

Invoices: Richard Osgood shall submit invoices for all services performed.

Independent Contractor: The parties intend Richard Osgood to be an independent contractor in the performance of these services. Richard Osgood shall have the right to control and determine the method and means of performing the above services; Keuka Watershed Improvement Cooperative shall not have the right to control or determine such methods or means.

Insurance: Richard Osgood shall provide evidence of insurance for such services to protect Keuka Watershed Improvement Cooperative.

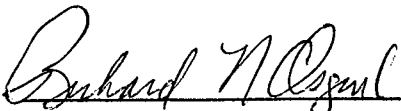
Other Clients: Richard Osgood retains the right to perform services for other clients.

Assistants: Richard Osgood at Richard Osgood's expense, may employ such assistants, as Richard Osgood deems appropriate to carry out this agreement. Richard Osgood will be responsible for paying such assistants, as well as any expense attributable to such assistants, including income taxes, unemployment insurance, and social security taxes, and will maintain workers' compensation insurance for such employees.

Equipment and Supplies: Richard Osgood, at Richard Osgood's expense, will provide all equipment, tools, and supplies necessary to perform the above services, and will be responsible for all other expenses required for the performance of those services.

Richard Osgood, owner

Tom Chadwick, Chairman of KWIC


signature


signature

20 Apr. '04

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 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.

WHEREAS, The establishment of this policy would be in the best interest of the residents of the Keuka Watershed Improvement Cooperative in order to assure compliance with the policies announced in the NYSDOH Fact Sheet dated 1/13/04 (Need for Licensed Design Professional – Residential Onsite Wastewater Treatment Systems).

RESOLVED: That Amendment No. 10 to the Policy and Procedures Manual containing revised protocol and form KWIC011603 for site evaluation for existing onsite wastewater treatment systems as attached is hereby adopted. Present use of existing inspection forms and sketch shall be continued. Amendment number 9 is hereby cancelled.

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. Weber Seconded by Mr. Snow

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 of 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 Cin White KWIC Clerk/RMO



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 Town of Jerusalem
May 24, 2004 @ 7 p.m.

Next regular meeting to be held in Penn Yan.

Members present: Tom Chadwick (Urbana), William Weber (Pulteney), Jack Snow (Milo), Marilyn Baldrige (Wayne), Daryl Jones (Jerusalem), Vince Domeraski (Hammondsport) and Willie Allison (alternative for Penn Yan)

Members absent: Eileen Farnan (Barrington).

Guests Present: Al Wahlig (KLA,) Pete Robbins (KLA), Bill Oben (KLA), Ed Balsley (KLOC), Paul Bauter (Watershed Manager), Bob Worden, Arlene Starsmore, Gordon Starsmore, Jack Feeney, Jack Hunter.

KWIC MEETING: Chairman Chadwick called the KWIC meeting to order at 7:47 p.m.

Minutes: Mr. Weber commended former clerk Cris White and new clerk Vanessa Miiller on the thoroughness of the minutes. Motion made by Mr. Weber to accept minutes of March 26th and April 19ths meeting. Ms. Baldrige seconded. Motion carried.

Treasures report: Balance at \$10,902.45. Recapped of checks written since last meeting. Vouchers will be discussed at next meeting. Motion made by Mr. Weber to accept report. Ms. Baldrige seconded. Motion carried.

Manager's Report: Mr. Bauter stated that we are behind in permits. Inspections are the same. Starting Zone Ones soon. Steuben SWDC informed Paul that they received the money for the certified contractors workshop, which will proceed in the winter. Mr. Osgood is working out. There have been some changes, but things are proceeding smoothly. Jody Allen of Allen Engineering informed Paul that she would help if Mr. Osgood became too busy. Tom Hager of Hager Engineering said he would consider it. Question was raised whether they would do this at the same rate as Mr. Osgood. Paul stated that Ms. Allen would, but he wasn't sure about Mr. Hager. Mr. Weber asked if KLA was going to write an article in the newsletter about the new changes and the Fact Sheet. It was stated that it would be in the next newsletter. The packet of the Senate

Members:

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

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

and Assembly bills was looked at. Sample letters, and the names of legislators to write to in support of the bill were discussed. The bills would take us back to where we were before, with Paul still doing conventional systems and the PE doing the alternative systems. Some discussion on objections in DOH and DOS Higher Education. Paul stated that more letters of support that go out would be more influential to the Senate and Assembly. The amendment would allow an exemption so that communities could decide who does what. Paul will keep track of the bills and report back to KWIC on his findings.

