. Some of the municipalities already feel confident that they do have this opportunity.

JC Smith spoke of the provisions in place to bring disagreements to the surface. A representative of KWIC can call an amendment and motion to be voted on at the municipal boards and then KWIC. Every municipality has their own employee. The strength of the program is all of the municipalities on board and working in uniform for the common good of all. He also stated that in the position of Watershed Manager, you couldn't make everyone happy, that results would be destructive, and that the problems now sound to be personality clashes.

Without any more comments, Mr. Chadwick opened the discussion to include public comments. Discussion continued on trying to understand the NYS Education Law and how long it has existed. A concerned citizen stated that the problem was "too many chiefs", and that there was not a clear chain of command.

Other comments were made as to inspectors' procedures when confronted by a property owner who wants to put in a new system. The answer by four of the inspectors present was the same, that the owner is informed of KWIC's policies and is referred to the Watershed Manager to start the application and permit process.

Another citizen was concerned with the inspectors sticking to the same rules for all, whether a property owner installs his/her own system versus a contractor installing the system. KWIC authority was also questioned, and prior to the handing down of the information in the NYS Education Law on January 13 of 2004, KWIC planned the conventional systems that didn't need approval of the NYS Department of Health. Jim Howell added that Paul was hired to enforce Appendix 75-A, and that nothing in 75-A reverted to the State Code. Tom Klaseus stated that the properties involved in the rulings by the NYS Codes Board of Appeals started a difference of opinion. Mr. Marchionda said that this would cost a lot of people more money as a result of just a few.

Comments were made accusing Paul of making changes to designs of professional engineers. Mr. Klaseus stated that when those plans come to the DOH for approval that two professional engineers review them and that there is usually a joint effort in that Paul makes suggestions and discusses the design with DOH. This discussion lead to

the question of whose responsibility it is when a new septic system or system repair doesn't work. There are many factors involved: Professional Engineer, Contractor, homeowner (maintenance), age of the system, weather, etc.

Other comments were made concerning the organization of KWIC. All policies are the same within the eight municipalities; no one municipality follows a different set of rules. A member of the Pulteney Town Board requested information regarding the credentials of Dick Osgood, PE. She also mentioned that they would be requesting revisions to the existing Intermunicipal Agreement. It was also made clear that it is the KWIC member's responsibility to take information back to their Town Board for review before decisions are made. Mr. Marchionda noted that his Village Board appointed him to the KWIC board and by doing so empowered him to make decisions in their interest.

Adjourn: Mr. Marchionda made a motion to adjourn the KWIC meeting at 9:50 pm. Mr. Snow seconded the motion. Motion carried.

Respectfully submitted



*Cris White, Clerk/RMO
April 2004*

Remarks after KWIC meeting 032204 regarding proposed policy amendment and resolutions:

032204: Doug Marchionda noted to the KWIC clerk after the meeting to inform her that the Village of Penn Yan would approve all proposed resolutions.

032504: Daryl Jones phoned the KWIC office to inform that their meeting was the prior evening, and that the Jerusalem Town Board has approved all proposed resolutions.

032904: Urbana ok with amendments/resolutions; per P. Bauter.

041304: Per phone conversation with Tom Chadwick, Elaine Farnan of Barrington, and Marilyn Baldrige of Wayne, have both spoken and ok'd with their board members to vote for the resolutions and amendment discussed at the March KWIC meeting. Tom will get in touch with V. Domeraski to find out his position.



KWIC

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

Paul Bauter, Watershed Manager

Minutes for meeting held in Penn Yan
April 19, 2004 at 10am

Next regular meeting to be held in the Town of Jerusalem

Members present: Tom Chadwick (Urbana), William Weber (Pulteney), Jack Snow (Milo), Barney Hubbs (Wayne), Eileen Farnan (Barrington), Daryl Jones (Jerusalem), and Vince Domeraski (Hammondsport).

Members absent: Doug Marchionda, Jr. (Penn Yan).

