

HEMPSTEAD HARBOR PROTECTION COMMITTEE
FINAL MEETING MINUTES
Sea Cliff Village Hall
April 8, 2015



Photo credit: Tab Hauser

NOTE: **ACTION ITEMS ARE IN BOLD HIGHLIGHTED UNDERLINED ITALICS.** MOTIONS ARE HIGHLIGHTED IN BLUE

Attendees: Tom Powell (Chair – Sea Cliff); Tab Hauser (Glen Cove); Kevin Braun (North Hempstead); Erin Reilley (North Hempstead); Mal Nathan (North Hempstead); Peedee Shaw (Roslyn); Karen Reichenbach (Flower Hill); Eric Swenson (Executive Director); Abby Kurlender (Roslyn Harbor); Sean Jordan (Oyster Bay); Dan Fucci (Nassau County); Carol DiPaolo (Coalition to Save Hempstead Harbor); and Jennifer Wilson Pines (Nassau County Legislature).

Call to Order

The meeting was called to order at approximately 7:05 pm.

Review and Approval of Draft Minutes of Meeting of March 11, 2015

Erin Reilley moved to approve the minutes of the March 11th meeting minutes. Dan Fucci seconded the motion. The Committee unanimously approved them.

Administrative Matters

Amendment to Approval of Agreement with Coalition to Save Hempstead Harbor for 2015-2016 Water-Quality Monitoring – Eric reminded the Committee that at its last meeting, the Committee approved \$61,200 for an agreement with the Coalition to Save Hempstead Harbor for conducting the 2015-2016 water-quality

monitoring program. He pointed out that at the time, it was believed that we would be eligible to apply for a grant of up to \$60,000.00 and that the Coalition tried as hard as it could to keep its costs to the \$60,000.00 but simply couldn't and that the \$1,200 figure did not leave any room for unexpected contingencies which inevitably arise (such as unanticipated additional work on the Report Card or additional sampling if there should be a suspected algae bloom). Since the last meeting, the National Fish and Wildlife Foundation has changed its funding levels and now will fund water monitoring programs up to \$65,000.00. In light of this, Eric recommended that the Committee revise the amount of its approval to \$65,000.00 with a proviso that if no grant is received by December 1, 2015, that the parties to the agreement agree to re-negotiate the scope and amount of the agreement. It is expected that the grant announcements will be made in October. December 1st was selected to give leeway in case the announcement gets delayed (last year it was made in November).

Tom Powell moved to approve a contract with the Coalition to Save Hempstead Harbor in the total revised amount of \$65,000.00 for the 2015 - 2016 water monitoring program contingent upon the receipt of a \$65,000.00 grant for the program and conditioned upon both parties agreeing to renegotiate the scope and amount of the agreement in the event that such a grant is not received by December 1, 2015. Dan Fucci seconded the motion. All were in favor.

Approval to Sponsor Grant Application for C.E.S.S.P.O.O.L. Project Septic Training – Phase 2 – Eric stated that the C.E.S.S.P.O.O.L. Project team (three protection committees and Friends of the Bay) would like to seek funding from the Long Island Sound Futures Fund for conducting another round of training and certification sessions for septic companies and municipal employees and that he was approached with a request that the Village of Sea Cliff serve as the fiscal sponsor. Eric checked with the Village and the Village would be willing. The team had applied last year for this (through the Town of North Hempstead) and was not selected but the funders have suggested that we revise and resubmit the application. Karen Reichenbach moved to authorize the Committee to participate in the grant application and that the Village of Sea Cliff serve as the fiscal representative. Tab Hauser seconded the motion. All were in favor.