Looking Ahead: Mr. Oben thanked the commissioners for remitting names to be on the committee to adopt a uniform ordinance for in lake structures. The first meeting will kick off soon.

Other Business: Mr. Jones received a letter from Summit Risk Services asking his consent to settle with Niles at an amount of \$2000. Mr. Jones contacted Department of State, which had rendered the case null and void. He then contacted Mr. Pytko from Summit. Mr. Pytko said all the other towns had made a decision to settle. Mr. Jones then contacted others and found out that no one knew anything about what was going on. After talking to Mr. Bailey (attorney for KWIC), Mr. Jones has decided not to settle with Niles. Mr. Chadwick said that the responsibility lay with the individual municipalities, not with KWIC. There are three carriers within KWIC and no one is communicating with each other. It was noted that there is a consent clause in the Town of Jerusalem, but not in the other municipalities. They are free to settle if they wish. Mr. Snow said that he would check with Mr. Jim Stork to see if he had any information. Mr. Jones reported that someone in Beaumont and Stork Insurance said that someone in KWIC had a waiver, but could not get more specific on what it was and who had it. Mr. Weber said that no one should be taking a unilateral action. It was noted that the DOH ruled on this already, as did the DOS. It was under opinion that this was not a legitimate claim, and if we buy off the claim, we are just inviting more.

The letter from the Supervisor from Pulteney was introduced to the board. Mr. Chadwick commended Mr. Weber for taking so much time with this and is pleased with the progress. He commented that it was encouraging that the Board of Pulteney was recognizing Mr. Weber's authority. Mr. Weber said that others had a hand in helping as well. The March 22nd meeting with KWIC and the Pulteney Board made everyone aware of what has been happening. The Fact sheet has made it clearer on what needs to be done in inspections. Mr. Weber thinks that the Pulteney Board has decided not to leave KWIC or to modify the KWIC/Pulteney agreement. The Pulteney Board is now aware of all correspondence and now hopes that the crisis is over. Mr. Weber thanks everyone for his or her patience.

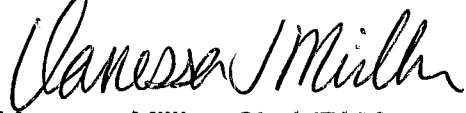
The Sprague situation: The Pulteney Board doesn't have all the information. Seems to be a standoff between parties. Mr. Bob Reed says that system that was installed is designed like the drawing, only in a different position. Re-inspection of property meets with hostility. Opinion by Mr. Weber- KWIC should officially waive it. There is reluctance with Paul and Mr. Bailey to admit that there was a substandard system built. Mr. Weber

stated that he would not go to property to look at it. Mr. Chadwick wants to get in touch with Mr. Bailey to see if he has any more comments/suggestions for this situation. Paul states that the system is not only in violation of the aerobic system, but also for the location. Mr. Weber reports that Mr. Reed will make arrangements to fix the aerobic system, but no new contract is in place. Paul states that Bob knew that the design was not according to the permit. Changed Mr. Reed allowed were not authorized. Mr. Snow wanted to know why Mr. Reed was resisting Paul's authority. Mr. Weber had asked Mr. Reed if they could get a third party in to inspect the property. Mr. Reed has refused any mention of this. Mr. Weber doesn't know what it would take to solve this problem. His opinion was that since it was far enough away from Keuka Lake, we should leave it alone. Mr. Jones said if you are in the watershed, you are in the watershed. Mr. Weber asked Paul what happens when an Aerobic system fails. Paul said that when system fails, it emits untreated waste effluent. Seasonal high water restricts the functioning of the absorption systems. He notes that substandard materials were used, and the electrical was not in code. It was asked if Health Department was able to do anything. Mr. Wahlig said that he could only act if a complaint was made in writing. If he received a complaint, he had 5 days to check, and then the Health Board had 5 days to solve the complaint. He stated he could only do something if there is a complaint. Mr. Weber asked since the property is so far off the road how could there be a complaint. It was noted that only the Code Enforcement officer (also Bob Reed) could go onto a property to inspect. Health could only go on with a letter. The commissioners said they would give some thought to the problem and discuss it later. It was discussed that this might not be a KWIC issue, but a town issue since the contract was violated. It may be that the town is liable. Mr. Jones said that we should not overlook this problem and that maybe someone should look after the CEO. Mr. Weber stated that he was working with Mr. Reed, but could not tell him how to do his job. Mr. Weber also stated that the Pulteney Board didn't want to handle this issue. He made the point that other cases in Pulteney have been a result of a construction permit with out a wastewater system. Mr. Weber informed Paul that Mr. Reed said that he would now talk to Paul first before issuing permits. Mr. Reed understands that the Fact Sheet now changes everything. Mr. Weber informed the board that he is leaving the Sprague issue to KWIC. Mr. Chadwick stated again that he would get in touch with Mr. Bailey and discuss what to do and then get back to Paul. Mr. Snow asked how many reports Paul has received from Pulteney. Paul said he has received a few from 2002 & 2003. Mr. Weber said he was working on a schedule of compliance with Mr. Reed to get reports out in a timely fashion. Mr. Snow asked if there could be any compromises with Sprague. Paul said that a Professional Engineer plan he would approve, but the other parties are resistant to this. Paul said that that the burden of proof falls on them to show the system works properly. Paul has looked at system and has come up with a revised plan. Elevating lines out of the water (not done). There was also no fill in the field (which brings up the lines).

