

APPENDIX

INTERMUNICIPAL AGREEMENT TO ADOPT, FUND AND IMPLEMENT THE CANANDAIGUA LAKE WATERSHED MANAGEMENT PLAN

THIS AGREEMENT, made this ____ day, _____, 19__ by and between the Towns of Gorham, South Bristol, Bristol, Canandaigua, Middlesex, Italy, Hopewell, Naples, Potter; Villages of Newark, Palmyra, Naples, Rushville; City of Canandaigua which hereby adopt the Canandaigua Lake Watershed Management Plan.

WITNESSETH THAT:

WHEREAS, the parties to this agreement desire to enter into an agreement to adopt, fund and implement The Canandaigua Lake Watershed Management Plan, hereinafter referred to as the Plan which will provide for the long term protection of waters in the Canandaigua Lake Watershed; and

WHEREAS, the parties to this agreement, desire to form and send representatives to an organization called the Canandaigua Lake Watershed Council (formerly the Local Government Watershed Policy Committee), hereinafter referred to as the Council, that will administer and implement the Plan; and

WHEREAS, this intermunicipal agreement is voluntary and will not be construed so as to interfere with or diminish any municipal powers, authority, or regulatory authority of any of the participating municipalities; and

WHEREAS, The Council will have ultimate authority over all municipal contributions; and

WHEREAS, the parties to this agreement desire to provide for the day to day coordination and cooperation and the implementing of certain elements of the Plan through a Canandaigua Lake Watershed Manager, hereinafter referred to as the Watershed Manager; and

WHEREAS, the Ontario County Soil and Water Conservation District will provide the necessary facilities and support for the Watershed Manager to carry out the implementation of the Plan, attached hereto as Addendum Number Three); and

WHEREAS, under Article 5-G Section 119-o of the General Municipal Law of the State of New York, municipalities have the authority to enter into intermunicipal agreements and jointly perform services regarding subjects each separately has the power to perform.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties to this

agreement do hereby agree as follows:

FIRST: The Canandaigua Lake Watershed Council is hereby established.

SECOND: The participating municipalities will work together cooperatively in the decision-making process and share the leadership and ownership in implementing the Plan.

THIRD: Employees hired for the performance of the work under the Plan will be hired with no discrimination by reason of race, creed, color, sex, age, physical disability, or national origin.

FOURTH: The participating municipalities will provide the necessary funding based on the formula in Addendum One, by March 31st of each year to implement the Plan.

FIFTH: If the Council should cease to exist the funds still available will be returned to the parties to this agreement under the same formula as originally gained.

SIXTH: Through the implementation of the Plan the various benefits conveyed by Canandaigua Lake will be maintained or enhanced.

SEVENTH: That any party to this agreement may terminate its participation within the Council at any time but must do so by notifying within thirty days all other parties in writing of the determination, reasons for the termination, and the effective date thereof. Withdrawal from the agreement by one party shall not operate to terminate the agreement, which shall continue in full force and effect with respect to the other parties.

EIGHTH: That the Bylaws of the Council may only be modified upon the consent of the Council (Addendum Two).

NINTH: This agreement shall be for a five year period commencing on January 1st, 2000 and ending on December 31st, 2004.

TENTH: This agreement authorizes the Council to enter into contracts within the limits of, and subject to, the appropriations provided by the participating municipalities.

ELEVENTH: If any term or provision of this agreement or the application thereof shall, to any extent, be invalidated or unenforceable, the remainder of this agreement or the application of such term or provision, other than those to which it is held invalid or unenforceable, shall be unaffected thereby, and each term and provision of the agreement shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the following parties have executed this agreement.

Addendum One:

Pro-Rating Formula for Funding and Voting

On February 13th, 1999 twenty-seven publicly elected representatives unanimously voted to endorse this pro-rating formula in order to allocate the costs of the Plan among the 14 municipalities. Each municipality needs to pay their allocated portion by **March 31st** of each year.