Approval to Seek Permit Modification, etc. for Additional Phragmites Removal from Scudder's Pond

Approval for Insurance Coverage (if needed) for Joint Protection Committee Meeting and 20th Anniversary

Event – Eric stated that he has received an excellent price for herbicide treatment of the Phragmites in the rear pond at Scudder's Pond (\$850) from Allied Biological provided that this work is done in conjunction with their work this Fall for re-treatment of Phragmites in the front (Scudder's) pond and that they have provided a price of \$7,500 to return and cut and remove the dead treated Phragmites. Their quote also included a cost of \$250 for annual modification of the DEC freshwater wetland and aquatic pesticide permits – for a total cost of \$8,600.00. Eric stated that the Nassau County Soil and Water Conservation District expressed a willingness to pay this cost but was awaiting these price quotes before formally approving the expenses. The District is expected to address this at its April 17th Board meeting. Eric explained that the Village holds the permits so that any modifications would be in the Village's name and that this needs to be done soon so that permits are received in time for the Fall. The Village may also need to secure easements from the adjoining landowners similar to what was done for the main pond and that it may be necessary to secure a new temporary easement from the North Shore Country Club for a staging area. This also does not provide for any seeding of native plants and this may not even be feasible since most of these are underwater. Finally, he pointed out that this would be the first year of treatment for the plants in the rear pond and that it is advisable to repeat this for one or two more years. Separate funding would need to be sought for those additional years. Eric then asked the Committee to proceed with the project with the project as outlined. Tom Powell made a motion that the Village of Sea Cliff be requested to file for any permit modifications and obtain any necessary easements and that the Committee accept funding from the Nassau County Soil and Water Conservation

District covering the cost for herbicide treatment, cutting and removal and permit modifications. Karen Reichenbach seconded the motion. All were in favor.

Approval for Insurance Coverage for Joint Protection Committee Meeting and 20th Anniversary Event - Eric pointed out that he has requested the use of Cedarmere for two upcoming events – the Joint Protection Committee meeting on May 13th and the Committee’s 20th Anniversary celebration on July 12th and that the Hagedorn Foundation (which manages the building for the county) has approved the use but is requiring that we provide insurance coverage for both events. Eric looked into the costs and it would be a little over \$100 for each event. Eric has written to Nassau County Parks Deputy Commissioner Eileen Krieb asking that the County waive the insurance requirement but in the event that this does not happen, he asked the Committee for approval to cover these costs. During the discussion, it was suggested that the other two protection committees share the cost for the Joint Protection Committee meeting. Erin Reiley made a motion to approve up to \$250.00 in costs for insurance for the two events if needed provided that Eric seek contributions from the other two protection committees for the Joint Protection Committee meeting. Peedee Shaw seconded the motion. All were in favor.

Announcements, Reports, Reminders, & Upcoming Events

The following announcements and reports were made:

- **April 2nd Workshop on New NYS Regulations on Invasive Species** – Eric reported that he and Tom Powell attended a workshop in White Plains on the state’s new invasive species regulations (“Part 575”) which took effect on March 10th pursuant to NYS Environmental Conservation Law § 9-1705(h). The state has established two categories of invasive species: prohibited species and regulated species. They adopted the federal government’s definition of invasive species. For prohibited species, no one can knowingly possess it with an intent to sell, import, purchase, transport, or introduce it. For regulated species, you can sell, buy, propagate, and transport them but you need to take reasonable precautions to prevent their spread. You can’t do anything to cause them to spread to a “free living state” (e.g. you can’t plant them next to public parks). If you have your own pond and it has no outlet to public waters, it is exempted. Sellers or regulated species and landscapers who provide them to customers must educate their customers (through labels), provide alternatives, and provide instructions on how to prevent them from spreading and for disposal, etc. For more information, see: www.dec.ny.gov/regulations/2359.html.
- **March 16th Training on Orenco Alternate and Decentralized Wastewater Systems** – Eric also reported that he attended an all-day training session on alternate and decentralized wastewater systems hosted by Friends of the Bay and presented by Orenco, a company that has developed and provided such systems since 1981. They explained the most common types of sewage collection systems other than the traditional ones. The three most common are 1) vacuum sewers (not common in NYS), 2) Grinder Pump sewers, and 3) Effluent sewers. Grinder pump sewers utilize a pump at each house through which sewage is ground up into a slurry. The ground sewage is then piped through a 2” – 4” sewer main (as opposed to the traditional 8” sewer main) to a treatment plant. The pumps are heavy and the cutters within them require maintenance. Effluent sewers use a traditional septic tank which treats and settles out the solids and only the liquid effluent is piped to a treatment plant (also through 2” – 4” sewer mains). There are two types of effluent sewers: “STEG” (Septic Tank Effluent Gravity) which use gravity and require no