Other Business: Mr. Chadwick wanted to know how much time goes into inspecting the construction permits. Paul said he would keep records and report back.

Adjourn: Mr. Snow made a motion to adjourn meeting. Ms. Baldrige seconded the motion. Motion carried at 8:39 p.m.

Respectfully submitted

A handwritten signature in cursive script that reads "Vanessa Miller". The signature is written in black ink and is positioned above the typed name.

Vanessa Miiller, Clerk/RMO
May 2004



KWIC

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

Paul Bauter, Watershed Manager

Minutes for Special Meeting held on June 22, 2004 @ 4pm

Next regular meeting to be held in Penn Yan.

Members present: Tom Chadwick (Urbana), Jack Snow (Milo), Daryl Jones (Jerusalem), William Weber (Pulteney), Vince Domeraski (Hammondsport), Marilyn Baldrige (Wayne).

Members absent: Eileen Farnan (Barrington), and Steve Marchionda, Jr (Penn Yan).

Guests Present: Paul Bauter (Watershed Manager), Jim Stork (Stork and Manahan Insurance), and Phillip Bailey (Attorney).

Chairman Chadwick called the meeting to order at 4:05 pm.

This meeting was held to discuss the Niles (Urbana) claim. Mr. Bailey had new information on the supposed settlement and laws concerning the settlement.

Mr. Bailey: In the last special meeting, it was noted that Pulteney, Milo, Urbana, and Barrington had no consent clause in their policys. It was decided at the last meeting that the municipalities would settle with the Risk management and each pay a sum of \$1,250. Mr. Bailey has found new information. The Appellate Court in New York state ruled that the particular insurance clause is not effective when the insured is a municiplality. Municipalities cannot settle for the town(s) in question.

In talking to adjustors from Summit Risk Management Services, Mr. Bailey learned that some adjustors had talked to a couple of people from each municipality and they claim they recived consent to settle with Niles. Adjustors talked to Dick Gardner from Urbana, Mr. Foster from Milo and Barrington, and Linda Banach from Penn Yan. In talking to these three people, Mr. Bailey learned that they in fact did not give consent and some of them weren't authorized to do so. Mr. Foster stated that he did not give consent, he only told the company that he thought everything was appropriate. Mr. Gardener stated that he was not under the impression that he had given consent, either.

There was much discussion over consent and authority.

Mr. Chadwick wanted to know what would happen if we were sued. Mr. Bailey discussed our defense verses their defense and said he was about 70/30 our favor.

Members:

Thomas Chadwick -- (Chairman) Urbana
William A Weber -- Pulteney
Eileen M Farnan -- Barrington
Marilyn Baldrige -- Wayne

Norman Snow -- (Secretary/Treasurer) Milo
Vince Domeraski-- Hammondsport
Daryl H Jones -- Jerusalem
Doug G Marchionda, Jr -- Penn Yan

It was asked if Niles would be able to sue for more if KWIC denied settling. They might go to federal court with a civil rights defense which if they won, we would wind up paying verdict plus their legal defense and our legal defense. Much discussion over this ensued.

Mr. Jones asked if Paul was comfortable with what he did? Paul said yes. Discussion followed over what to do.

Mr. Weber made a motion to not settle with Niles. Mr. Domeraski seconded.
Roll call as follows:

Mr. Snow	aye
Mr. Jones	aye
Mr. Weber	aye
Mr. Domeraski	aye
Ms. Baldrige	aye
Mr. Chadwick	aye

Motion carried.