Guests Present: Al Wahlig (KLA,) Joe Doyen; Frank Darrin; Liz Snyder, Councilperson for the Town of Pulteney

Thomas Chadwick, KWIC Chairman introduced members of the KWIC Board. Mr. Chadwick called the meeting to order at 10:01 am.

Items to be discussed: Resolution authorizing the Chairperson to enter into an agreement for engineering services by Richard Osgood. Resolution for changes in the KWIC fee schedule. Resolution authorizing policy amendment number 10 consisting of revisions of protocol and a form for site evaluation for existing onsite wastewater treatment systems to replace amendment number 9.

Fee Schedule: Mr. Weber reviewed with the board the fee schedule and Mr. Osgood's fees. Site Evaluation fee was to be raised \$50 from \$50 to \$100. This is because Mr. Osgood requires more documentation and more workload from Paul at KWIC. Construction Permit under the direction of a professional engineer went up to \$275, which includes the amount in Mr. Osgood's agreement. Ms. Snyder raised concerns about doubling the amount of fees. Mr. Osgood is familiar with Paul's work. Mr. Doyan asked about the Education Law vs. Paul's authority. Paul works in conjunction with the professional engineer. The professional engineer is not giving Paul the authority, just overseeing and reviewing his work. We have reviewed these procedures with the NYS Department of Health and the NYS Department of State and they are in agreement. Schuyler County and Canandaigua Lake Watershed are doing similar actions in response to the Department of Health fact sheet.

Members:

Thomas Chadwick – Chairman
William A Weber – Pulteney
Eileen M Farnan – Barrington
Marilyn Baldrige – Wayne

Norman Snow – Secretary/Treasurer
Vince Domeraski, Representative – Hammondsport
Daryl H Jones – Jerusalem
Doug G Marchionda, Jr – Penn Yan

We are trying to reduce the cost to the owners. They will still have the option of hiring a professional engineer for themselves.

This agreement will not cover certain alternative systems. Property owners need to hire a Professional Engineer for those situations. There was some discussion about the reason for the agreement with the professional engineer.

The Construction/Operation permit is also Amendment 10, for existing systems in code. This is also a new item to the fee schedule at \$100. This is for approving existing systems with an evaluation being reviewed by a professional engineer. The professional engineer fees for this evaluation are \$100.

The Construction Permit (Engineer) was raised to \$75 from \$50.

The Construction Permit Renewals and Repairs remain the same.

The Permit Extension also remains at no fee.

Ms. Snyder made a suggestion to reduce the \$75 review since the professional engineer's say is final. Paul said that it was not always the final say, some things do need to be changed, hence the charge. Ms. Snyder would also like to see the permits for renewals and repairs be raised to alleviate the \$75 review.

There was discussion of new charges for permitting vs. the older charges, and who should pay them: tax payers or owners. Also some discussion on local waiver designs and what they are.

Service Agreement with Richard Osgood:

There were some concerns on Mr. Osgood getting too busy. Paul said he was working on backup engineers in case this should happen: Allen, Robinson.

Mr. Doyan asked if Paul was an assistant to Mr. Osgood and getting payment from him. Paul said no. Ms. Snyder was concerned about Paul's name being listed specifically in the agreement. Paul said Mr. Osgood requested this since he knew Paul and his work.

Motion to accept Mr. Osgood's agreement made by Mr. Snow and seconded by Mr. Jones. Vote was made by roll call. Mr. Hubbs (Wayne), Mr. Weber (Pulteney), Mr. Jones (Jerusalem), Ms. Farnan (Barrington), Mr. Domeraski (Hammondspport), Mr. Snow (Milo), and Mr. Chadwick (Urbana). Motion carried.

Fee Schedule Discussion:

Changes considered were as follows: Change the Engineer Review to \$50, the Renewal and Repair permits to \$40 each. We should raise the fees across the board to look uniform. We get less repairs and renewals, so income would be down.

Discussion of why such a drastic change in the fee schedule. Systems put in 30+ years ago were cheaper. It was noted the KWIC has been a successful program since inception. Data received has provided us with the knowledge that the water quality has dramatically improved since KWIC became involved and started protecting Keuka Lake.