pumps and “STEP” (Septic Tank Effluent Pumping) which use pumps to get the effluent to a force main. Effluent systems are the ones that Orenco mostly designs and installs. The advantage is that 1) there is no need for manholes every 100 – 150 feet; no lift stations; no overflows; sewer mains can be buried shallower and follow “S” curves; and treatment plants have far less sludge to deal with. Pumps use less electricity than a microwave (about \$1 a month cost). STEP systems cost around \$3,000 to \$5,000 per home (might be higher in this area) vs. Grinder systems (\$4,000 to \$5,000) and traditional sewers (\$600 - \$2,300). Orenco has also developed modular several treatment units that can remove about 60% of nitrogen . They offer many models that can serve residential customers up to ones that can serve hospitals and restuarants. They utilize a fabric they developed that treats the sewage similar to a sand filter. The fabric solves problems of clogging. They have installed some in New York – mostly around the Albany area. Eric has their brochures if anyone is interested.

- April 10th – the 24th Annual Long Island Sound Citizens Summit will be held in Bridgeport CT. Eric and Carol plan to attend.
- April 17th & 18th – If you ordered trees and shrubs from the Nassau County Soil and Water Conservation District, you can pick them up at their offices at 5 Old Jericho Turnpike in Jericho (across from the old Maine Maid Inn).
- April 18th – Garlic Mustard Pull at the Garvies Point Preserve (10 am to 12 noon)*
- April 21st – Eric speaking at Setauket Harbor Task Force meeting, Setauket (7:00 pm)
- April 22nd – Earth Day event at Port Washington Library (4:00 to 9:00 pm). HHPC will have a booth and the library will allow the booth to remain exhibited there for a month after the event.
- April 25th – Tree planting at Cedarmere*
- April 28th – L.I. Envirothon – Old Bethpage Village Restoration *
- May 16th – Flower Bed Planting at Cedarmere*
- May 23rd – Rosa Multiflora Pull at the Garvies Point Preserve (10 am – 12 noon)*
- May 2nd and 3rd – Town of North Hempstead EcoFest at Clark Botanical Gardens in Albertson (details to follow). **Tom volunteered to staff the booth on Sunday May 3rd.**
- May 13th – Joint Protection Committee Meeting (Cedarmere requested) (7:00 to 9:00 pm).
- May 16th – FeatherFest at the Theodore Roosevelt Sanctuary (1:00 – 4:00 pm). Rain date: May 17th
- May 31st – Friends of Cedarmere Brunch at Sea Cliff Yacht Club
- June 1st – Annual DEC Stormwater (MS4) Annual Reports Due / New DEC Stormwater Permit
- June 4th – Marine Education Day – Theodore Roosevelt Park

- June 7th – HarborFest in Port Washington*
- June 13th – “Pond Pull” (invasives removal) at Cedarmere*
- June 13th – Mile-A-Minute Vine Pull at the Garvies Point Preserve*
- July 12th – HHPC 20th Anniversary Celebration (Cedarmere requested)

Water Quality and Monitoring Programs, Scudder’s Pond and Report Card Project

Carol DiPaolo noted that she is still conducting the winter bacteria monitoring at Scudder’s Pond and (when feasible), the Powerhouse Drain. With most of the power plant gone, she is hopeful that she can resume sampling at the Powerhouse Drain location soon. Following last month’s meeting, she, Tom and Eric performed a cleanup at the Scudder’s Pond weir. Apparently a large piece of plastic sheeting had clogged a hole in one of the weir boards because once it was removed, the pond drained through the weir like a bathtub being emptied. Within a couple days, the pond level was lowered quite a bit. Carol reported that the water, which had been murky, now flowed clear. Test results showed record low levels of bacteria. The Village of Sea Cliff contacted the North Shore Country Club which had maintained the weir in the past and they felt that the repair was beyond their ability and/or scope of responsibility. The Village then agreed to make a temporary repair using a polyethylene sandbag but it was unclear at this meeting if that had been accomplished. The pond level had begun to increase again most likely due to debris accumulating by the weir.