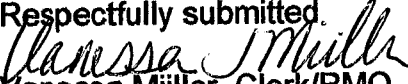
Motion made by Ms. Baldrige to rescind resolution made in last meeting to settle with Niles. Mr. Jones seconded.
Roll call as follows:

Mr. Snow	aye
Mr. Jones	aye
Mr. Weber	aye
Mr. Domeraski	aye
Ms. Baldrige	aye
Mr. Chadwick	aye

Motion carried.

Mr. Bailey stated that he is still looking into the organization of KWIC. He states that according to law, KWIC has no separate existence (legal entity). It was noted that Peter Landry might know some information on happenings in Albany that may change this. Mr. Bailey will look into it.

Motion made by Mr. Snow to adjourn. Seconded by Mr. Jones. Meeting adjourned at 5:01.

Respectfully submitted,

Vanessa Miiller, Clerk/RMO
June 2004



KWIC

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

Paul Bauter, Watershed Manager

Minutes for Special Meeting held on June 6, 2004 @ 2pm

Next regular meeting to be held in Penn Yan.

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

Members absent: Doug Marchionda, Jr (Penn Yan)

Guests Present: Paul Bauter (Watershed Manager), Jim Stork and Stacy Wyant (Stork and Manahan Insurance), John Keene (Sprague Insurance) and Phillip Bailey (Attorney).

Chairman Chadwick called the meeting to order at 2:04 pm.

This meeting was held to discuss the Niles (Urbana) claim. Niles' are land owners in the town of Urbana that were not happy with a decision handed down by KWIC. They initiated action and are looking for a settlement.

Paul stated that originally they were tearing down an old house and constructing a new one on the property. A wastewater system that met currant codes or a waiver was required to start construction. Niles hired an engineer to come up with a plan, it was submitted, and given approval by KWIC. A Building permit was then issued. The initiation of the building was given around 2002-2003. They had received a Department of Health (DOH) waiver approval. The system was inspected and found to be in failure. The Niles' appealed the case. KWIC officials accompanied Mr. Bailey to the appeals and tried to present information to the board, which was denied. A verdict was given which stated that there was no proof that the system was in failure and that the Niles' could use the system until it was proven failed. On March 16, 2004 Cheryl Fisher wrote a letter to Paul stating the "Board's decisions are meaningless because the board had no jurisdiction. The code enforcement official was working in his capacity as the local government official enforcing the KWIC regulations" (Department of State letter written to Paul Bauter from Cheryl Fisher). Paul states that Niles' then requested a permit to re-install the septic tank and the permit was granted. After receiving the new permit, they filed claim against the municipalities. Nothing was heard of again from Niles' until Mr. Jones received a letter from Summit Risk Services asking for money for a settlement with Niles.

Members:

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

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

Jim Stork (Stork and Manahan Insurance) explained that he and Mr. Wyant went over the policies of the 5 townships they represent (Jerusalem, Penn Yan, Milo, Barrington, and Urbana) to come up with a settlement. Niles' wanted \$10,000 for the settlement and then would release the towns from the claim. The townships under policy had a \$2,500 deductible. He stated that if all 8 towns would give an equal share, the total would be \$1,250 each. Much discussion followed over this amount.

It was noted that the decision from KWIC was made in good faith. Therefore, no liability could come on a municipal official acting in a discretionary capacity. If a judgment is handed down in good faith, and damage occurs, the official is not liable. Niles' claims that Paul was not acting in good faith and that he had in his possession the DOS first decision. Paul states that he was not. Mr. Bailey said that this did not carry any weight. He said that there was no precedent on this matter.

Mr. Chadwick said that KWIC was all equal and the \$10,000 would be distributed equally amongst them. It was asked if a township could prevent the settlement. Mr. Stork said no. If the townships decide not to pay, the insurance company could then sue them according to the terms of the policy. There was much discussion over this matter.


It was also noted that it would be cheaper to settle with the \$10,000 than to go to court with all the fees. Mr. Jones asked if KWIC would now be vulnerable to other owners who don't get their way. Mr. Stork suggested that KWIC should look over the "hold harmless" wording so that this does not happen again. It may be that KWIC would have to get their own policy to avoid other problems in the future.

It was asked if the release that Niles' wanted would release everyone of the town from the claim. Mr. Bailey stated that it would.

Mr. Weber asked if the \$10,000 could come from the KWIC office and then KWIC could voucher the townships. Mr. Stork said that would be a good idea. This would demonstrate solidarity between the KWIC towns. Mr. Bailey had no problem with this idea either.