Endorsed Financing and Weighted Vote Formula

Breakdown of Criteria used in the Formula

Municipality	Gal. Use	Shore line	% of w'shed	Pop. Den.	Watershed Assess	Tourism \$
Measurement	millions	miles	%	sq- mile	millions-\$	Range
Cdga City	1,271	1.5	1.4	2333	254.9	7
V. Newark	1,280					
T. Canandaigua		11.5	16.0	126	349.4	4
Gorham	120.9	7	17.5	68	203.2	3
South Bristol	18	7.4	9.9	42	163.6	4
V. Palmyra	432		-			
Middlesex		7.5	18.4	41	66.3	
Naples			19.0	34	49.6	3
V. Naples	76		0.8	1302	33.6	3
Rushville	48		0.3	951	13	
Italy		0.4	9.5	28	12.8	
Hopewell			1.8	85	18.4	1
Potter			3.3	44	1.8	
Bristol			0.3	56	1.4	

Endorsed Formula

Municipality	Gal. Use	Shore line	% of w'shed	Pop Den	Watershed Assess	Tourism \$	Total Score	% of Total	Annual Municipal Cost
Cdga City	69.5	1.3	0.7	10.0	21.9	10.0	113.4	27.2%	\$ 24,028.62
V. Newark	70.0	0.0	0.0	0.0	0.0	0.0	70.0	16.8%	\$ 14,827.89
T. Canandaigua	0.0	10.0	8.4	0.5	30.0	5.7	54.7	13.1%	\$ 11,581.73
Gorham	6.6	6.1	9.2	0.3	17.4	4.3	43.9	10.5%	\$ 9,306.29
South Bristol	1.0	6.4	5.2	0.2	14.0	5.7	32.6	7.8%	\$ 6,899.41
V. Palmyra	23.6	0.0	0.0	0.0	0.0	0.0	23.6	5.7%	\$ 5,004.41
Middlesex	0.0	6.5	9.7	0.2	5.7	0.0	22.1	5.3%	\$ 4,675.94
Naples	0.0	0.0	10.0	0.1	4.3	4.3	18.7	4.5%	\$ 3,959.09
V. Naples	4.2	0.0	0.4	5.6	2.9	4.3	17.3	4.1%	\$ 3,670.70
Rushville	2.6	0.0	0.2	4.1	1.1	0.0	8.0	1.9%	\$ 1,689.40
Italy	0.0	0.3	5.0	0.1	1.1	0.0	6.6	1.6%	\$ 1,391.04
Hopewell	0.0	0.0	0.9	0.4	1.6	1.4	4.3	1.0%	\$ 915.12
Potter	0.0	0.0	1.7	0.2	0.2	0.0	2.1	0.5%	\$ 440.60
Bristol	0.0	0.0	0.2	0.2	0.1	0.0	0.5	0.1%	\$ 109.76
Weights	7	1	1	1	3	1	417.8	100.0%	\$ 88,500.00

Addendum Two:

Bylaws of

The Canandaigua Lake Watershed Council

I. Background:

Canandaigua Lake is predominately located in the Counties of Ontario and Yates. It is bounded by six municipal corporations and has a total of twelve municipal corporations within its watershed. Two municipal corporations outside of the watershed use Canandaigua Lake as a source of water supply. Canandaigua Lake is of high economic, environmental, scenic, aesthetic and recreational value to residents of the watershed and visitors as well. It has been well documented that shoreline and lake-view property values are substantially influenced by the quality of water in the lake. Actions within the watershed directly effect water quality in Canandaigua Lake. Protection of the Lake through the implementation of the adopted Plan will ensure that each of the various benefits conveyed by the lake will be maintained or enhanced.

II. Name and purpose:

The name of this organization is the *Canandaigua Lake Watershed Council*. The main purpose of the Council is to implement the Canandaigua Lake Watershed Management Plan. This plan will provide for long term protection of the Canandaigua Lake Watershed.

From 1995 through 1998 the Council (formerly the Local Government Watershed Policy Committee) has endorsed over ninety separate actions that will maintain and improve water quality in the Lake and surrounding watershed. These actions form the foundation for the Watershed Management Plan. The Plan specifies what actions will be taken, who will implement them and how they are to be funded over the next five years. The main objectives of the Council shall include:

- Establish leadership and strategic decision making during the five-year implementation process.
- Provide funding through their respective municipalities to pay for the implementation of the Canandaigua Lake Watershed Management Plan.
- Communicate and coordinate effectively with the Watershed Manager and the Ontario County Soil and Water Conservation District.