Tom Powell mentioned that he is exploring the possibility of placing some benches for the public in that area. Apparently the Village has some benches that were replaced on the boardwalk which might be able to be reused.

Eric Swenson also mentioned that the wildfowl exclusion fencing has been re-installed and new flags added. He also stated that he is working with the Nassau County Soil and Water Conservation District on funding additional Phragmites removal from the rear pond at Scudder’s. (See Administrative Matters above).

Carol also reported that the anticipated May release of the Hempstead Harbor Report Card has been put back to June due to some changes being made as a result of reviews by the Long Island Sound Study and its Science and Technology Advisory Committee (STAC). While the scores are not changing, the letter grades assigned to those scores is being revised to make the scores more conservative. Eric pointed out that at the beginning of this process, the scoring system used was going to follow that used by other waterbodies around the nation and initially that was the case. Since then, the scoring system was changed to one that would be applicable to all waterbodies on Long Island Sound. At the last conference call, it was learned that this will not necessarily be the case. The Committee expressed its desire that at a minimum, all waterbodies on Long Island should use the same scoring criteria. The team from the University of Maryland agreed to relay that request.

On March 12th, Eric and Carol attended a meeting of CAC in New York City. One of the topics was a focus on environmental initiatives in different communities. Joel Ziev gave a presentation on the Town of North Hempstead's activities including those involving Hempstead Harbor. The Town of Mamaronek and the Town of Darien, CT also gave presentations. Also discussed was a report on the economic value of Long Island Sound. The authors showed that its value is \$1 Trillion. Save the Sound also gave an overview of their petition to the US EPA to seek greater restrictions and enforcement on nitrogen inputs. They are in negotiations with both EPA Regions 1 and 2 to attempt a settlement. Finally, there was a presentation on the growing issue of microbeads in our waters and efforts to restrict their use in products.

Nassau County Soil & Water Conservation District

Eric reported that the District is holding its 3rd Annual Native Tree and Shrub Sale which will take place on April 17th and 18th at the Malcolm House (5 Old Jericho Turnpike in Jericho). The District is also pursuing a grant under the Long Island Sound Futures Fund to construct raingardens in each of the north shore watersheds. Toward that end, they are looking at potential sites at Cedarmere, in Sea Cliff and in Flower Hill [note: since then the Village of Roslyn has expressed interest as well]. The grant, if awarded, will also include training sessions for residents and local officials.

Friends of Cedarmere

Tom Powell reported that the grounds continue to improve due to both volunteers and assistance from the County and the Hagedorn Foundation. However, he reported that there still is a lot of cleared debris that needs to be removed. **Dan Fucci offered to see if Nassau County DPW could assist.** A drainage project will soon be underway to deal with persistent puddling in the sunken gardens.

C.E.S.S.P.O.O.L. Project Update

Eric reported that Phase 3 of the NYS DOS grant has begun but that there is nothing to report at this time. This involves the design and carrying out of a public education campaign on septic systems and their maintenance and will build upon the knowledge gained from the professional survey of homeowners conducted last year. This activity will take place between now and the end of October. In addition, the C.E.S.S.P.O.O.L. Project members would like to apply to the National Fish and Wildlife Foundation for additional training and certification of septic companies and local government officials (see Administrative Matters above). Jennifer Wilson Pines stated that Suffolk County is about to begin installing alternate treatment units as part of a pilot project and suggested that the C.E.S.S.P.O.O.L. Project members might like to attend. **Eric will contact Sarah Lansdale to see if we can attend.**

20th Anniversary Celebration

Eric reported that Tom DiNapoli and Ted Blackburn will be attending and that a date of Sunday, July 12th has been selected. Eric is working on obtaining permission from Cedarmere for use of the site (see Administrative Matters above).