Mr. Weber asked to make two resolutions. One for Mr. Chadwick to pay the Niles' settlement and one to have Mr. Bailey look over the Intermunicipal agreement. Both resolutions are attached to the minutes.

Motion made by Ms. Farnan to adjourn. Mr. Snow seconded. Motion carried.

Respectfully submitted,

Vanessa Miiller, Clerk/RMO
June 2004

Keuka Watershed Improvement Cooperative

A Resolution of the Keuka Watershed Improvement Cooperative

Be it enacted by the Keuka Watershed Improvement Cooperative, Board of Directors, June 6, 2004.

AUTHORIZING THE KWIC CHAIRMAN TO PAY NILES \$10,000 FROM KWIC FUNDS AND VOUCHER THE EIGHT (8) MUNICIPALITIES FOR EQUAL SHARES.

WHEREAS, Mr. Chadwick shall pay Niles \$10,000 from the KWIC funds and in turn voucher the eight (8) municipalities for equal shares of \$1,250.

RESOLVED: That KWIC board members agree that Mr. Chadwick shall pay \$10,000 to Niles out of the KWIC funds and in turn voucher the eight (8) municipalities for \$1,250 each.

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

Motion by William Weber Seconded by Eileen Farnan

Roll Call As Follows:

Mr. Snow	aye
Mr. Weber	aye
Mr. Hubbs	aye
Ms. Farnan	aye
Mr. Jones	abstain
Mr. Domeraski	aye
Mr. Chadwick	aye

Motion carried.

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 June 6, 2004.

6/2/04 Vanessa Miller 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, June 6, 2004.

AUTHORIZING PHILLIP BAILEY, ATTORNEY, TO REVIEW THE INTER-MUNICIPAL AGREEMENT.

WHEREAS, Mr. Bailey shall look over the inter-municipal agreement with an eye to "hold harmless" and an eye to find KWIC's real identity from a legal/insurance/governmental point of view.

RESOLVED: That KWIC board members agree that Mr. Bailey shall look over the inter-municipal agreement and find KWIC's true identity and to look over the "hold harmless" clause.

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

Motion by William Weber Seconded by Daryl Jones

Roll Call As Follows:

Mr. Snow	aye
Mr. Weber	aye
Mr. Hubbs	aye
Ms. Farnan	aye
Mr. Jones	aye
Mr. Domeraski	aye
Mr. Chadwick	aye

Motion carried.

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 June 6, 2004.

6/2/04 Vanessa Miller KWIC Clerk/RMO



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 on July 26, 2004 @ 7 pm Penn Yan (held in Milo offices due to conflict.)

Next meeting to be held in Town of Milo.

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

Members absent: Doug Marchionda, Jr (Penn Yan)

Guests Present: Paul Bauter (Watershed Manager), Janet Stone (resident of Pulteney), Peter Landre (CCE), Bill Oben and Al Wahlig (KLA), Ed Balsley (KLOC), and Mark Socola (PY Village Treasurer and KLOC Treasurer).

Chairman Chadwick called the meeting to order at 7:37 pm.

Minutes: Minutes of 3 meetings were discussed. Mr. Weber and Mr. Snow motioned for the May 24 minutes to be approved. Motion carried. Mr. Jones and Mr. Domeraski motioned for the June 3 (not 6th, my apologies to everyone) to be approved. Motion carried. Mr. Weber and Ms. Baldrige motioned for the June 22 minutes to be approved. Motion Carried.

Treasurer's Report: Mr. Snow reported that the balance of the KWIC account is \$19,375.66. At meeting time, the Town of Urbana and Village of Penn Yan had not submitted their vouchers. Question was raised on how many times Dick Osgood is paid. It was noted that he is paid per unit (every time he submits an invoice). Ms. Baldrige and Ms. Farnan motioned for Treasurer's report to be approved. Motion carried.

Manager's Report: Mr. Bauter reported that while he is running slightly behind due to site visits, Mr. Osgood is keeping up with his supervisory position. Mr. Bauter also reported that he would be meeting with the DOH on Wednesday to discuss the local waivers. The waivers that will be discussed are the Raised Fill and the Aerobic system with a modified raised fill. The Sand filter waiver is still in effect. These waivers are more flexible. Systems that would need to be engineered would be a system that infringed on water wells or had a 15% slope in the topography. These waivers would eliminate soils. All systems will still have to go through Dick Osgood for signatures, however. Also, Kuhl's bill is still in both NYS Assembly and Senate. This would allow non PE

Members:

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

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

(professional Engineers) to design conventional systems and the local waivers. These individuals, however, must have OTM certification, and have both education and training before they are eligible to design the systems. It was stated that KWIC has received the bill from Fagan's and the total bill was \$1812. This amount will be split between KWIC and Schuyler County. Mr. Bauter noted that this amount was far under budget.