III. Definitions:

Canandaigua Lake Watershed Council: previously known as the Local Government Watershed Policy Committee, formed in December, 1994 and made up of the Chief Elected Officers of the municipalities in the Canandaigua Lake Watershed. From 1995-1998 the LGWPC reviewed and endorsed recommendations contained in the *State of the Canandaigua Lake Watershed- 1994* forming the foundation of the Watershed Management Plan.

Participating Municipalities: those municipalities providing their pro-rated share of the costs of implementation.

Ontario County Soil and Water Conservation District: an agency enabled by NYS Law and formed in

1940 which works at the county level of government and whose purpose is the protection of natural resources.

Modified weighted vote: any item requiring approval of the Council will need fifty-one percent of the communities based on the weighted vote and at least six communities. The inclusion of the six communities requirement was decided to make sure smaller communities still had a voice.

IV. Membership, Quorum and Voting:

The Council will be made up of representatives of each of the **participating** (see definition) Canandaigua Lake watershed municipalities and non watershed water purveying municipalities. Each of the participating communities shall appoint one publicly elected representative (i.e. Municipal supervisor, or board member) and an alternate representative (another publicly elected representative) to the Council.

A quorum will require at least fifty-one percent attendance based on the weighted vote (addendum one) and the presence of at least eight municipalities.

All items coming before the Council will require for passage a simple majority based on the weighted vote and a total of six municipalities voting in the affirmative. This **modified weighted vote** (see definition) will be based on each municipality's percentage within the adopted pro-rating structure. The pro-rating structure can be seen in addendum one.

Meetings: After adoption of the plan by the participating municipalities, meetings of the Council will occur bi-monthly. Special meetings may be called by the Watershed Manager, SWCD or one of the participating communities to address specific issues that may arise. The bi-monthly meetings will take place on the first Tuesday of that month and will include financial updates by the Watershed Manager, updates on the progress of implementation, grant applications and other general business. The location of all meetings unless otherwise notified will be at The Hurley Building, 205 Saltonstall St., Canandaigua.

Chairperson: A chairperson or co-chairpersons shall be selected for a two year term. In the absence of a Chair and co-chair, the members will elect a temporary Chair for that meeting.

Fiscal Officer: A treasurer shall be selected by the Council for a two year term. This person's responsibilities will include overseeing the expenditure of money by the Council and working with the Watershed Manager and Ontario County Soil and Water Conservation District in all fiscal matters.

Notice of Meetings: Notice of meetings will be mailed no later than one-week prior to the actual meeting date. The Committee shall be considered a public body subject to the Open Meetings Law and the Freedom of Information Law. Minutes will be taken at the meetings and made available to the public, upon request, within two weeks after a given meeting. Notice of Special Meetings will be made by the Watershed Manager by telephone at least three days prior.

Mailing Address: The principal office and mailing address will be 480 N. Main St. Canandaigua, NY 14424.

Addendum Three

Agreement for Services between the Ontario County Soil and Water Conservation District and the Canandaigua Lake Watershed Council:

THIS AGREEMENT, made this ____ day of _____, 19____, by and between the Ontario County Soil and Water Conservation District, hereinafter called the District, and the participating members of the Canandaigua Lake Watershed Council, hereinafter called the Council.

The Towns of Gorham, South Bristol, Bristol, Canandaigua, Middlesex, Italy, Hopewell, Naples, Potter; Villages of Newark, Palmyra, Naples, Rushville; and the City of Canandaigua have agreed to form the Council pursuant to the Intermunicipal Agreement.

WHEREAS, the municipalities have the charged the Council to implement the Canandaigua Lake Watershed Management Plan; and

WHEREAS, under Section 64 of Town Law and Article 4 of Village Law, municipalities may enter into contracts and agreements necessary to carry out their respective functions for the benefit of the municipality; and

WHEREAS, under the provisions in Chapter III, Section 9, Subsection 3, of New York State Conservation Districts Law, provide for the District to enter into an agreement with any agency in carrying on erosion-control, flood prevention and sediment damage prevention operations, and control and abatement of non-point sources of water pollution for effective conservation and utilization of the lands and waters; and

NOW THEREFORE, in consideration of the premises and of the several promises to be faithfully performed by the parties hereto as hereinafter set forth, the District and the Council do hereby agree as follows:

A The District agrees to:

1. Provide administration and coordination for the implementation of the Plan by providing the necessary facilities and guidance for the Watershed Manager.
2. Take reasonable and necessary actions to coordinate and support the program with all technical and educational resources available to the District.
3. Work with the Watershed Manager in submitting a proposed budget by September 1st of each preceding year to allow LGWPC members to plan and appropriate for the annual expenses of the succeeding year. Yearly budgets should be uniform each year based on the five year total needed

- to fund the whole plan.
4. Retain records of all work pertaining to the implementation of the Watershed Management Plan for a period of not less than three years.
 5. Disperse funds and assist each of the implementers in successfully carrying out their specific actions.
- B. The members of the Council agree to:
1. Provide the necessary leadership throughout the entire implementation process, including expenditures, personnel decisions and all policy decisions regarding implementation of the Plan.
 2. Provide on a pro-rated basis (addendum one) the necessary funding at the beginning of each year to implement the Watershed Management Plan based on the proposed September 1st budget. Unused funds from the previous year will be incorporated in the next year's annual budget. Grant monies on non-capital projects may be used to offset the costs to the municipalities.
 3. Indemnify and hold harmless the District, its officers and employees, from any and all claims or causes of action arising from the implementation of the Watershed Management Plan.
- C. It is mutually agreed:
1. The District and the Members of the Committee will strive to maintain open communication, foster a cooperative and coordinated relationship and preserve the quality of The Canandaigua Lake Watershed.
 2. Either party may terminate this agreement in whole or in part if either determines that the other party has failed to comply with any of the conditions of this agreement, and either party is to promptly notify (30 days) in writing of the termination, reasons for the termination, and the effective date.
 3. This agreement may be modified in writing at any time upon the mutual consent of the parties hereto.
 4. The performance of this agreement is subject to the appropriations of the municipalities and the Council has no obligations under the Agreement in the event that municipalities do not appropriate the necessary funds.

APPENDIX TWO

WATERSHED MANAGEMENT PLAN PLAN OF WORK

Implementation of the Plan will require the services of a full time watershed manager. The responsibilities of the manager have been specified and a general guide can be seen for each year.

Each year's Plan of Work is a guide for the Watershed Council to use in prioritizing actions for implementation. The Watershed Council will have ultimate decision making authority regarding the timing of implementation for each of the actions. The costs associated with each of the actions are estimates originating from the State of the Canandaigua Lake Watershed Report-1994. These costs will also be used as a guide by the Watershed Council when allocating funds for a particular project.

As this Plan is implemented flexibility and leadership will be key components. Priorities within the Plan may change over a five year implementation period. Therefore it is important for the Council to be able to make the decisions regarding the specific actions to be implemented.

WATERSHED MANAGER- PLAN OF WORK-YEAR ONE

Responsibilities:

- Work with watershed municipalities esp. on capital projects
- Assist SWCD with agricultural grant applications (see A,C, O-7)
- Assist municipalities with salt storage grant applications (see E-1)
- Assist municipalities with highway improvement grant applications (see N-1, 4, 5)
- Assist with watershed testing and sampling program
- Assist Watershed Inspector and be a liaison with Watershed Municipalities (see K-1, L-2)
- Work with lake organizations, NYS DEC, NYS DOH, NYS OPRHP
- Oversee the following implementation items
- **Implement the bold faced items**

<u>Cost</u>	<u>Item</u>	<u>Implementors</u>
NC	B-1) Establish pesticide committee	CCE
NC	B-5) Establish pesticide hotline	CCE
\$200	B-8) Develop public education on proper well closure	CCE
—	B-9) Hazardous Waste/Pesticide Collection Day	TF, OC, YC
\$1,000	D-1) Review existing municipal erosion control laws	OCPD
\$1,000	D-3, N-3,5) Create model local erosion control law	OCPD
\$750	F-1) Provide forest stewardship training for owners	SWCD
\$1,000	F-7) Provide forest training for municipal officials	SWCD
NC	G-1) Notification of hazardous waste sites	WC
NC	G-2) Memorandum of understanding re. SPDES	WC
NC	G-3) Memorandum of understanding re. hazardous waste	WC
\$8,000	H-1) Create inventory of dumps in watershed	OCPD
\$500	H-4) Develop public education on dumps	CLPW, CLWTF
NC	K-8) Compliance with DOH septic standards	WC, municipalities
\$1,000	L-1) Establish program of SPDES sampling	WC
NC	L-4) Establish SPDES database	WC
NC	M-4) Boating setbacks from bathing beaches	some municipalities
\$1,500	M-5) Docks & moorings review	OCPD, CLPW,
NC	M-9) Boat traffic control	municipalities
NC	N-7) Highway wetland permits	municipalities
\$2,000	P-1) Develop hazardous spill prevention education	CCE