Municipal Updates

Sea Cliff – Tom Powell reported that the owner of the property on Bay Avenue that had the landslide last year has hired an expert to design a new retaining wall. The current wall continues to experience erosion and has been burying the boardwalk below.

Nassau County – nothing to report.

Town of Oyster Bay – Sean Jordan reported that the Town is nearing completion of the new marina docks at Tappen Beach and that there will be a harbor cleanup in Oyster Bay on April 25th beginning at 8:00 am. This also involves spartina planting. He also reported that the March 28th dune grass planting at Tobay Beach was held but impacted by bad weather and as a result, the Town still has about 100,000 plugs to plant and is looking for volunteers. Carol DiPaolo mentioned that a sailboat, the Sonaya, has broken loose and eventually washed up north of the Tappen pool. Mal Nathan stated that it has since been towed to Brewer’s Marina in Glen Cove and is being repaired.

Town of North Hempstead – Kevin Braun noted that the Chaminade crew team will be assisting with a cleanup of the wetland area and that there will be a dedication ceremony for the new extension of the Shoreline Trail but that the date has not yet been chosen. It was mentioned that boats are being stored by the Roslyn Water District. Mal Nathan will look into this.

Roslyn Harbor – nothing to report.

Roslyn – Peedee Shaw stated that the Village is working on parking lot improvements.

Glen Cove – nothing to report.

Sands Point – Jennifer Wilson-Pines reported that two Osprey nesting platforms came down over the winter, one at Leeds Pond on Manhasset Bay, one at Prospect Point in Hempstead Harbor. Jim Jones, who organized the construction and placement of the nesting platforms originally was contacted, and working with Schriber High School volunteers built and placed two new nesting platforms.

Other Items

National Trails Day – Kevin Braun noted that the Town of North Hempstead plans to take part in this national event (being coordinated in New York State by the NYS DEC) with a focus on it’s newly-extended Shoreline Trail. Sean Jordan mentioned that the Town of Oyster Bay has decided not to participate this year.

Sewer Feasibility Study – Jennifer Wilson Pines reported that the County has selected a consultant to perform the feasibility study but has not released the information yet. Her understanding is that the contract is slated to be approved by the Nassau County Legislature on Monday, April 13th. [UPDATE: the contract did not make it onto the April Legislature schedule. It will likely be on for May 18th].

The meeting adjourned at about 9:00 pm

NEXT MEETING: Joint Protection Committee Meeting on May 13th (location TBD – most likely Cedarmere)

WATER QUALITY MESSAGING MEETING

L.I. Clean Water Partnership

December 10, 2014

- Hamburger Company (Wash. DC) hired through the Nature Conservancy in March 2013
 - 1st focus groups and polling - April 2013
 - 1st messaging strategy – May 2013
 - Paid media ads - September 2013
 - 2nd round of focus groups – July 2014
 - 2nd paid media ads – May 2014
 - 2nd poll – September 2014 (600 people polled)
 - Revised messaging strategy – November 2014
- This meeting was to update L.I. Clean Water Partnership members on the new messaging strategy
- Polling results:
 - Pollution of local bays and harbors was the 3rd highest concern (behind taxes and government taxes)
 - Pollution of groundwater was the 4th highest concern
 - They felt water quality got worse in the last 10 years and will continue to get worse in the next 10 years
 - No difference in attitudes between Nassau and Suffolk residents
 - Over 70% said they are extremely or very concerned about water quality
 - 88% support more water quality monitoring. Support drops slightly when costs are factored in but still about 2/3 still support it.
 - Most would support an increase in sales taxes on hazardous products or a general increase in sales taxes to support water quality improvements
 - Messages that resonated the most with people were those that focused on public health and saving money. Next most supported were infrastructure issues, comparative values (i.e. the low cost of water vs. its importance).
 - The strongest opposition message was “can’t trust government”
 - Focusing on the positive resonated more than on scare tactics
 - Emphasize “serious”, “problem”, and “fix it now”.
 - Talking about future generations always resonates well.
 - They did not poll on whether people feel progress has been made in the past.
- New Messaging Strategy
 - New main message: “Nitrogen pollution from sewage threatens L.I.’s health, economy and quality of life, and we have to fix it now”
 - Old main message: “Nitrogen pollution in our water threatens L.I.’s health and quality of life, but we can fix it”
 - They showed a new video “Water Quality is the Worst It’s Been in Years and We Can Fix It”