Looking Ahead: Mr. Landre reported that the monitoring of the lake is looking good. Testing reports that bacteria is low in both June and July. They are starting to see more of an impact from the zebra mussels. The trout population is slightly down due to less food for the developmental stages of the trout. The lake has less clarity, which could be the result of zebra mussels reaching their peak. There was 8-9 meters of clarity, which went down to the most recent findings of 7 meters. Before zebra mussels were introduced into the lake, the clarity was an average of 4 ½ - 5 meters.

Other Business: Mr. Chadwick gave an overview of the Niles' situation. At the last KWIC meeting it was decided that KWIC would not pay the settlement of \$10,000. Mr. Bailey (attorney for KWIC) stated to Mr. Chadwick that Summit had indeed paid the Niles' the settlement amount of \$10,000. Summit has now issued bills to the 4 municipalities that were involved for the amount of \$2,500 each. It was advised by Mr. Bailey that the municipalities' attorneys should present a unified approach and refuse to pay the bills. The attorneys for the municipalities should work with Mr. Bailey to come up with a common reply to Summit. It was noted that none of the municipalities gave consent to Summit, while Summit is saying that they contacted everyone and received consent. No one from the municipalities had received or sent out anything in writing to this effect.

Mr. Weber discussed the Shertz situation, which appeared to be an improper inspection. He has encourages the Pulteney attorney to contact the Shertz attorney to discuss solutions. The Shertz's had bought a property due to a passed inspection report. One week after moving in, the 1500 tank failed. Mr. Weber hopes that this situation will come to a quick end.

Mr. Weber also discussed the Cummings' property. The site was finished and filled without the Watershed Manager's inspection. This was a decision made between the Pulteney Watershed Inspector and the owners. Mr. Weber is still waiting for Topping Engineering to send him a copy of the report.

The Valpone property in Pulteney was also discussed. Mr. Osgood was the responsible engineer and will try to go back to the property and inspect.

Mr. Weber and Mr. Osgood are also looking into a complaint from Emory. Mr. Weber asked him to document all his complaints on paper and is still waiting for the report.

Mr. Weber also asked Mr. Bauter if there is a standard that is applied to all installers. Mr. Bauter stated that it is the owner's responsibility to check out the installers.

Mr. Weber motioned to adjourn the meeting. Ms. Baldrige seconded. Motion carried at 8:25pm.

Respectfully submitted

Vanessa Miller
Vanessa Miiller, Clerk/RMO
June 2004



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 on September 27, 2004 @ 7 pm in the Town of Milo

Next meeting to be held in the Town of Barrington on November 29, 2004 @ 7 p.m.

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

Members absent: Doug Marchionda, Jr (Penn Yan)

Guests Present: Paul Bauter (Watershed Manager), Bill Oben (KLA), Ed Balsley (KLOC), and Mark Socola (PY Village Treasurer and KLOC Treasurer).

Chairman Chadwick called the meeting to order at 7:30 pm.

Minutes: Minutes of the July 26th meeting were approved by Mr. Weber and seconded by Ms. Baldrige. Motion carried.

Treasurer's Report: Mr. Snow reported that the balance of the KWIC account is \$18,673.59. Next year's budget is not ready as of yet. Mr. Snow notes that there will probably be a 4% increase in the budget or \$400. Mr. Weber asked for the reason of the increase and was told for labor issues. Motion to accept the budget was made by Ms. Baldrige and seconded by Mr. Jones. Mr. Snow wanted to know if the board would like to start an annual audit for KWIC. This would be done in-house with members of the board. Mr. Weber and Mr. Domeraski volunteered to do the audit. An annual managers review was also discussed. Mr. Jones, Mr. Chadwick, and Ms. Farnan volunteered for this committee.