Final changes to Fee schedule are as follows: Site Evaluation- \$75, Construction Permit- \$250, Construction/Operation Permit- \$100, Construction Permit with Engineer's Review- \$75, Renewal Permits and Repair Permits remain at \$30, Extension Permit remains at No Fee.

Motion to accept these changes made by Ms. Farnan and seconded by Mr. Domeraski. Vote was made by roll call as follows: Mr. Hubbs (Wayne), Mr. Weber (Pulteney), Mr. Jones (Jerusalem), Ms. Farnan (Barrington), Mr. Domeraski (Hammondsport), Mr. Snow (Milo), Mr. Chadwick (Urbana). Motion carried.

Policy Amendment 10:

This policy is basically the same as Amendment 9, but was changed to comply with the by the Department of Health Fact Sheet and Education Department. Separation distances were changed and professional engineer signature.

Motion to accept Amendment 10 made by Mr. Weber and seconded by Mr. Snow. Vote was made by roll call as follows: Mr. Hubbs (Wayne), Mr. Weber (Pulteney), Mr. Jones (Jerusalem), Ms. Farnan (Barrington), Mr. Domeraski (Hammondsport), Mr. Snow (Milo), and Mr. Chadwick (Urbana). Motion carried.

Other Business:

KWIC board appreciates the guests and their input.

Adjourn: Mr. Weber made a motion to adjourn meeting. Mr. Hubbs seconded the motion. Motion carried.

Respectfully submitted



Vanessa Miller, Clerk/RMO
April 2004

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Adopted by the Keuka Watershed Improvement Cooperative, Board of Directors, April 19, 2004.

AUTHORIZING THE CHAIRPERSON TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES BY RICHARD OSGOOD.

WHEREAS, The agreement for engineering services would be in the best interest of the citizens of the Keuka Watershed Improvement Cooperative for compliance with NYSDOH Fact Sheet dated 1/13/04 (Need for Licensed Design Professional – Residential Onsite Wastewater Treatment Systems).

RESOLVED: That the Chairman is authorized to execute on behalf of the Keuka Watershed Improvement Cooperative the agreement for engineering services with Richard Osgood in the form presented to the meeting.

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

Motion by Mr. Snow Seconded by Mr. Jones

Vote by roll call as follows:

Barney Hubbs, Representative	Town of Wayne
Bill Weber	Town of Pulteney
Daryl Jones	Town of Jerusalem
Eileen Farnan	Town of Barrington
Vince Domeraski, Representative	Village of Hammondsport
Jack Snow	Town of Milo
Tom Chadwick	Town Urbana

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 special meeting April 19, 2004.

4/19/04 Cris White KWIC Clerk/RMO

**Service Agreement
Between
Keuka Watershed Improvement Cooperative
And
Richard Osgood**

This AGREEMENT was made on April 19, 2004 between Keuka Watershed Improvement Cooperative (KWIC) and Richard Osgood at 102 Walnut Street, Penn Yan, NY 14527.

Services To Be Performed: Richard Osgood agrees to perform the following services for Keuka Watershed Improvement Cooperative.

1. To provide general direction, review and approval of onsite wastewater treatment systems planned by Paul Bauter, KWIC that require designs by a professional engineer licensed in New York State.
2. To provide general direction, review and approval of evaluations of existing onsite wastewater treatment systems inspected by Paul Bauter, KWIC that require evaluations by a professional engineer licensed in New York State.

Term of Agreement: This agreement shall remain in affect until terminated by either party subject to a 14-day notification of termination and shall be reviewed annually for any amendments or a revised agreement.

Payment: In consideration of Mr. Osgood's performance of these services, Keuka Watershed Improvement Cooperative agrees to pay Richard Osgood as follows:

1. To provide general direction, review and approval of onsite wastewater treatment systems planned by Paul Bauter, KWIC that require designs by a professional engineer licensed in New York State.
 - i. \$175.00 per individual plan
2. To provide general direction, review and approval of evaluations of existing onsite wastewater treatment systems inspected by Paul Bauter, KWIC that require evaluations by a professional engineer licensed in New York State.
 - i. \$100.00 per individual evaluation