WATERSHED MANAGER- PLAN OF WORK- YEAR TWO

Responsibilities:

- Work with watershed municipalities esp. on capital projects
- Assist SWCD with agricultural grant applications (see A, C, O-7)
- Assist municipalities with salt storage grant applications (see E-1)
- Assist municipalities with highway improvement grant applications (see N-1, 4, 5)
- Assist with watershed testing and sampling program
- Assist Watershed Inspector and be a liaison with Watershed Municipalities (see K-1, L-2)
- Work with lake organizations, NYS DEC, NYS DOH, NYS OPRHP
- Oversee the following implementation items
- **Implement the bold faced items**

<u>Cost</u>	<u>Item</u>	<u>Implementers</u>
NC	*Create model local erosion control law	OCPD, municipalities
NC	*Docks and moorings review	OCPD, CLPW,
NC	*Highway wetland permits	municipalities
2,400	B-4) Follow-up pesticide testing in several streams	DEC
\$500	D-2) Provide erosion and sediment control training	OCPD and SWCD
NC	D-3) Secure adoption of uniform erosion control law	OCPD
\$500	E-3) Conduct salt use workshops for highway dept.	CLWTF
\$500	F-2) Promote timber harvest registration	some municipalities
\$2,000	F-4) Promote timber harvest best management practices	SWCD, DEC
NC	G-2) Create hazardous waste sites database	WC
\$5,000	H-2) Prepare grant application for dump remediation	OCPD
\$6,000	I-1) Create inventory of mines in watershed	SWCD
NC	I-2) Contact with regulatory officials on mine status	OCPD
\$500	I-3) Educate local govt. re mine regulation	OCPD
NC	J-2) Create bulk storage database	WC
\$500	K-2) Present educational workshops on septic systems	CCE
NC	K-5) Promote uniform regulation of septic systems	OCPD
\$500	K-6) Educate public about water conservation	WC, CLPW, CCE
NC	K-7) Promote effective septic system replacements	WC
\$1,250	L-2) Onsite inspection of SPDES facilities	WC
NC	L-3) Establish program of SPDES remediation	WC
NC	L-5) Information sharing on SPDES inspections	WC
Grant	M-1) Increase availability of pumpouts and restrooms	DEC, OPRHP
\$2,500	O-1) Field verify streambank problems/conditions	CLWTF

*carryover from previous year

WATERSHED MANAGER- PLAN OF WORK- YEAR THREE

Responsibilities:

- Work with watershed municipalities esp. on capital projects
- Assist SWCD with agricultural grant applications (see A, C, O-7)
- Assist municipalities with salt storage grant applications (see E-1)
- Assist municipalities with highway improvement grant applications (see N-1, 4, 5)
- Assist with watershed testing and sampling program
- Assist Watershed Inspector and be a liaison with Watershed Municipalities (see K-1, L-2)
- Work with lake organizations, NYS DEC,, NYS DOH, NYS OPRHP
- Oversee the following implementation items
- **Implement the bold faced items**