Manager's Report: Mr. Bauter reported that inspections were still dragging a little and that he was very behind in permits. He suggested that a committee be formed to reorganize the permit process. Mr. Chadwick and Mr. Weber agreed that something had to be done about the permits getting out in a timely fashion. Mr. Weber asked if a second person could be used during peak times of the construction season. Mr. Bauter noted that turning out waivers vs. conventional systems runs about the same amount of time. Mr. Osgood will go out to each property and look them over. He will make comments and change plans if necessary. It is also noted in the permit application that the owners have the choice of hiring an engineer. Mr. Bauter also noted that permits are running around 2 months for turnout. This is due to the extreme weather, and perc test

Members:

Thomas Chadwick – (Chairman) Urbana
William A Weber – Pulteney
Eileen M Farnan – Barrington
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Vince Domeraski – Hammondsport
Daryl H Jones – Jerusalem
Doug G Marchionda, Jr – Penn Yan

are sometimes requiring two visits. Each visit runs about 2-4 hours. Mr. Weber also stated that there are many other things that Paul has to do besides site investigations. Violations, complaints, paperwork and other various tasks also need to be done in a timely manner. Mr. Weber and Mr. Snow volunteered to do the managers review. Mr. Chadwick will come on board as needed.

Mr. Bauter gave an update on the Onsite Installers Course. The Onsite Installers Course will have a certified list of contractors who have voluntarily taken the course and signed a paper stating that they would abide by standards set in the course. The list of the certified contractors will be the list handed out by KWIC. It will not mean that there are not other contractors, just that these are the ones who will hold to a certain code of ethics.

Mr. Bauter talked about non-residential, non-DEC systems. These are properties that are not residential nor follow under DEC regulations. Examples are the Branchport Library, a warehouse in the Town of Wayne, and a farm in the Town of Pulteney who wants an "emergency shower" incase of pesticides. Paul's solution to these properties is a holding tank with a functional alarm system and a contract with a Pumper. The Pumper would call KWIC when they pump out the properties. Permits issued would be specific to the site. Any changes owners made in the property would be caught every year due to annual holding tank inspections.

Looking Ahead: Mr. Oben stated that nothing has transpired since the last meeting. Things are relatively the same as before.

Other Business: There was no other business at this time.

Mr. Jones motioned to adjourn the meeting. Ms. Farnan seconded. Motion carried at 8:05pm.

Respectfully submitted


Vanessa Miiller, Clerk/RMO
September 2004



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 on September 27, 2004 @ 7 pm in the Town of Milo

Next meeting to be held in the Town of Barrington on November 29, 2004 @ 7 p.m.

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

Members absent: Doug Marchionda, Jr (Penn Yan)

Guests Present: Paul Bauter (Watershed Manager), Bill Oben (KLA), Ed Balsley (KLOC), and Mark Socola (PY Village Treasurer and KLOC Treasurer).

Chairman Chadwick called the meeting to order at 7:30 pm.

Minutes: Minutes of the July 26th meeting were approved by Mr. Weber and seconded by Ms. Baldrige. Motion carried.

Treasurer's Report: Mr. Snow reported that the balance of the KWIC account is \$18,673.59. Next year's budget is not ready as of yet. Mr. Snow notes that there will probably be a 4% increase in the budget or \$400. Mr. Weber asked for the reason of the increase and was told for labor issues. Motion to accept the budget was made by Ms. Baldrige and seconded by Mr. Jones. Mr. Snow wanted to know if the board would like to start an annual audit for KWIC. This would be done in-house with members of the board. Mr. Weber and Mr. Domeraski volunteered to do the audit. An annual managers review was also discussed. Mr. Jones, Mr. Chadwick, and Ms. Farnan volunteered for this committee.

Manager's Report: Mr. Bauter reported that inspections were still dragging a little and that he was very behind in permits. He suggested that a committee be formed to reorganize the permit process. Mr. Chadwick and Mr. Weber agreed that something had to be done about the permits getting out in a timely fashion. Mr. Weber asked if a second person could be used during peak times of the construction season. Mr. Bauter noted that turning out waivers vs. conventional systems runs about the same amount of time. Mr. Osgood will go out to each property and look them over. He will make comments and change plans if necessary. It is also noted in the permit application that the owners have the choice of hiring an engineer. Mr. Bauter also noted that permits are running around 2 months for turnout. This is due to the extreme weather, and perc test

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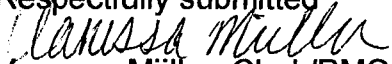
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Mr. Bauter talked about non-residential, non-DEC systems. These are properties that are not residential nor follow under DEC regulations. Examples are the Branchport Library, a warehouse in the Town of Wayne, and a farm in the Town of Pulteney who wants an "emergency shower" incase of pesticides. Paul's solution to these properties is a holding tank with a functional alarm system and a contract with a Pumper. The Pumper would call KWIC when they pump out the properties. Permits issued would be specific to the site. Any changes owners made in the property would be caught every year due to annual holding tank inspections.