- Cost to “Fix It”
 - They estimated the price tag to be \$10 Billion

LISS CAC MEETING

December 11, 2014 – Bridgeport

FUNDING – Congress still had no budget but was expected to pass it that day. Assuming no changes, LISS would get same as last year (\$3.94 million) + \$600,000. NYS has a \$5 Billion bank settlement which the Governor wants to use for infrastructure – but for roads and bridges.

REAUTHORIZATION – still not done but an opinion was received that the programs continue as long as the appropriators fund them.

LEGISLATIVE PRIORITIES – being developed. Possibility of a bi-state LIS Agreement in 2015 with new CCMP. Gillibrand seems more interested in LIS issues. Rep. Bishop lost – replaced by Zeldin. May be a 2016 NYS Environmental Bond Act (20th anniversary of last one)

CCMP REVISIONS – public comments ended Nov. 8th (254 comments received). No deadline to complete. Working on responses to comments. Graphic artist working to improve the format.

URBAN WILDLIFE REFUGE PARTNERSHIP – New Haven is one of 8 in the USA. USF&W and LISFF developed a model program. Success story. 9 primary partners including Audubon, Common Ground School. Program launched in 2012 and aimed at introducing students to wildlife and habitats – giving them personal connections to the environment. They worked on connecting different areas (wildlife corridors). 11 restoration projects are underway. Produced a Schoolyard Habitat Project Guide. Audubon CT has a curriculum guide.

CAPE COD 208 PLAN – A lawsuit was brought against EPA seeking to have septic systems treated as point sources. Tentative settlement resulted in this \$3.35 million plan. They found that 80% of discharges to groundwater are from sewage. 130,000 homes on septic. Homeowners are concerned with costs. Nitrogen, phosphorous and growth were addressed on a watershed basis. They recommended multiple solutions using diverse technology; adaptive technology; pilot projects; progress monitoring; and high stakeholder involvement. Tools in the plan show % reduction in nitrogen. These tools could also be useful for Long Island.

STEWARDSHIP SITE VIDEOS – over the summer an intern produced some short videos on some of the LISS Stewardship sites (I believe all in CT).

NATIONAL FISHERIES ISSUES – Omnibus Fish Habitat Amendment – long range plan for the 5 habitat management areas in the Atlantic off L.I. and New England. It calls for reducing habitat protection by as much as 70%. New England cod stocks are at historic lows. A letter to NOAA has been signed by 52 organizations.

LOCALIZED NITROGEN SOURCES – PROGRESS REPORT – a preview of this report by the Nature Conservancy was shown. The complete report will be out in late Spring / early Summer. Nitrogen pollution is impairing critical habitats. Their efforts to restore hard clam populations in the Great South Bay had limited success. The majority of nitrogen (70%) is from septic. Salt marches were monitored for 7 years. Decreases in root mass was shown by CAT scans. Sea grass also decreased. They performed nitrogen loading data to show where it is coming from. Modeling just completed for many sites in the Peconic estuary (43 subwatersheds). Also completed a draft report for Oyster Bay / Huntington.

NITROGEN NEXT STEP INTRODUCTION AND EPA PETITION – CT Fund for the Environment filed a lawsuit against EPA. They are looking beyond the nitrogen TMDL for wastewater treatment plants. They will submit a petition to EPA by January 15th stating that 1) the goals were not met; 2) they don't know local sources (e.g. septic, stormwater); 3) they should require every plant to enact reduction alternatives; 4) there should be a new plan. Petition will go to both EPA Regions 1 and 2.