<u>Costs</u>	<u>Item</u>	<u>Implementors</u>
NC	*Secure adoption of uniform erosion control law	OCPD
NC	*Compliance with DOH standards for septic systems	WC, munis
NC	*Boat traffic control	municipalities
NC	*Promote timber harvest registration	municipalities
NC	*Develop hazardous waste spill prevention education	CCE
\$250	*SPDES sampling	WC
\$750	B-3) Conduct well workshops	CCE
\$12,000	B-6) Institute program of homeowner IPM	CCE
\$2,000	B-7) Create program of Watershed IPM standards	CCE
\$1,000	E-2) Promote sensible salting on watershed roads	TF
\$10,000	F-3) Conduct program to establish forest filter strips	FSA
\$750	F-5) Provide technical assistance for forest landowners	SWCD
\$500	F-6) Promote regulation of timber harvest practices	municipalities
\$1,440	J-3) Provide muni. officials with bulk storage info.	WC
\$300	K-3) Produce and distribute septic system brochure	CCE
\$400	K-4) Promote community dye-test of septic systems	CLPW
NC	M-7) Encourage DEC to minimize shoreline loss	DEC
\$6,000	M-10) Create beach protection education program	CLPW, CLWTF
\$2,000	N-1,2) Enhanced training for Highway officials	SWCD, NRCS
NC	N-6) Promote standards for private roads	municipalities
\$7,000	O-2) Carry out streambank restoration demonstrations	SWCD, TF,

*Carryover from previous year

WATERSHED MANAGER- PLAN OF WORK- YEAR FOUR

Responsibilities:

- Work with watershed municipalities esp. on capital projects
- Assist SWCD with agricultural grant management (see A, C, O-7)
- Assist municipalities with salt storage grant management (see E-1)
- Assist municipalities with highway improvement grant applications (see N-1, 4, 5)
- Assist with watershed testing and sampling program
- Assist Watershed Inspector and be a liaison with Watershed Municipalities (see K-1, L-2)
- Work with lake organizations, NYS DEC,, NYS DOH, NYS OPRHP
- Oversee implementation items

<u>Cost</u>	<u>Item</u>	<u>Implementors</u>
\$1,000	*Promote timber harvest best management practices	SWCD
\$6,100	*Institute program of homeowner IPM	CCE
\$13,000	*Carry out streambank restoration projects	SWCD, TF, FSA
NC	*Educate public about water conservation	WC, CLPW, CCE
NC	*Promote effective septic system replacements	WC
\$500	*Conduct salt usage workshops for highway depts.	CLWTF
\$500	*Provide erosion control training for municipal officials	OCPD, SWCD
NC	*Educate local govt. re. mine regulation	OCPD
NC	*Promote uniform regulation of septic systems	OCPD, municipalities
NC	*Conduct well workshops	CCE
NC	*Increase availability of pumpouts and restrooms	DEC, OPRHP
\$250	*SPDES Sampling	WC
\$50,000	H-3) Conduct Phase One study of dumps #	SWCD, OCPD
\$300	I-4) Distribute mined land info to municipalities	CCE
\$3,000	I-5) Contact mine owners re. reclamation	municipalities
NC	M-6) Minimize structures at shoreline	municipalities
\$1,500	O-3) Educate re. benefits of stream buffering	CCE, TF, CLPW
\$10,000	O-4) Conduct program of vegetative stream buffering	FSA

*carryover from previous year

H-3) Successful grant application written by Manager

WATERSHED MANAGER- PLAN OF WORK- YEAR FIVE

Responsibilities:

- Work with watershed municipalities esp. on capital projects
- Assist SWCD with agricultural grant management (see A, C, O-7)
- Assist municipalities with salt storage grant management (see E-1)
- Assist municipalities with highway improvement grant management (see N-1, 4, 5)
- Assist with watershed testing and sampling program
- Assist Watershed Inspector and be a liaison with Watershed Municipalities (see K-1, L-2)
- Work with lake organizations, NYS DEC,, NYS DOH, NYS OPRHP
- Oversee the following implementation items
- **Implement the bold faced items**

<u>Cost</u>	<u>Item</u>	<u>Implementors</u>
\$17,500	*Carry out streambank restoration projects	SWCD, TF, FSA
NC	*Promote compliance with DOH septic system standards	WC, municipalities
NC	*Conduct well workshops	CCE
\$750	*Provide forest stewardship training for owners	SWCD, DEC
NC	*Boat traffic control	municipalities
NC	*Promote standards for private roads	municipalities
\$250	*SPDES Sampling	WC
NC	*Deliver hazardous waste spill prevention education	CCE
\$3,000	I-6) Reclaim illegal dumps in abandoned mines	CLPW, munis.
\$1,000	M-3) Study speed and noise limits	Sheriff, CLPW
NC	M-8) Discourage development in the 100-year floodplain	municipalities

***carryover**