Looking Ahead: Mr. Oben stated that nothing has transpired since the last meeting. Things are relatively the same as before.

Other Business: There was no other business at this time.

Mr. Jones motioned to adjourn the meeting. Ms. Farnan seconded. Motion carried at 8:05pm.

Respectfully submitted

Vanessa Miiller, Clerk/RMO
September 2004



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 on November 29, 2004 in the Town of Barrington

Next meeting to be held in the Town of Wayne on January 24, 2005 @7 p.m.

Members present: Tom Chadwick (Urbana), Jack Snow (Milo), Marilyn Baldrige (Wayne), Daryl Jones (Jerusalem), Eileen Farnan (Barrington), Vince Domeraski (Hammondsport), and William Weber (Pulteney), Doug Marchionda, Jr. (Penn Yan)

Guests Present: Paul Bauter (Watershed Manager), Bill Oben & Al Wahlig, (KLA), Ed Balsley (KLOC), Peter Landre (CCE), Loren Welsh & Jan Stone (Pulteney).

Chairman Chadwick called the meeting to order at 7:30 pm.

Minutes: Minutes of the September 27th meeting were approved by Mr. Snow and seconded by Mr. Weber. Motion carried.

Treasurer's Report: Mr. Snow reported that the balance of the KWIC account is \$9,319.83. Ms. Baldrige approved the report and Mr. Jones seconded. The 2005 budget was proposed. Mr. Snow noted that retirement had increased 360% from last year (2004-\$1,000—2005-\$4,600). The fees for each municipality also rose from \$7,400 to \$8,000. Mr. Weber motioned to approve the 2005 budget and Ms. Farnan seconded.

Manager's Report: Mr. Bauter reported that he had received verbal permission to use the waiver from the Department of Health. However, if there were still an infringement of separation distances, the plans would have to be submitted to the DOH. There are now 4 waivers that are worked with: Sand Filter, Pump System, Raised Fill and Aerobic with a Modified Raised Fill.

Mr. Bauter also reported that Dave Rowley from the Geneva DOH has left his position. All plans are now being sent to Monticello with a 30-day turnaround. Once plans are approved, there is another 30-day wait (total 60 days) to receive the signed plans.

Mr. Bauter also explained about Schuyler County's release of liability and explained how this might be beneficial to KWIC. It was agreed that Paul might use it for some properties.

There will be an inspection course in Hornell where inspectors who pass will receive a registration number through the state. Mr. Bauter encouraged all watershed inspectors to attend the course. It will be a one-day course on March 9th. The course is designed for statewide licensing for all Real Property Tax Inspectors.

Members:

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It was also noted that the Certified Onsite Wastewater Installers course would be held January 25th at the Belhurst Castle in Geneva and January 26th at the Esperanza Mansion. It will be an all day course with a test at the end. There will be a limited amount of seating (25 for installers and 15 for CEOs, Inspectors, or other laborers).

The Permit Process was brought up for discussion. Mr. Weber suggested that a moratorium be placed on all new applications that require septic plans from Paul until all old plans were finished. New applicants would be told to hire an engineer. It was stated that KWIC wasn't a design function, but a way to regulate inspections. Much discussion ensued between members. A mutual decision was made that Mr. Bauter and Mrs. Miiller construct a flow chart and give a realistic time frame to submit at the next meeting. It was also decided that Mr. Bauter and Mrs. Miiller tell new applicants that the time from would be between 3-6 months before they would obtain their permit.


Looking Ahead: Mr. Landre informed that Board that the water quality was excellent. The summer bacteria levels were low. He stated that the water clarity has gone due to the zebra mussel population settling down. Signs of them dying off are the high foam patterns seen around the lake.

Other Business: Mr. Weber introduced the Board to Loren Welch who will take over the Watershed Inspector position in Pulteney from Robert Reed.

It was also noted that at the last meeting Mr. Bauter's manager review was discussed. Mr. Bauter has filled out an evaluation form that discussed how he sees his job being done. An overview of his position and evaluation will be held in executive session at the end of January's meeting. Mr. Snow stated that Milo had no complaints with Paul's performance and Mr. Marchionda agreed.

Mr. Weber motioned to adjourn the meeting. Ms. Baldrige seconded. Motion carried at 8:53pm.

Respectfully submitted


Vanessa Miiller, Clerk/RMO

September 2004